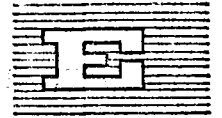
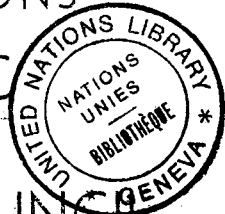


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COMMISSION ON HUMAN RIGHTS
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STUDY OF REPORTED VIOLATIONS OF HUMAN RIGHTS IN
CHILE, WITH PARTICULAR REFERENCE TO TORTURE AND
OTHER CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT

Report of the Ad Hoc Working Group established
under resolution 8 (XXXI) of the Commission on
Human Rights to inquire into the present
situation of human rights in Chile

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INTRODUCTION

1. The present report supplements the comprehensive report which the Ad Hoc Working Group submitted to the thirty-first session of the General Assembly in conformity with General Assembly resolution 3448 (XXX) and which will also be before the Commission on Human Rights at its thirty-third session. The Ad Hoc Working Group to inquire into the present situation of human rights in Chile was originally established in 1975 under resolution 8 (XXXI) of the Commission on Human Rights. The Group consists of five members, appointed in their personal capacity by the Chairman of the thirty-first session of the Commission, who exercise their functions under his chairmanship. The composition of the Group is as follows: Mr. Ghulam Ali Allana (Pakistan; Chairman/Rapporteur), Mr. Leopoldo Benites (Ecuador), Mr. Felix Ermacora (Austria), Mr. Abdoulaye Diéye (Senegal) and Mrs. M.J.T. Kamara (Sierra Leone).
2. In Commission resolution 8 (XXXI) the Group was requested to conduct its inquiry into the human rights situation in Chile on the basis "of a visit to Chile and oral and written evidence to be gathered from all relevant sources". The Group was required to report the results of its inquiries to the Commission on Human Rights at its thirty-second session and to submit a progress report on its findings to the Secretary-General for inclusion in his report to the General Assembly at its thirtieth session under General Assembly resolution 3219 (XXIX).
3. The Commission in its resolution 8 (XXXI) appealed to the Government of Chile to extend its full co-operation to the Working Group in fulfilling its task including the granting of all necessary facilities and complete freedom of movement in the country for this purpose.
4. The functions of the Group, its mandate and the results of its inquiries in 1975, as well as the circumstances of the Chilean Government's refusal at that time to allow the Group to visit Chile, were described in its first progress report (A/10285).
5. The General Assembly at its thirtieth session, having considered the Group's progress report, adopted resolution 3448 (XXX) on 8 December 1975. In that resolution the Assembly expressed inter alia its profound distress at the constant flagrant violations of human rights which had taken place and, according to the evidence gathered, continued to take place in Chile; called upon the Chilean authorities to take, without delay, all necessary measures to restore and safeguard basic human rights and fundamental freedoms and fully to respect the provisions of the international instruments to which Chile was a party; deplored the refusal of the Chilean authorities to allow the Working Group to visit the country, notwithstanding previous solemn assurances given by the authorities in this regard, and urged them to honour those assurances. The Assembly invited the Commission to extend the mandate of the Group, as constituted, to enable it to report to the General Assembly at its thirty-first session and to the Commission at its thirty-third session on the situation of human rights in Chile, and, in particular, on any developments which occurred to re-establish respect for human rights and fundamental freedoms.
6. The progress report of the Group (A/10285) and a second report (E/CN.4/1188) containing new material covering the period after the adoption of the progress report were submitted to the Commission on Human Rights at its thirty-second session in accordance with Commission resolution 8 (XXXI).

7. At its 1360th meeting, on 19 February 1976, the Commission, having considered the two parts of the report of the Group, adopted resolution 3 (XXXII) by 26 votes to 2 with 4 abstentions. In its resolution the Commission in its turn called upon the Chilean authorities to take without delay all necessary measures to restore and safeguard basic human rights and fundamental freedoms by ensuring in particular to this end that the provisions of articles 4, 7, 9, 15, 19 and 22 of the International Covenant on Civil and Political Rights and of article 15, paragraph 2, of the Universal Declaration of Human Rights were fully respected.

8. The Commission, acting in accordance with General Assembly resolution 3448 (XXX), extended the mandate of the Ad Hoc Working Group in its previous composition, the members to continue to work in their personal capacity, and requested it to report to the General Assembly at its thirty-first session and to the Commission on Human Rights at its thirty-third session on the situation of human rights in Chile, in particular any developments, legislative or otherwise, which might occur to re-establish respect for human rights and fundamental freedoms, in implementation of General Assembly resolution 3448 (XXX) and all other relevant resolutions and decisions of the United Nations. Having accomplished this mandate the Group would cease to exist.

9. In the Commission's resolution the Secretary-General was requested to render to the Ad Hoc Working Group all the assistance which it might require in its work, and a recommendation was addressed to the Economic and Social Council to make arrangements for the provisions of adequate financial resources and staff for the implementation of the Commission's resolution. The Commission also decided to consider the question of violations of human rights in Chile at its thirty-third session as a matter of high priority.

10. It may be recalled that, also at its thirty-second session, the Commission on Human Rights decided without a vote, on 19 February 1976, to authorize its Chairman to address a telegram to the Government of Chile urging it to desist from holding the contemplated military trial of certain Chilean personalities and to release them without further delay. A reply to this telegram was received from the Government of Chile, dated 14 May 1976, which contained information on the persons involved as well as some general considerations. 1/

11. By its decision 145 (LX) of 12 May 1976, the Economic and Social Council approved the Commission's decision to extend the mandate of the Ad Hoc Working Group within the terms of the Commission's resolution and requested the General Assembly to make arrangements for the provision of adequate financial resources and staff for its implementation. In its resolution 1994 (LX) of 12 May 1976, the Economic and Social Council requested the Ad Hoc Working Group, in fulfilling its mandate, to ascertain any effect which any measures taken by the Chilean authorities might have towards the re-establishment of respect for human rights and fundamental freedoms in Chile.

1/ For the text of the telegram and of the reply from the Government of Chile, see A/31/253, annex III.

12. In its resolution 3 B (XXIX) entitled "Question of the human rights of persons subjected to any form of detention or imprisonment" adopted on 31 August 1976 the Sub-Commission on Prevention of Discrimination and Protection of Minorities, inter alia, urged once again the Chilean authorities to take, without delay, all necessary measures to restore and safeguard human rights in full compliance with the International Covenant on Civil and Political Rights, to which Chile is a party, to stop torture and cruel, inhuman or degrading treatment, arbitrary arrests, subsequent disappearances and persecution for political reasons, and to free all persons still detained without a charge brought against them or arrested for political reasons. The Sub-Commission also requested the Commission on Human Rights at its thirty-third session, taking into account the report of the Ad Hoc Working Group, to take further steps to put an end to the flagrant and mass violations of human rights in Chile. It further invited the international organizations concerned to inform the Commission at its next session of their recent activities regarding human rights in Chile so that the Commission might take such information into account when dealing with this question. The information received from those organizations will be before the Commission in document E/CN.4/1232.

13. In the period between the adoption of its resolution 3 (XXXII) and the adoption of its report to the thirty-first session of the General Assembly on 10 September 1976, the Group, in its desire to accomplish as completely as possible the mandate entrusted to it under the relevant resolutions, maintained contacts with the Government of Chile and held formal meetings with representatives of that Government at the United Nations Headquarters between 18 and 24 May 1976 and at the United Nations Office at Geneva between 25 and 30 August 1976.

14. In the course of these meetings the Group and the representatives of the Government of Chile exchanged views, inter alia, on the form that the collaboration extended by the Government should assume and reviewed newer aspects of the current situation of human rights in Chile. Appropriate emphasis was placed by the Group on the importance of a visit of the Group to Chile as provided by Commission resolution 8 (XXXI) and accepted at that time by the Chilean Government. At the meeting of the Group held on 25 August 1976 the representatives of the Chilean Government proposed that two members of the Group should be appointed by mutual agreement to visit Chile. The Group replied that such a proposal would be acceptable to it within its terms of reference if the Chairman and another member of the Group were to visit Chile in order to prepare for the visit of the whole Group which would take place not more than ten days later. This counter-proposal of the Group was not accepted by the Chilean Government. The question of contacts and relations between the Government of Chile and the Group was described in detail in chapter II of the Group's third report (A/31/253) 2/ and is also discussed in chapter I below.

15. In accordance with its programme of work for 1976, as noted and approved by the Commission and the Economic and Social Council, the Group held meetings at United Nations Headquarters from 17 to 25 May 1976, in Mexico City from 12 to 23 July 1976, at United Nations Headquarters from 26 to 31 July 1976 and at the United Nations Office at Geneva between 23 August and 10 September 1976. During

2/ Communications and letters exchanged between the Group and the Government of Chile and public statements by the Group, are reproduced in the annexes to document A/31/253.

these meetings, the Group received oral testimony from 91 persons, most of them Chilean nationals, who had left Chile shortly before they appeared before the Group. This testimony, as well as voluminous written material from reliable sources, including intergovernmental and non-governmental organizations, and information sent by the Government of Chile were taken into account by the Group in the preparation of its report to the General Assembly.

16. The third report of the Group as adopted by it on 10 September 1976 was submitted to the General Assembly at its thirty-first session in accordance with Assembly resolution 3448 (XXX). It is contained in document A/31/253. The General Assembly on 24 September 1976 referred the report to its Third Committee for consideration under agenda item 12 "Report of the Economic and Social Council" (see A/31/PV.4). In its consideration of the question of human rights in Chile the Third Committee also had before it the observations of the Government of Chile on the report of the Ad Hoc Working Group (A/C.3/31/6 and Add.1) as well as a number of letters dealing with the situation of human rights in Chile submitted by the Permanent Representative of Chile to the United Nations. 3/ A note by the Secretary-General transmitting the text of a letter from the Delegate of the International Committee of the Red Cross to International Organizations as well as letters from the Permanent Representatives to the United Nations of Bulgaria, Czechoslovakia and the Union of Soviet Socialist Republics relevant to the situation of human rights in Chile were also before the Third Committee. 4/

17. The question of the protection of human rights in Chile was discussed in the Third Committee at its 45th to 48th and 54th to 59th meetings. At the 45th meeting of the Committee, the Chairman/Rapporteur of the Ad Hoc Working Group introduced the report of the Group (A/31/253). The representatives of 38 Member States took part in the discussion. The representative of Chile made statements expressing his Government's views regarding the report of the Group, the situation of human rights in his country and the allegations made against his Government during the debate. 5/

18. At the 54th meeting of the Third Committee on 18 November 1976 the representative of the Netherlands introduced a draft resolution entitled "Protection of human rights in Chile" (A/C.3/31/L.26) sponsored by Algeria, Australia, Austria, the Congo, Cuba, Cyprus, Democratic Yemen, Denmark, Finland, the Gambia, the German Democratic Republic, Iceland, Iraq, Ireland, the Libyan Arab Republic, Mali, Mexico, Mongolia, Mozambique, the Netherlands, Norway, Poland, Portugal, Senegal, Sri Lanka, Sweden and Yugoslavia, and subsequently also by Benin, Bulgaria, Burundi, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Equatorial Guinea, Guinea-Bissau, Guyana, Hungary, Jamaica, the Lao People's Democratic Republic, Madagascar, Somalia, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics. At the 56th meeting of the Committee on 22 November 1976 the draft resolution was revised by the introduction of a new preambular paragraph. At the same meeting the United Kingdom became a sponsor of the revised draft resolution (A/C.3/31/L.26/Rev.1).

3/ A/31/74; A/C.3/31/4; A/C.3/31/5; A/C.3/31/11; A/C.3/31/12; A/C.3/31/14.

4/ A/C.3/31/10; A/31/64; A/31/99; A/C.3/31/13.

5/ For a summary of the discussion, see A/C.3/31/SR.45-48 and 54-59.

19. At the 58th meeting on 23 November 1976, the Third Committee adopted the revised draft resolution (A/C.3/31/L.26/Rev.1) by a roll-call vote of 98 to 14, with 18 abstentions. At the same meeting the Committee by a roll-call vote of 60 to 40 with 26 abstentions, adopted a proposal that a draft resolution (A/C.3/31/L.29) sponsored by Argentina, Costa Rica, Grenada, Guatemala, Honduras, Nicaragua, Paraguay and Uruguay should not be put to the vote. 6/

20. The General Assembly at its 102nd plenary meeting on 16 December 1976 adopted the draft resolution proposed by the Third Committee by a recorded vote of 95 to 12, with 25 abstentions, as resolution 31/124. 7/ The full text of this resolution is reproduced in annex I to the present document.

21. In a letter dated 7 December 1976 addressed to the Permanent Representative of Chile to the United Nations, the Chairman/Rapporteur of the Ad Hoc Working Group informed the Chilean Government that the Group would meet in Geneva from 17 January to 1 February 1977 for the purpose of preparing its report to the thirty-third session of the Commission on Human Rights and that the Group would be desirous of obtaining all possible co-operation of the Chilean Government in performing its task and that it would also appreciate receiving any relevant written or oral information which the Government of Chile might wish to present to the Group for its consideration bearing in mind the Group's terms of reference. The Chairman/Rapporteur further informed the Permanent Representative of Chile that the Group would be ready to meet with the representatives of the Chilean Government during the Group's session in January (see annex II). In a letter dated 6 January 1977 addressed to the Chairman-Rapporteur of the Group through the Permanent Mission of Chile to the United Nations Office at Geneva, the Minister of Foreign Affairs of Chile stated that the Government of Chile had instructed that Mission to establish contacts with the Group and to provide it with all the information which might be required (see annex III). Representatives of the Government of Chile, Mr. Fernando Seger and Mr. Luis Winter, met with the Group on 26 January 1977 and provided oral information in respect of measures taken regarding the situation of human rights in that country.

22. This fourth report of the Ad Hoc Working Group was prepared during the meetings the Group held in Geneva from 17 January to 1 February 1977. It deals with relevant developments regarding the situation of human rights in Chile for the period subsequent to the adoption of the Group's report to the thirty-first session of the General Assembly. It examines in particular certain subjects treated in the previous report in the light of recent events and the action taken by the General Assembly in its resolution 31/124.

6/ A separate roll-call vote was requested by the representative of Colombia on the sixth and eleventh preambular paragraphs and on operative paragraphs 2 (a), 4, 5 (b) and 5 (c). The result of the voting was as follows: (i) sixth preambular para.: 87 to 13, with 27 abstentions; (ii) eleventh preambular para.: 95 to 10, with 19 abstentions; (iii) subparagraph (a) of operative para. 2: 93 to 13, with 21 abstentions; (iv) operative para. 4: 88 to 13, with 27 abstentions; (v) subparagraph (b) of operative para. 5: 91 to 10, with 28 abstentions; (vi) subparagraph (c) of operative para. 5: 82 to 16, with 31 abstentions. For details of the voting, see A/31/395.

7/ For details of the voting, see A/31/PV.102.

23. For the preparation of this report the Group examined written material submitted to it from reliable sources, including information submitted by intergovernmental and non-governmental organizations. Documents submitted by the Government of Chile to the General Assembly, to the Secretary-General or directly to the Group, as well as data contained in statements by the representative of the Government of Chile to the General Assembly were duly examined and considered by the Group. The Group also took into account oral testimony from certain persons who had direct and personal knowledge of recent developments in the present situation of human rights in Chile.

24. The Group is likewise pleased to note that a number of persons who had been detained under the provisions of the state of siege legislation have been released and it particularly welcomes the release of the persons whose names appeared in the telegrams which the Chairmen of the Commission on Human Rights sent, on behalf of the Commission, on 1 March 1974 and 20 February 1976. ^{8/} The Group considers that, while these recent releases and the new developments described in this report represent positive steps in the light of the repeated calls by competent United Nations organs, they cannot in themselves amount to a full restoration of human rights in Chile.

25. The Group is also glad that these releases have raised hopes in some spheres of Chilean opinion. It cites, as an example, the statement by the auxiliary bishops of Santiago appearing in the section entitled "the Chilean Church" of the statement made by the representative of Chile in the Third Committee of the General Assembly of the United Nations on 23 December 1976. The last paragraph of that section gives a quotation from the statement by the bishops, who interpret the announcement of the release of detainees as a happy augury for a return to Chilean democratic traditions. It runs as follows:

"We also interpret this announcement as a sign of hope - the hope that we are moving towards the restoration of our most authentic traditions, of order in freedom, of the search for consensus, of respect for the dignity of every individual and of preferential service to those most in need of help." (A/C.3/31/12)

26. Had the Group been given the opportunity to visit Chile and ascertain for itself various elements of the situation of human rights in that country, it would have been able to verify to the extent possible the allegations made before it, or addressed to it, or the validity of their denial.

27. The Assembly in its resolution 31/124 invited the Commission on Human Rights to extend the mandate of the Ad Hoc Working Group, as presently constituted, so as to enable it to report to the General Assembly at its thirty-second session, and to the Commission at its thirty-fourth session, with such additional information as may be necessary.

28. The Ad Hoc Working Group wishes to express its warm appreciation to Mr. Marc Schreiber, Director of the Division of Human Rights, who has acted as Principal Secretary of the Group since its inception, having been so designated by the Secretary-General, as well as to the various members of the Division of Human Rights and other members of the Secretariat who have assisted it untiringly in a spirit of dedication in the performance of its functions.

^{8/} For the text of these telegrams, see A/10285, annex I, and A/31/253, annex III.

I. THE AD HOC WORKING GROUP AND THE GOVERNMENT OF CHILE;
METHODS OF WORK OF THE GROUP

29. The relations and contacts maintained between the Ad Hoc Working Group and the Government of Chile up to the adoption of the Group's report to the thirty-first session of the General Assembly are described in that report (A/31/253, paras.34-72). The report reproduced in most instances the exchange of communications between the Group and the Government. It described the subject-matters discussed at meetings between the Group and the representatives of the Government, including discussions concerning the Group's methods of work. Since the adoption of that report, on 10 September 1976, written communications have been exchanged between the Group and the Government; in particular, in accordance with rule 19 of the rules of procedure of the Ad Hoc Working Group, an advance copy of the report was transmitted to the Government of Chile through its Permanent Representative to the United Nations Office at Geneva by the Chairman/Rapporteur of the Group in his letter dated 21 September 1976. The final English text of that report and the Spanish text were transmitted to the Government of Chile through its Permanent Representative to the United Nations Office at Geneva by letters dated 27 September and 8 October 1976 respectively.

30. In connexion with the General Assembly's consideration of the Group's report, the Government of Chile requested that the following documents be circulated to the Assembly:

(a) Observations of the Government on the report of the Ad Hoc Working Group of the Commission on Human Rights (A/C.3/31/6 and Add.1);

(b) Letter dated 22 March 1976 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/31/74);

(c) Letter dated 30 September 1976 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/C.3/31/4);

(d) Letter dated 30 September 1976 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/C.3/31/5);

(e) Letter dated 16 November 1976 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/C.3/31/11);

(f) Letter dated 19 November 1976 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/C.3/31/12);

(g) Letter dated 3 December 1976 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/C.3/31/14).

31. The delegation of Chile actively participated in the consideration by the Third Committee and by the General Assembly in plenary session of the Group's report. The record of the statements made may be found in documents A/C.3/31/SR.45-58 and A/31/PV.102. The texts of two statements made to the Third Committee by Ambassador Sergio Diez of Chile on 23 November and 1 December 1976 respectively were transmitted to the Secretary-General of the United Nations by the Permanent Mission of Chile to the United Nations Office at Geneva in a note verbale of 13 January 1977.

32. During the time that elapsed since the adoption of its report to the General Assembly, the Group received periodically written information from the Government of Chile which was transmitted by that Government either to the Secretary-General, to the Division of Human Rights or to the Chairman of the Group. Annex IV contains a chronological list of those communications, certain of which are reproduced in full in separate annexes.

33. As was mentioned above (para. 21), the Chairman of the Group, in a letter dated 7 December 1976 addressed to the Permanent Representative of Chile to the United Nations, informed the Government formally of the Group's meetings in Geneva from 17 January to 1 February 1976 and of the Group's interest in receiving any information the Government might wish to submit and its readiness to meet with the representatives of the Government for that purpose during its January meetings. In a letter dated 6 January 1977 addressed to the Chairman-Rapporteur of the Group through the Permanent Mission of Chile to the United Nations Office at Geneva, the Minister of Foreign Affairs of Chile stated that the Government of Chile had instructed that Mission to establish contacts with the Group and to provide it with all the information which might be required (see annex III).

34. In the observations on the report of the Group which it submitted to the General Assembly, the Government of Chile commented as follows on the Group's methods of work: "1. It does not ask questions; 2. It does not read Chilean newspapers; 3. It does not consult international agencies; 4. It does not give complete quotations; 5. It has no criteria for weighing the value of evidence" (A/C.3/31/6, introduction, sect. B). These comments were also repeated in a more pointed way in the statement of the representative of Chile to the General Assembly (A/C.3/31/SR.46). Comments were also made on substantive aspects of the Group's report by the Government of Chile, and these will be dealt with, as appropriate, in the relevant chapters of the present report.

35. As regards its methods of work, the Group wishes to remark once more that the methods it follows are necessarily and solely determined by the mandate the Group received from the Commission on Human Rights, which states in part that the Group "shall inquire into the present situation of human rights in Chile on the basis of the above-mentioned resolutions and of a visit to Chile and of oral and written evidence to be gathered from all relevant sources". It is clear that the Group could not, without violating its mandate, restrict the bases of its examination to the formulation to the Government of Chile of "questions narrowed down to specific cases of alleged violations of human rights, so that it could take the necessary steps to correct urgent situations or could give the Group all the information it required to carry out its mandate properly" (A/C.3/31/6, introduction, sect. B.1), as the Government of Chile invited it to do. In this regard the Group must maintain the position it took in the report to the General Assembly (A/31/253, paras. 46-47) that it "could not accept the point of view of the Government of Chile that it should confine its study of the current situation of human rights in Chile solely to an examination of specific cases, information about which would have to be communicated to the Government of Chile in advance for its observations. According to the proposals of the Chilean Government, all such observations would have to be

the subject of further exchanges of views with the representatives of the Government of Chile, and then they would have to be incorporated in the reports of the Group". 1/

36. The Working Group has also stated that it had, in all conscience, to mention in the present circumstances its concern for the safety of persons who appeared before it as witnesses and of the members of their families as well as of persons who are referred to in testimony. 2/ The Chilean representatives had offered certain, general formal assurances in this regard and the Group stated its readiness to continue to communicate cases of alleged violations of human rights in Chile to the Chilean authorities for their observations and comments, whenever this was possible, but that it could not agree that cases should be communicated where there was no express consent forthcoming to this course of action by the witnesses concerned for fear of reprisals. The Group also maintains that where for valid reasons specific cases are not communicated to the Government of Chile, this cannot deprive the Group, in the light of international and United Nations provisions, of the possibility of utilizing them in its assessment of the current situation of human rights in Chile and including them as appropriate in its reports. 3/

37. The Working Group recalls rule 15 (e) of its rules of procedure, which states that "the Ad Hoc Working Group may agree not to disclose the identity of a witness at the request of the witness or on its own initiative". Similarly, rule 16 (b) provides that "written evidence may, at the request of the person submitting it, be presented in such a manner as not to disclose his identity and be made available only to the members of the Ad Hoc Working Group and the Secretariat". These provisions are necessary to enable the Group to perform its functions, as in the absence of such assurances the Group might be deprived of information other than that emanating from Chilean official sources, which would be contrary to the Group's mandate.

38. As regards the second point, concerning the use of Chilean newspapers, the Working Group wishes to reaffirm that as a fact-finding body it seeks to obtain information from all reliable sources which can throw light upon the present situation of human rights in Chile. It has, since its establishment, carefully scrutinized the Chilean press and has also examined the extracts therefrom that have been supplied by the Chilean Government. The Group has arranged for a subscription to El Mercurio and has been regularly receiving other Chilean newspapers and magazines and clippings therefrom, which it has studied.

39. As regards the third point, that the Working Group "does not consult international agencies", the various references made in its previous reports to published documents and records of the specialized agencies, including the ILO and

1/ The Group has noted that the Inter-American Commission on Human Rights in preparing its Second Report on the Situation of Human Rights in Chile requested information from the Government of Chile on specific cases and that the Commission found the results unsatisfactory. OEA/SER/L/V/II.37, doc. 19, Introduction, sect. II.

2/ The Group has received oral and written evidence from recently released detainees reporting threats against them and their families (for example, the testimony of Pedro Rolando Jara Alegría).

3/ The Group has received no information on "steps to correct urgent situations" taken by the Government of Chile subsequent to the reporting of specific cases by the Group.

UNESCO, on matters relevant to its inquiry show that, in accordance with its above-stated principle of utilizing information from all reliable sources, the Group has always given careful consideration to the findings and opinions of other competent United Nations bodies transmitted to the United Nations following requests of competent organs.

40. As regards the fourth point, that the Working Group does not give complete quotations, it should be emphasized that while it is obviously impossible for the Group to quote in extenso in its reports all the documents, sometimes very lengthy, to which it refers, it goes without saying that it has always examined them in their entirety before drawing any conclusions from their substantive content. Moreover, the Working Group invariably gives references to the sources of materials quoted so that these can be checked by the Government or by any reader. Finally, whenever the Working Group feels that an instrument, particularly of a constitutional or legal nature, is important and helpful to the General Assembly or the Commission to assess the situation, it places it in full as an annex to its reports.

41. As regards the fifth point, that "the Working Group has no criteria for weighing the value of evidence", the Working Group has borne fully in mind the standards as they were described by the Chilean Government, namely, it has been "appraising how much truth there is in information received, so as to discard whatever is false or exaggerated or serves only the special purposes of the person making the statement".^{4/} The representatives of the Chilean Government cannot substitute their judgement in this regard for that of the Group. It may be noted in this connexion that according to rule 15 (a) (i) of its rules of procedure, every witness appearing before the Group is required to make the following solemn declaration: "I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth". Rule 16 (a) provides that "the Ad Hoc Working Group shall decide upon the relevance and upon the use which may be made of the written material and other documentary evidence submitted to it within its terms of reference". The same rule has been applied in relation to oral evidence heard by the Working Group.

42. The practice of the Working Group is fully in accordance with the relevant international practice. Even as regards international tribunals, a leading authority on evidence has stated:

^{4/} A/C.3/31/6, introduction, sect. B.5.

"international tribunals are, in general, preoccupied with getting at the facts of the questions presented for their decision. They are, as a result, intolerant of any restrictive rules of evidence which might tend to confine the scope of a search after those facts." 5/

43. The same author stated that it was important to distinguish the question of the admission of evidence from that of its evaluation. 6/ Moreover, it is recognized as a general principle that the probative force of evidence presented is a question for the tribunal to determine. 7/

44. Although the Working Group is not a court, it considers the foregoing rules to be applicable, *mutatis mutandis*, to its work and it has been applying them faithfully and is convinced that it has weighed the evidence before it as "honourably, faithfully, impartially and conscientiously" as it could. 8/

5/ Durward V. Sandifer, Evidence before International Tribunals (Chicago, The Foundation Press, 1939), p. 2.

In the same work it is stated:

"The basic principle upon which international tribunals proceed has been well stated by Umpire Guttierez-Otero's opinion in the Franqui case before the Spanish-Venezuelan Mixed Claims Commission of 1903: "... the arbitral tribunal remains free to employ for enlightening itself all the kinds of evidence that it deems necessary and it will not be bound in this regard by any restrictions that are encountered in municipal law..." (*ibid.*, p. 121).

Similarly, in the Pinson case before the French-Mexican Mixed Claims Commission the Umpire stated that the Commission had:

"the unlimited right of admitting all methods of proof that may be considered in conscience as sufficient and necessary for bringing conviction and in determining in each case its probative force without being bound by any obligatory prescriptions of whatever nature they may be" (*ibid.*, p. 123).

6/ In the Lozano case before the Spanish-Venezuelan Mixed Claims Commission of 1903, the Umpire declared:

"... the question of admissibility of the proof presented shall not prejudice its efficacy, which shall be appreciated by the Commissioners or the Umpire, as the case may be, as they may determine to proceed in accordance with absolute equity without regard to objections of a technical nature" (*ibid.*, p.2).

7/ As was stated by Judge Huber in a memorandum dated 31 December 1925 concerning the revision of the rules of the Permanent Court of International Justice, while the parties "may present any proof that they judge useful ... the Court is entirely free to take the evidence into account to the extent that it deems it pertinent" (*ibid.*, p.14). In the case concerning German Interests in Polish Upper Silesia, the Court declared in its judgement that it was "entirely free to estimate the value of statements made by the Parties " (*ibid.*).

8/ Rules of procedure of the Group, rule 4 (Solemn declaration by members) (A/10285, annex II).

45. In drafting its report and reaching its conclusions the Group has taken into consideration all the information reaching it, in particular the information provided by the Government of Chile. However, it is not the task of the Group to publish in its reports all the information it receives, a task which would be impossible. The Group incorporates in its report information from reliable sources which in its judgement reflects the true situation in Chile.

46. In relation to other observations by the Government of Chile on the character of the Group's report, the Group feels that it should not enter into polemics with that Government on those points but wishes only to state that its role is to inform the General Assembly and the Commission on Human Rights on "the situation of human rights in Chile and, in particular, on any developments which occur to re-establish respect for human rights and fundamental freedoms" (General Assembly resolution 3448 (XXX)), and that it has done so as objectively as possible and in a constructive spirit in order to contribute to the restoration of human rights in Chile. It goes without saying that such an approach is quite incompatible with the Chilean statement, which endeavours to insinuate that the Group's work is inspired by a political faction, of which it is a puppet. The Group does not feel that it should dwell on such allegations, which are a pure figment of the imagination of their authors. As regards, in particular, the form of régime which Chile wishes to adopt, this is a matter for the Chilean people exclusively to decide; the Group may not, either directly or indirectly, interfere in such a question which is one of domestic policy unconnected with its mandate. The responsibilities and powers exercised by the Working Group are neither arbitrary in origin nor based on discriminatory criteria. It will be recalled that resolution 8 (XXXI) of the Commission on Human Rights, which established the Group and laid down its terms of reference, was taken with the full knowledge of the Government of Chile and that no member of the Group was criticized on political grounds. It is for the competent organs of the United Nations and the Member States to assess the Group's methods of work and the substance of the conclusions it reaches.

47. The Group wishes to reiterate its desire to co-operate in the performance of its task with the Government of Chile. In its view, which is that repeatedly stated by the Commission on Human Rights, the Economic and Social Council and the General Assembly, the visit to Chile which is an important part of the Group's mandate would enable the Group to assess the situation on the spot. While awaiting the acceptance of the Government of Chile for such a visit the Group will continue its efforts to make fruitful the current forms of co-operation, which are necessarily less satisfactory than a visit to Chile.

The International Red Cross and the Government of Chile

48. Some of the communications from the Government of Chile to the Working Group referred to statements made on behalf of the International Committee of the Red Cross. In a note verbale of 28 December 1976, the Permanent Mission of Chile to the United Nations Office at Geneva referred to an interview, reported in the 22 December 1976 issue of the International Herald Tribune, between an unidentified correspondent of the Associated Press agency and Mr. Alexandre Hay, President of the International Committee of the Red Cross. The note in question quotes Mr. Hay as having said to the unidentified correspondent: "a rather liberal attitude on the part of the Junta has made Chile the one country [in Latin America] where we have the greatest facilities".

49. The report of the International Committee of the Red Cross on Chile, to be submitted for the consideration of the Commission on Human Rights at its thirty-third session in accordance with resolution 3 B (XXIX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (a copy of which was available to the Working Group) does not contain any assertion whatsoever by Mr. Alexandre Hay which would establish Chile's pre-eminence over the other Latin American countries as regards facilities given to the Red Cross. The first reference to this matter in its report states: "Within the framework of its activities, the delegation has maintained permanent contact with the Chilean authorities and with various organizations active in the humanitarian field".

50. Another part of the report, referring to the visit by the President of the International Committee of the Red Cross to Chile, places on record the facilities granted by the Chilean authorities since September 1973, without affirming that these have changed. The passage states:

"These conversations have enabled Mr. Hay to express to the Chilean authorities the appreciation of ICRC for the facilities granted to its representatives since September 1973".

51. The above-mentioned note of 28 December 1976 from the Government of Chile reports the following statement which, according to the unidentified reporter, Mr. Hay allegedly made:

"Human rights conditions in Chile have improved to such an extent that the International Committee of the Red Cross plans to terminate its activities on behalf of political prisoners there within the next six months."

52. In a note verbale dated 10 January 1977, the Chilean Mission reiterates its earlier statement and refers to the fact that the head of the delegation of the Red Cross at Santiago "has informed the Government of Chile that, as from 10 January 1977, the activities of the International Committee of the Red Cross will be integrated in that body's regional organization with its headquarters at Buenos Aires".

53. The above-mentioned report of the International Committee of the Red Cross contains the following statement:

"As from January 1977, activities for the protection and assistance of Chile are being transferred to the jurisdiction of the Regional Delegation of the International Committee of the Red Cross for the Southern Cone, with its headquarters at Buenos Aires. This decision does not mean, however, that the International Committee of the Red Cross is withdrawing from Santiago."

54. The freeing of an appreciable number of political prisoners, to which the International Red Cross refers, and of which the Working Group has taken note with satisfaction, has not put an end to problems of the violation of human rights. The above-mentioned report of the International Committee of the Red Cross states: "Likewise, the Committee has taken various steps in connexion with the refusal by the Ministry of Justice of certain requests for expulsion submitted by convicted persons". But its main interest appears to have centred round the problem of missing persons - which today occupies the all-important place formerly accorded to the problem of persons detained in places that were known; for it states:

"Likewise [the Santiago Office] has continued its efforts to find the missing persons whose names the delegation regularly submits to the competent authorities and the National Security Board". And, in connexion with Mr. Alexandre Hay's visit to South America, it refers to the interview between the President of the International Committee of the Red Cross and the Head of the Chilean Government, on which subject it states: "He also explained the Committee's aims for the next year and stressed his concern at the humanitarian problems which continue to arise, in particular, the disappearance and treatment of certain detainees. The President of ICRC personally handed over to General Pinochet two lists of missing persons, containing about 1,000 names".

55. The Working Group has dwelt at somewhat greater length on relations between the Government of Chile and the International Red Cross in order to meet the wish of the Permanent Mission of Chile contained in the said note of 10 January 1977, in which it expresses "the certainty that this information will be useful and receive due attention from the Commission on Human Rights and the Ad Hoc Working Group".

II. CONSTITUTIONAL DEVELOPMENTS; THE STATE OF SIEGE; THE JUDICIARY

1. Constitutional developments

56. In its report to the General Assembly (A/31/253, chap. III), the Working Group described the establishment of the Commission on Constitutional Reform, the Council of State and four legislative committees. The Government's intention to promulgate certain constitutional acts was also noted. Three such Acts (Acts Nos. 2, 3 and 4) were promulgated on 11 September 1976, entitled respectively, "Essential bases of Chilean institutions", "Constitutional rights and duties" and "Emergency régimes".

57. According to Constitutional Act No. 2,^{1/} the essential values of the new legal order of the nation include:

"(a) The Christian humanist concept of man and of society which considers man as a being endowed with spiritual dignity and a transcendent vocation, whence spring natural personal rights which are previous and superior to the State and which impose on the State the duty to serve man and to promote the common good. Within this concept, the family is considered the basic nucleus of society and it is the duty of the State to protect the family and help to strengthen it, just as it is the duty of the State to recognize the intermediary groups between man and the State, in accordance with the principle of subsidiarity;

"(b) The concept of national unity, expressed through a resolve to achieve the harmonious integration of all the sectors of the Nation which pursue the great objectives mentioned in the first preambular paragraph ^{2/} and therefore rejects any concept which would encourage social antagonisms;

"(c) The concept of the legal State, which presupposes an objective and impersonal legal order with norms based on a higher sense of justice, equally binding on those who rule and those who are ruled;

"(d) The concept of a new and solid democracy which will enable the members of the community to participate in the study and solution of the major national problems and which is equipped with mechanisms to defend it from the enemies of freedom who, under cover of an ill-conceived pluralism, desire only its destruction". ^{3/}

^{1/} For the full text of this Act, see A/C.3/31/6/Add.1, annex 5. The Act entered into force on 18 September 1976.

^{2/} Preambular paragraph 1 reads: "That on 11 September 1973 the Armed Forces, performing their essential duty to protect the sovereignty of the Nation and the lofty and lasting values of Chilenidad, at the just and legitimate request of the Nation assumed the leadership of the Republic for the purpose of preserving the historical and cultural identity of the fatherland and restoring its spiritual and moral greatness".

^{3/} Preambular para. 4.

58. According to article 2:

"The State shall promote the common good, creating social conditions which enable each and every member of the national community to achieve his or her greatest spiritual and material potential, in full respect for the safety, freedom and dignity of the human person and of the people's right to participate in national life on a basis of equal opportunity. The State shall encourage the harmonious integration of all the sectors of the Nation. As a consequence, any concept of society based on the encouragement of social antagonisms is rejected. The family is the basic nucleus of society. The State shall protect the family and help to strengthen it. The State recognizes all the intermediary groups of the community".

59. Article 3 provides that the "State powers and the public authorities are subject in their actions to the Constitutional Acts, to the Constitution and to the laws".

60. Article 4 provides that

"Sovereignty resides essentially in the Nation and is exercised in accordance with the Act establishing the Government Junta and with any provisions which have been issued or may be issued in pursuance of that Act. Sovereignty knows no limitation other than respect for the rights deriving from the nature of man".

61. Article 5 provides that "Chile is a Republic which takes the form of a new democracy with community participation and which is equipped with mechanisms to ensure its protection, strengthening and authority".

62. Constitutional Act No. 3, entitled, "Constitutional rights and duties", ^{4/} contains 13 preambular paragraphs indicating the principles which will govern the application and interpretation of the rights and duties proclaimed therein. Paragraph 1 of the preamble notes that "human rights antedating the State and the formation of human society are the raison d'être of any legal order and hence the protection and guarantee of the basic rights of the human person are of necessity the essential basis of any State organization". Paragraph 3 refers to the need to strengthen and enhance the rights recognized in the Charter of 1925 and to incorporate new guarantees in accordance with contemporary constitutional doctrine. Paragraph 12 reflects the Government's ideological approach to human rights as follows: "... as a means of protecting the fundamental values on which Chilean society is based, it is necessary to declare unlawful and contrary to the institutional order of the Republic any act of individuals or groups aimed at disseminating doctrines which impair the family, advocate violence or a conception of society based on class struggle, or are contrary to the constitutional régime". It may be noted that in the 22 operative paragraphs of chapter I, setting forth specific human rights, there are at least 38 provisions in which the statement of the right is subject to its further definition in laws or statutes to be enacted in the future. Similar reservations are to be found in chapter II, dealing with judicial remedies, and chapter III, dealing with constitutional duties.

^{4/} For the full text of this Act, see A/C.3/31/6/Add.1, annex 6. The Act entered into force on 18 September 1976.

63. Chapter I, article 1, provides that men are born free and equal in dignity and states that all individuals shall be ensured the following rights:

- (1) The right to life and integrity of person, without prejudice to the applicability of penalties established by law.
- (2) Equality before the law. Men and women shall enjoy equal rights. Neither the law nor the authorities may establish arbitrary discriminations.
- (3) Equal protection of the law in the exercise of their rights.
- (4) Access to all public employment and public office, without any requirements other than those imposed by the Constitutional Acts, the Constitution and the laws.
- (5) Equitable taxation and equitable distribution of other public charges.
- (6) The right to personal liberty and security of person and, consequently, the right to reside and remain at any place in the Republic, the right of movement from place to place and the right to enter and leave the territory of the Republic, subject to observance of the norms established by law and saving any prejudice to other persons.
- (7) The right to unarmed peaceful assembly without prior authorization.
- (8) The right to petition the authorities on any matter of public or private interest, without any limitation other than the requirement to proceed in respectful and appropriate terms.
- (9) The right to form associations without prior authorization. Associations must be constituted in accordance with the law in order to enjoy legal personality. Associations contrary to morality, public order and the security of the State are prohibited.
- (10) Respect for and protection of the private life and honour of the individual and his family.
- (11) Freedom of conscience, the manifestation of all beliefs and the free exercise of all religions.
- (12) Freedom to express opinions and to disseminate information. However, no person who has been sentenced to penal servitude or for an offence against the institutional order of the Republic as defined by law may be the owner, director or administrator of a social communication medium, or perform in connexion with such medium duties relating to the broadcasting or dissemination of opinions or information.
- (13) The right to education.
- (14) Freedom of instruction. The exercise of this freedom will be regulated by a special statute.

- (15) Freedom to acquire ownership of property.
- (16) The right to various kinds of ownership of all types of tangible and intangible property.
- (17) The right of the author to his intellectual and artistic creations of any type, for the period prescribed by law.
- (18) The right to live in a pollution-free environment. It is the duty of the State to ensure that this right is not affected and to watch over the conservation of nature.
- (19) The right to health.
- (20) Freedom of work and its protection.
- (21) The right to social security.
- (22) The right to form trade unions in fields of activity involving production or services or in a particular industry or occupation, in the cases and in the manner prescribed by law.

2. The state of siege

64. Constitutional Act No. 4 entitled "Emergency régimes", 5/ was issued "to assemble, reorganize and systemize" various provisions, both in the Political Constitution of the Republic and in existing laws concerning exceptional measures with regard to national security (paragraph 7 of the preamble).

65. Article 1 of Constitutional Act No. 4 states that "the rights and guarantees which Constitutional Act No. 3 ensures for all persons may be affected only in the cases of emergency envisaged in the following articles". According to article 2, the following are cases of emergency: "situation of external or internal war, internal unrest, latent subversion and public disaster".

66. Article 3 reads:

"In a situation of external war, the state of assembly may be declared; in the case of internal war or internal unrest, the state of siege; in the case of latent subversion, the state of defence against subversion; and in the event of public disaster, the state of disaster.

5/ For the full text of this Act, see A/C.3/31/6/Add.1, annex 7. [In the excerpts quoted here, the term "Junta de Gobierno" has been translated as "Government Junta".] The Act will enter into force 180 days after its publication in the Diario Oficial except for the provisions of article 13, which entered into force from the date of publication of the Act (11 September 1976), and of article 14, which entered into force on 18 September 1976.

"The declaration of the states of emergency referred to in the above subparagraph shall apply to all or part of the national territory and shall be decreed by the President of the Republic, with the agreement of the Government Junta, except in the cases of the states of assembly and disaster, for which no such agreement shall be required.

"The duration of these states, except the state of assembly, shall not exceed six months, without prejudice to their successive continuation for periods not greater than six months, if at the expiration of the period for which they were decreed, the conditions which made them necessary are still in effect.

"The power to extend the states of emergency in conformity with the above subparagraph and also the power to bring them to an end, at any time, shall be vested in the President of the Republic, with the agreement of the Government Junta, except with regard to the states of assembly and disaster for which no such agreement shall be required".

67. Article 4 states that upon the declaration of the state of assembly, the President of the Republic is empowered to deprive a Chilean of his nationality in accordance with article 6, paragraph 4, 6/ of the Political Constitution of the Republic and to suspend or restrict all or any of the rights and guarantees laid down in Constitutional Act No. 3 when strictly necessary in order to avert the threat or the occurrence of the emergency except for the rights laid down in paragraphs 1 7/ and 10, first subparagraph, 8/ of article 1 of that same Act.

68. Under article 5, upon the declaration of the state of siege,

"the President of the Republic may deprive a Chilean of his nationality, in accordance with article 6, paragraph 4, of the Political Constitution of the Republic; suspend or restrict personal liberty and the right of assembly. If he deems it essential for the maintenance of internal peace, he may suspend or restrict freedom of opinion or information and restrict the right of association. If rebel forces which might endanger the preservation of the institutional régime exist or are organized, he may also restrict the freedom to work, he may impose the censorship of correspondence and communications, and order the requisition of goods or other limitations on the right of property, with a view to promoting or ensuring the success of actions or operations to be carried out against the said rebel forces".

6/ Paragraph 4 was added to article 6 by decree-law No. 175 of 3 December 1973. Under this paragraph Chilean nationality can be lost "(4) for seriously attempting from the exterior a crime against the essential interests of the State during a situation of exception contemplated in article 72, paragraph 17, of the Political Constitution". See E/CN.4/1188, para. 126.

7/ "The right to life and integrity of person, without prejudice to the applicability of penalties established by law."

8/ "The inviolability of the home and all forms of private communication."

69. Article 6 provides that:

"Under the declaration of the state of defence against subversion, the President of the Republic may only restrict personal liberty or information and the right of assembly. */ If he deems it essential in order to prevent subversion, he may also suspend personal liberty and the right of assembly; restrict freedom of opinion and the right of association. However, throughout the period in which the state of defence against subversion is in effect, persons affected by arrest or transfer to another part of the country for a period of more than six months, continuously or intermittently, have the right to choose to leave the national territory, except when, for particularly serious reasons, so defined by the President of the Republic, in agreement with the Government Junta, the exercise of that choice by the person in question would endanger national security".

The option to leave the country is without prejudice to the judicial powers of the courts, which might prevent its exercise.

70. Under article 7, if a state of disaster is declared, the President of the Republic may restrict the movement of persons and the transport of goods. He may also order the requisition of goods and restrict the right of property, in order to provide essential items to satisfy the needs of the population. If he deems that the gravity of the disaster requires it, he may also restrict freedom to work, and freedom of opinion and information.

71. Article 8 provides that the measures which are adopted during the states of exception referred to above shall not be prolonged beyond the duration of the said states of emergency, except as provided for in article 6, paragraph 4, of the Political Constitution of the Republic (loss of nationality).

72. Article 11 states that laws complementing the Constitutional Act may provide for different levels in the states of siege, defence against subversion and disaster, and shall determine which of the guarantees laid down in articles 5, 6 and 7 may be suspended or restricted in the case of each article.

73. According to article 12, "the President of the Republic may exercise the powers conferred on him by articles 4, 5, 6 and 7 of this Constitutional Act either in his own capacity or through the authorities designated by law with regard to the preceding article".

*/ The words "only the President of the Republic may restrict personal liberty or information and the right of assembly" have been changed to read: "the President of the Republic may only restrict personal liberty or information and the right of assembly" in order to bring the English version into line with the Spanish, which reads: "el Presidente de la República sólo podrá restringir la libertad personal, la de informar y el derecho de reunión".

74. Article 13 states that while the emergency regulations are in force, the period of 48 hours referred to in paragraph 6 (b) of article 1 of Constitutional Act No. 3 9/ shall be extended to 10 days in the case of actions which affect the security of the State.

75. By decree-law No. 1550 of 11 September 1976 the state of siege, which had been due to end on 10 September 1976, was extended for a further period of six months commencing on 11 September 1976 and ending on 10 March 1977.

3. The judiciary

76. As stated in previous reports of the Group, the judiciary functions at present in conditions of law and fact which impinge considerably upon its independence. It has also voluntarily surrendered some of its powers and abdicated its role in supervising the acts of the executive and in safeguarding the rights of Chileans. 10/

77. Under chapter I, article 1 (3), of Constitutional Act No. 3, all individuals are guaranteed "equal protection of the law in the exercise of their rights. Everyone has the right to legal defence and no authority or individual may prevent, restrict or interfere with the due intervention of counsel if it has been requested". It is also provided that

"The law shall make provision for legal advice and defence in the case of those who are unable to obtain it for themselves. No one shall be tried by special commissions, but only by the tribunal assigned to the person concerned by law and pre-established by law. Any judgement of an organ exercising jurisdiction must be based on a lawfully conducted prior trial. The legislator shall in all cases establish guarantees of a reasonable and just proceeding. In criminal cases, no offence shall be punishable by a penalty other than that specified in a law promulgated prior to the commission of the offence, unless a new law is more favourable to the accused".

78. Under chapter II, article 2, of the same Act, any person who, as a result of arbitrary or illegal acts or omissions, suffers any deprivation of, interference with or threat to the legitimate exercise of guarantees provided in article 1, paragraph 1; 11/ paragraph 3, fourth subparagraph; 12/ paragraphs 7, 13/ 9, 14/

9/ Para. 6 (b) states: "No one shall be arrested or detained except by order of a public officer expressly empowered thereto by law and after the person concerned has been notified of such order in due legal form. However, a person taken in flagrante delicto may be detained solely for the purpose of placing him at the disposal of the competent judge within the following 24 hours".

10/ See A/10285, paras. 103-123; E/CN.4/1188, paras. 44-50; A/31/253, chap.VI.

11/ Right to life and integrity of person.

12/ "Any judgement of an organ exercising jurisdiction must be based on a lawfully conducted prior trial."

13/ The right to unarmed peaceful assembly without prior authorization.

14/ The right to form associations without prior authorization.

10, 15/ 11, 16/ 12 17/ and 14; 18/ paragraph 15, first subparagraph; 19/ paragraphs 16 20/ and 17; 21/ paragraph 19, last subparagraph; 22/ paragraph 20, eighth subparagraph; 23/ and paragraph 22, first subparagraph, 24/ or the freedom to work and the right to free choice of work, may have recourse in person or through a designated agent to the appropriate Court of Appeals, which shall adopt the necessary measures to restore the rule of law and ensure due protection of the person concerned without prejudice to any other rights which he may claim before the appropriate authority or court. The Supreme Court is called upon to hand down a decision (auto-acordado) governing the handling of such appeals.

79. Article 3 provides:

"Any individual who is arrested, detained or imprisoned in violation of the provisions of this Constitutional Act or the laws may have recourse, either in person or through a designated agent, to the appropriate Court of Appeals so that it may order due process of law to be observed and forthwith adopt such measures as it deems necessary to restore the rule of law and ensure due protection of the person concerned. The Court may order the individual to appear in court and its order shall be strictly obeyed by all persons responsible for prisons or places of detention. On being informed of the circumstances of the case it shall order the immediate release of such individual or arrange for any legal deficiencies to be remedied or make the individual available to the competent judge, proceeding in all respects in a prompt and summary manner and either itself remedying such deficiencies or reporting them to the proper quarters for rectification. Similar recourse in the same form may be had on behalf of any person who is unlawfully suffering any deprivation of, interference with or threat to his right to personal freedom and personal safety. The competent Court of Appeals shall in such cases prescribe such measures referred to in the foregoing paragraph as it considers necessary to restore the rule of law and ensure due protection of the individual concerned".

15/ Respect for, and protection of the private life of the individual and his family.

16/ Freedom of conscience, belief and religion.

17/ Freedom to express opinion and to disseminate information without prior censorship.

18/ Freedom of instruction.

19/ Limits or requirements for the acquisition of ownership in certain property.

20/ Right of ownership.

21/ Right to intellectual property.

22/ Right to health; prohibition of prejudice to free private initiative.

23/ Equitable and peaceful settlement of labour disputes.

24/ Juridical personality of trades unions.

80. In its report to the thirty-first session of the General Assembly (A/31/253, chap. VI), the Working Group discussed the conditions of the functioning of the Chilean judiciary and their consequences for human rights. In a public declaration of 11 October 1976 (A/C.3/31/5) the Chilean Supreme Court denied the observation of the Group (A/31/253, para. 374) that the Executive was empowered to remove judicial officers from their posts and had in fact removed 24 of them. The Supreme Court also denied that since 11 September 1973 the attitude of the judiciary had changed with respect to arrests made by the Executive during the state of siege. The Court asserted that the Group's observations about slowness in the processing of appeals for amparo were "vague and unfounded". The Court claimed that no member of the judiciary in Chile had been incarcerated for the judgements he had handed down.

81. The Working Group wishes to state that its remarks about the attitude of the Chilean judiciary were based on the testimony of many eminent Chilean personalities, including lawyers of indisputable integrity. The Working Group refers in this connexion to annex XXII to its report to the General Assembly (A/31/253), which contains a letter dated 8 June 1976 from five Chilean lawyers to the Ministers for Foreign Affairs attending the Sixth General Assembly of the Organization of American States in Santiago. The Working Group reaffirms its finding that the Courts have tolerated long delays in the provision of information by the Ministry of the Interior concerning persons in respect of whom applications for amparo had been lodged.

82. The Group has every reason to believe that Judge John Carro testified in good faith concerning the events which he observed during his visit to Chile. Regarding his conversation with Mr. Eyzaguirre (see A/31/253, para. 388), the testimony of Judge Carro, as recorded by the Working Group, that Mr. Eyzaguirre "was aware that torture had taken place in Chile" would not be contradicted even if, according to the Government's version of the statement, Mr. Eyzaguirre actually said that "when the existence of torture was in fact verified, its perpetrators had been sentenced by the Military Tribunals, without intervention by the regular courts" (A/C.3/31/6, chap. VI, sect. A,5).

83. The question of trials by military tribunals continues to give rise to legitimate concern. In its issue No. 12 (Christmas 1976) the Newsletter of the Chile Committee for Human Rights (London), reports that as at early December 1976 there were 324 persons undergoing trials before military tribunals and 460 persons still in prison who had been condemned by military tribunals. Questions have been raised before the Working Group concerning persons currently serving sentences whose trials before military tribunals had been questionable for one reason or another. The same Newsletter refers, for example, to one man "currently serving a five-year sentence for blowing up a bridge which did not exist and a woman under sentence for 20 years who has never had the opportunity to be present at her trial or to learn what charges were brought against her".

84. In these circumstances the Working Group would appeal to the Chilean Government to take every step possible to ensure that trials still pending be conducted with effective guarantees of due process. The Group would also recommend that a procedure be established to systematically review the cases of persons still in prison who have been condemned by military tribunals, in order to determine whether their trials were properly conducted and whether their convictions were warranted having regard to legally acceptable methods of gathering evidence. The possibility of granting amnesty or pardon in appropriate cases might also be considered.

4. Some observations

85. Having carefully considered the new constitutional instruments described above, the Group has come to the conclusion that the texts must be looked at in their entirety. Many important articles ostensibly favouring human rights ideals lose their positive value when they are seen within the whole framework of these instruments, which speaks for itself. President Pinochet, in his introductory statement of 11 September 1976, made its ideological and restrictive nature quite clear in the present situation of Chile.

86. The framework governing the new human rights provisions set forth in Constitutional Act No. 3 is contained in particular in chapter IV, "General provisions", of that Act, in Constitutional Act No. 4, "Emergency régimes", and in Constitutional Acts Nos. 1 and 2. These instruments appear to envisage no democratic institution and no possibility of democratic control of the executive power. On the other hand, the human rights promulgated by Constitutional Act No. 3 can only become effective for those who, inter alia, do not "advocate a concept of society based on class struggle or inimical to the established régime" and for those who do not "endanger ... the established régime" (art. 11 of Act No. 3). Such acts are declared unlawful and those who are deemed to have committed them have no constitutional or legal recourse.

87. In the actual situation of human rights in Chile, as described in this and the previous reports of the Group, it is clear that it is precisely those whose human rights have been violated or endangered so far who continue to be threatened with the same restriction of their rights if they - in the eyes of the Government - "endanger the established régime". The new instruments, full of generalities and open to all kinds of interpretations, have the effect of legalizing the established régime and the existing situation, even if the state of emergency should end. The new instruments guarantee human rights only for those who renounce some fundamental rights, including the right to express freely their political opinions and ideals.

88. The system of human rights established by the new constitutional instruments is hardly in conformity with the principles and the spirit of the Universal Declaration and the International Covenants on Human Rights, and violates in particular those provisions in international human rights instruments to which Chile has adhered which emphasize the principle of non-discrimination. It must be noted that it is precisely the non-discrimination clause contained in article 2, paragraph 2, of Constitutional Act No. 3 which will not enter into force, because the transitional articles state that the "legal rules currently in force shall continue to apply". These "legal rules" are those which establish practices described in the reports of the group and repeatedly condemned by United Nations bodies.

III. LIBERTY AND SECURITY OF PERSON

A. Arrest and detention

1. Introduction

89. Since the adoption on 10 September 1976 of its report to the General Assembly, the Working Group has received and evaluated further oral and written evidence concerning arrest and detention in Chile. Some of this evidence is in the form of reports prepared by persons located in Chile or by organizations whose representatives have had the opportunity to make on-site observations. In addition, the Group has received a substantial amount of written testimony from Chilean citizens who have been directly or indirectly affected, some of whom continue to reside in Chile and some of whom have left only recently. Information relevant to the subject has also been provided by the Government of Chile. Other information has been gathered from an examination of the Chilean press and that of other countries. All the information received has been carefully scrutinized to ensure that the statements made and the observations presented in this report are based on varied and reliably attested evidence. In the present report the Group has concentrated its attention on cases of arrest and detention of recent date - generally those occurring in the last few months.

90. The Chilean constitutional and legal provisions relative to liberty and security of person referred to in the Working Group's report to the General Assembly (A/31/253) remain in force as part of the legal framework under the state of siege as modified by Constitutional Act No. 4 dated 11 September 1976. The principal provisions of the relevant decrees are described in paragraphs 123-132 of that report and the recent constitutional acts in paragraphs 57-74 above.

2. The current situation with respect to arrest and detention

91. The Group has continued to receive reports according to which arrests continue to take place without compliance with the required legal safeguards. According to this information, warrants from competent authorities are not displayed; relatives are not informed of the places to which detainees are taken; arrests occurring in homes are generally carried out by armed agents in a climate of intimidation. It has been reported that in recent months an increasing number of arrests have taken place in circumstances where the occurrence was not likely to be witnessed by third parties. The Group has been informed that many persons are apprehended in the street and the security forces attempt to carry them away without leaving a trace of the incident. ^{1/}

92. The Group has been informed that the carabineros have increasingly participated in arrests and have in many cases handed over to the DINA persons they held in custody. Thereafter police officers refused to reveal to members of the families concerned where the prisoner had been taken or denied that the arrest had ever occurred. Some of these prisoners, however, appeared later at Tres Alamos, and there the circumstances surrounding their arrests were revealed.

^{1/} The Group has received some 150 signed statements made by persons released from detention during the second half of 1976 which illustrate these methods of arrest. Examples of these statements are to be found in annex V.

93. It is reported that the maximum period during which a person may be held in detention without notification to the competent judge under the provisions of the Constitution and the applicable decree-laws continues to be ignored. According to reliable information received, the average period of such detention in September 1976 was 10 days, and in November, 11 days.

94. In this same context, an examination of the history of detention of 170 prisoners released on 11 September 1976 showed the average duration of imprisonment as 71 days. In four of these cases the arrest warrant was issued on the day of arrest; in two cases, not until one year and nine months later. Excluding these six extreme situations, the average time elapsed between arrest and issuance of the warrant was 66 days.

95. The change in arrest practices in recent months has been analysed by reliable sources as follows: the attention focused on the emergency legislation enacted by the Government for the protection of human rights (decree-laws Nos. 1008 and 1009 of 5 May 1975 and supreme decrees Nos. 187 of 28 January 1976 and 146 of 10 February 1976) has encouraged the security services to devise new methods of arrest, amounting, in fact, to kidnapping. Substantial numbers of detainees fail to appear in official places of detention; their arrest is categorically denied by the Ministry of the Interior. It has been noted that the manner of these recent arrests or "kidnappings" has developed into a pattern, which there is reason to believe may continue.

96. In various parts of the country corpses have been discovered. The Group was informed that appreciable numbers of bodies with the tag "N.N." (i.e., "unidentified") are being left at the Institute of Forensic Medicine. These bodies are generally so mutilated that identification is difficult, if not impossible. The national press has given this phenomenon wide coverage, attributing the crimes to "sadists and maniacs" and reporting that the criminals would be apprehended. Nothing of the kind appears to have happened. Repeated representations to the Government and to the high courts of the country have been made by various community groups urging an investigation of the situation. For a fuller discussion of the subject, see section B below.

97. The Group has received weighty evidence corroborating the trends described above. It has been told that despite some eye-witness accounts of arrests, the authorities have refused to acknowledge that the persons in question were in official custody; they have simply disappeared. The situation in this respect has worsened: whereas approximately 5 per cent of those arrested in January 1976 remain to date unaccounted for, the whereabouts of over 30 per cent of those arrested in August 1976 remain unknown.

98. By culling information from various sources the Working Group has been able to make a statistical assessment of the incidence of arrest in the area of Santiago. In its report to the General Assembly the Group set forth figures for the period 1 January through 31 May 1976 (A/31/253, para. 134). Since then, a reliable source, after thorough investigation, submitted the following statistics on arrests in Santiago of persons in connexion with national security for the year 1976:

	<u>Arrested</u>	<u>Whereabouts unknown</u>
January	65	3 (5%)
February	34	1 (3%)
March	26	1 (4%)
April	63	13 (21%)
May	94	21 (22%)
June	26	15 (58%)
July	54	17 (31%)
August	97	30 (31%)
September	39	4 (10%)
October	19	1 (5%)
November	15	3 (20%)
December	20	12 (60%)
Total	<u>552</u>	<u>121 (22%)</u>

99. It will be noted that arrests rose sharply in number and consequences in August 1976: 97 persons were taken into custody, and as of 31 December the whereabouts of 30 were still unknown.

100. During the period under consideration, it has been reported that the incidence of arrest of certain categories of person had increased - for example, persons connected with the information media and medical doctors. Among the detainees who came to international attention in July and August 1976 were Mr. Hector Contreras, former Chairman of the union of radio employees, Guillermo Galvez Rivadeneira, former director of the publication Hechos Mundiales and leader of the trade union at Quimantu publishers, and Cecilia Binimelis, formerly a journalist with Radio Portales (whose arrest was officially recognized and who was subsequently released). Dr. Carlos Godoy Lagarrigue, physician and former head of the Department of Rural Medicine, was arrested on 4 August and has since disappeared (see A/31/253, paragraphs 262-270, for further details of this case). Dr. Ivan Sergio Insunza Bascuñan, a physician attached to the national health services under the Government of President Allende, was arrested on the street on 4 August.

101. Although the Working Group does not have before it as yet sufficient data to make a complete statistical analysis of arrests occurring throughout Chile during the entire last quarter of 1976, an examination of various official statements of the Government of Chile permits certain conclusions to be drawn from the Government's own figures: official statements in the Chilean press of 14 September gave the number of persons held under the state of siege as 269; in the observations of the Government of Chile on the report of the Working Group (A/C.3/31/6, introduction, sect. A.2) the number of persons detained under the state of siege as of 30 September 1976 was stated as 280; this indicates an increase of 11 detainees in the two-week period. On another page of the same document the Government placed the number of detainees at 280 as of 7 October (ibid., chap. IV, sect. C.2). By supreme decrees Nos. 2343 and 2344 of 17 November, 302 persons were released, and 18 continued to be detained, demonstrating that before the releases under the above decrees 320 persons had been in custody, constituting an increase of 40 detainees in a six-week period.

3. Some recent cases of arrest and detention

102. The following accounts of arrest and detention which have recently taken place in Chile, based on well-documented information obtained from reliable sources, illustrate the types of cases that have come to the attention of the Group and would reflect the continuation of a consistent pattern revealed in previous reports:

(a) Carlos Humberto Contreras Maluje. Mr. Contreras Maluje, 29 years of age, a pharmacist, married, with two children, previously a Communist Party councilman of the city of Concepción, was arrested on 3 November 1976 under the following circumstances. At approximately noon, at Nataniel Cox Street, between Coquimbo and Aconcagua Streets, Mr. Contreras Maluje was injured. It is not clear whether this occurred as a result of an intentional act of another person or as a result of a bus accident. Although the police came to the scene of the occurrence they offered the victim no assistance; instead they surrounded the area to facilitate Mr. Contreras Maluje's arrest by agents of the DINA. The victim shouted his name, that he was being arrested, that he had previously been in custody and tortured, and that his relatives should be notified. After being brutally subdued by his captors he was taken away in a car whose licence plate was noted by witnesses. His whereabouts remaining unknown 12 days after the arrest, a recurso de amparo was brought on Mr. Contreras Maluje's behalf by his father. The writ stated the facts surrounding the occurrence in precise detail - including the registration number of the car in which Mr. Contreras Maluje had been transported - and requested, inter alia, that the records and testimony of the police who had witnessed the incident be heard by the Court. The Group has been informed that security agents visited the detainee's place of work and made inquiries based on information which could have come only from Mr. Contreras Maluje. Appeals for information as to Mr. Contreras Maluje's whereabouts were also made to the Minister of the Interior, the President of the Supreme Court and the International Red Cross; to date, no information has been received.

(b) Spiritual Congregation of Peace and Love. On 14 July 1976 Mrs. Antonia Alcaino, the founder and leader of the congregation, and two other members, Praxedes Barrientos and Carlos Opazo, were arrested while Mrs. Alcaino was conducting a religious service in the temple. Taken initially to the La Granja police station, they were then transferred to Cuatro Alamos. The following day, without a warrant, agents of the DINA searched the premises of the congregation and arrested another member, Gabriel Ureta. The four detainees were subjected to intensive interrogation for six days, and then released.

(c) Rodrigo Alejandro Medina Hernandez, attending a class at the University of Chile on 26 May 1976, became involved in a philosophical dispute with the professor, who denounced him as a dangerous man and asked if there were any intelligence agents in the class. The following day Mr. Medina Hernandez was arrested on the street and has been missing since that time.

(d) Maximo Omar Vasquez Garay was arrested in the street on 11 August 1976 and taken to an unidentified place, held incommunicado for 13 days and then removed to Tres Alamos. According to a note verbale dated 14 September from the Permanent Mission of Chile, Mr. Vasquez Garay has been released.

(e) Alejandro Rodriguez Urzua, architect, former vice-president of the Housing Services Corporation, was arrested on 27 July 1976. His whereabouts are unknown.

(f) Luis Alfonso Rodríguez Raddats was arrested by CIRE (Centro de Inteligencia Regional), a provincial affiliate of the DINA, on 11 September 1976 while seated in an Air France plane about to take off from Chile. He was held incommunicado, during which time he was prevented from sleeping and was interrogated under torture. He was moved to Tres Alamos and Cuatro Alamos for further interrogation before his release pursuant to decree No. 2343 on 17 November.

(g) Monica Alicia Franco Gonzales was arrested on 11 September 1976 by five persons in civilian clothes who entered her home without a warrant, displayed no identification, and blindfolded and gagged her. She was taken to Cuatro Alamos, where she was interrogated as to whether in 1965 she had sheltered Bautista Von Schouven, former director of MIR (who has been missing since his detention in 1974). It can be noted that in 1965 Miss Franco Gonzales was only 12 years old. During the interrogation she was beaten and threatened with the arrest of her father. On 15 September she was transferred to Tres Alamos and subsequently released pursuant to decree No. 2343 of 17 November.

(h) Rolando Aliro Rojas Paez was arrested in his home on 9 August 1976 by persons in civilian clothes who displayed no warrant of arrest. He was taken to the Ministry of Defence, where he was interrogated. While being transported to Villa Grimaldi he was beaten with truncheons. He was thereafter removed to Cuatro Alamos, where he was held incommunicado for 15 days. His present whereabouts are unknown.

(i) Franklin Ramírez Ramírez was seized with another man on 5 November by government officials near an Air Force compound in Santiago. His companion succeeded in escaping. On 9 November Mr. Ramírez's body was handed over to his mother by Air Force officials, who said that he had hanged himself.

(j) Carlos Jesus Paredes, who had been active in student politics, was arrested on 10 November and has disappeared since.

(k) Roberto Carmona was, the Group was informed, arrested on 3 November 1976 by agents of the DINA. His present whereabouts are unknown.

103. Most recently the Group has received from various sources information, together with pleas for assistance, concerning 10 persons arrested on 15 and 16 December 1976. The seizures, characterized as "kidnappings" by witnesses, resulted in the disappearance of the following persons: Waldo Pizarro, a leader of the Textile Workers' Guild; Fernando Navarro, a leader of the Railroad Workers' Guild; Armando Portillo, a leader of the Textile Workers' Guild; Jorge Caceres; Edras Pinto; Lizandro Tucapel Cruz; Reinaldo Pereira; Lincoyan Cataldo; Horacio Cepeda and Fernando Ortiz, former professor, University of Chile. The families and their lawyers have been unable to determine the whereabouts of these persons, and in response to their inquiries the authorities have apparently denied any knowledge of the arrests.

4. Release of persons held pursuant to provisions
of the state of siege

104. It must be recorded, however, that the period since the preparation of the Working Group's report to the General Assembly has been characterized by large-scale releases of political detainees. These releases were based mainly on the following decrees (decretos exentos): No. 2244 of 11 September 1976 (see A/C.3/31/6/Add.1; annex 25) and Nos. 2343 and 2344 of 17 November 1976 (see annex VI below).

105. On 11 September 1976 the public learnt of the release of 205 persons (40 of whom were women) who had been held in custody in Tres Alamos and Puchuncavi by virtue of the state of siege. An examination of the history of the detention of 193 of these persons yields the following data:

<u>Year of arrest</u>	<u>Number released</u>
1974	10
1975	84
1976	99

106. The Group observes that, though 81 per cent of the detainees released had been arrested during the twelve-month period prior to their release, some longer-term detainees seem to have remained in custody. After the September releases, the Minister of the Interior stated that no further massive releases of detainees held under the state of siege were envisaged.

107. In a letter dated 16 November 1976 (A/C.3/31/11) the Permanent Representative of Chile to the United Nations transmitted to the Secretary-General the text of an "official declaration of the Government of Chile", which indicated that all but 18 persons in the country detained under the state of siege had been released. As to the remaining 18, the Government declared that it would also be prepared to order their release "subject to the sole condition that there should exist countries prepared to receive them, since they are so particularly dangerous to the security of the State that their release must be combined with their departure from the national territory" (*ibid.* para. 2). In a note of 6 December addressed to the Secretary-General from the Permanent Mission of Chile to the United Nations Office at Geneva, the Government gave the destinations of 16 of these persons and advised of their imminent departure. According to the information available to the Group, the 16 have left the country.

108. Special conditions had been imposed on the two remaining prisoners, Luis Corvalán, general secretary of the Communist Party, and Jorge Montes, a high-ranking official of that party. The release of these two detainees was conditioned not only upon their expulsion but upon the release as well of two specified detainees, one in the Union of Soviet Socialist Republics and the other in Cuba. (See also paragraphs 118-119 below.)

109. The massive releases were met with satisfaction in Chile and throughout the world; the international press gave them extensive coverage. A number of representatives to the General Assembly spoke of the occurrence and, in general, the hope was expressed that the event would mark an important step towards a more general restoration of human rights in Chile.

110. The Archbishopric of Santiago hailed the releases as reason to hope for the restoration of the Chilean democratic traditions (see A/C.3/31/12). At a press conference reported in Hoy of 19 November 1976, Monseigneur Enrique Alvear, Auxiliary Bishop of Santiago, stressed that the Church would continue to insist on clarification of the grave problem of persons who had disappeared.

111. The continuation of the state of siege, however, and the emergency measures under which the security forces act with apparent impunity have given rise to the fear that now that the official prison camps recognized under supreme decree No. 146 of 10 February 1976 ^{2/} have been emptied (some have been closed), new arrests made by the DINA will follow some of the patterns described in paragraphs 91 et seq. and that persons will be arrested and detained and their arrest officially denied. It has been reported that these fears have been expressed even in circles where there is firm support for the present government.

112. A reliable examination of the history of over 90 per cent of the 302 persons released on 17 November pursuant to decrees Nos. 2343 and 2344 yields the following statistics concerning the average length of detention:

Tres Alamos (men)	9.4 months
Tres Alamos (women)	10.3 months
Puchuncavi	17.2 months
General average	<u>14 months</u>

Statistics concerning the 18 persons who had remained in custody are:

Men (16)	2 years, 2 months
Women (2)	2 years, 5 months

113. Decree No. 2345 of 17 November 1976 also terminated the effect on 198 persons of banishment to other parts of the country pursuant to decrees of the Ministry of the Interior. Approximately 1,000 other persons who had been banished ("relegados") pursuant to decisions of lower authorities do not appear to have benefited from decree No. 2345.

114. The decrees of 17 November 1976 addressed themselves only to the detainees under the state of siege whose detention had been acknowledged by the Government. The Group has received information that other prisoners, not covered by these decrees, continue to be held elsewhere in Chile. Left unresolved is the fate of approximately 915 persons whose whereabouts remain unknown.

115. Bulletin No. 931 of the Ministry of Foreign Affairs of Chile, dated 18 November 1976, stated that the liberated prisoners had been examined by medical doctors, who had found them in good health, and that the released persons were able to meet their relatives and representatives of the national and international press. The bulletin quotes six of the ex-detainees as stating that they had been well treated during their detention.

^{2/} See A/31/253, paras. 122, 130, 322-337.

116. Upon his release, defence lawyer Hernán Montealegre Klenner stated publicly that he had not been mistreated except for having been held *incomunicado* for protracted periods of time. Stating that he had been arrested solely because he had spoken the truth, he reflected that his imprisonment was the worst experience he had ever suffered; he added that he would nevertheless continue to work for the Church.

117. The Group has however received sworn testimonies of a number of former political detainees who were freed during the massive releases of recent months. They describe the circumstances of their arrest, demonstrate non-compliance by the security forces with the required arrest and detention procedures, give eye-witness accounts of torture and deaths of detainees and direct evidence of the detention of persons who are "missing" and whose custody is denied by the authorities. The contents of these confidential testimonies contrast sharply with statements signed by these same persons upon their release from prison and with those made to the press immediately after their release. Many of the confidential documents state that detainees continue to be forced to sign documents stating that they have been well treated and have not been tortured, as a condition for their release, and that the public statements made by released detainees are motivated by the prevailing climate of intimidation.

118. By a note verbale of 21 December 1976 the Government of Chile transmitted to the Secretary-General the official declaration dated 18 December concerning the release by the Government of Chile of Luis Corvalán, simultaneously with the release of Vladimir Bukovsky by the Government of the USSR. The declaration expressed recognition of the co-operation in this matter of the Governments of the United States and Switzerland as well as that of the Intergovernmental Committee for European Migration and the Sakharov Committee in Copenhagen. Jorge Montes remains in custody. The Government has publicly announced, however, its intention to release and expel Mr. Montes on condition that Hubert Matos, a detainee in Cuba, is simultaneously released. The Working Group was gratified to learn of the release of Mr. Corvalán and other major figures whose continued detention without specific charges or trial had been the subject of special concern to the Commission on Human Rights, and on whose behalf the Chairman of the Commission had communicated with the Government of Chile at the thirtieth and thirty-second sessions. 3/

119. In El Mercurio of 21 November 1976, Juan Agustín Figueroa, a Chilean lawyer, commented that the recent releases should be complemented by a limitation on the unrestricted authority of the executive to deprive persons of their liberty. As to Luis Corvalán and Jorge Montes, whose liberation was conditioned upon the release of certain detainees in other countries, the lawyer observed that liberty is a fundamental attribute of the human being and should not be the subject of transactions and that freedom is to be granted or denied but not made dependent upon the position adopted by others as to justice or injustice.

3/ For the text of the telegrams sent on 1 March 1974 and 20 February 1976, see E/CN.4/1154, decision 1, and E/CN.4/1213, decision 1 (XXXII). See also paragraph 4(c) of Commission on Human Rights resolution 3 (XXXII) of 19 February 1976.

120. It has recently come to the attention of the Working Group that some of the persons released in November 1976 were later rearrested. Thus far, Ingrid Sucarrat Zamora, Héctor Nuñez Ferrada, Agustín Avalos Gonzales, Nelson Aramburu Soto and Leonidas Guerrero Ceballos are reported to have been redetained in view of pending judicial proceedings against them. 4/ According to an article in El Mercurio of 25 November 1976, Ingrid Sucarrat Zamora, who had been charged with larceny of war materials, was at liberty; the charges against Héctor Nuñez Ferrada had been suspended; Agustín Avalos Gonzales had been released; Nelson Agustín Aramburu Soto remains in prison in connexion with pending criminal proceedings; 5/ no further information has come to light concerning Leonidas Guerrero Ceballos. Six other recently liberated detainees are reported to have been arrested by the police on charges of burglary, hold-ups and forgery of public documents. 6/ Oscar Angulo M. and Arturo González G., similarly released, face prosecution in a criminal court; the nature of the charges against them has not been revealed. 7/

121. It was reported on 18 November 1976 that an editorial in Qué Pasa had urged the Government to leave to the courts and tribunals the decision as to who should be arrested, and that to improve the international image of human rights in Chile more complete information on detainees, as well as on irregularities and abuses on the part of officials, should be made public.

5. Detention of persons indicted (procesados)
or convicted in connexion with State security

122. According to figures which have been transmitted confidentially to the Group, the following statistics reflected the situation in Chile, as of 10 December 1976, of persons deprived of their liberty in connexion with national security matters:

4/ Hoy, 18 November 1976.

5/ El Mercurio, 20 November 1976.

6/ Hoy, 25 November 1976.

7/ Hoy, 19 November 1976.

<u>Total number indicted</u>		61 (263 provisionally released)
In Santiago	14 (119 provisionally released)	
In the provinces	47 (144 provisionally released)	
<u>Total number convicted</u>		524
In Santiago	79 (45 others, sentences commuted to exile)	
In the provinces	385	
Relegados	60	
<u>Disappeared</u>		912
		<u>1,497</u> (1,760 including under indictment and provisionally released) a/

a/ As at the date mentioned above, 10 December 1976, the same source indicated that 10 persons were officially detained under the state of siege. However, according to a note verbale dated 10 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Chairman of the Ad Hoc Working Group, only one person remained in custody under the state of siege as at 10 January 1977.

123. According to an official government statement reported in the international press, as of 4 November 1976 the number of political and military prisoners had decreased from 4,000 the year before to 1,168 as of the date of the statement. Of this number, 280 were being held pursuant to the state of siege (of whom 279 have presumably since been released), 280 military trials were in preparation, and 608 were imprisoned pursuant to conviction.

124. By a note verbale dated 10 January 1977, the Permanent Mission of the Government of Chile to the United Nations Office at Geneva forwarded to the Chairman of the Working Group a note of the Ministry of Foreign Affairs dated 6 January 1977 which stated that the number of persons serving sentences by decision of the military courts had been reduced to 379. The communication further stated that 90 persons were at that time standing trial before military courts for various offences.

125. Reports indicate that persons indicted for political crimes continue to be held in custody for protracted periods of time without being brought to trial. It has been reported that during the current period, months have passed during which no courts martial have been held. Pleas have been made in the Chilean press (El Mercurio has featured leading articles on the subject) for an early disposition of the fate of persons charged with or convicted of political offences.

126. The Working Group in its report to the General Assembly (A/31/253, paragraphs 289-301) described some of the circumstances in Chile which made it difficult for detainees to obtain adequate legal representation. In its current examination of the situation, the Group has noted another aspect of this problem. Political prisoners in custody after conviction and sentence may seek relief under decree-law No. 504, which would permit them to leave the country under decrees of expulsion. The results of these applications, however, have apparently been short of expectations. Numerous prisoners holding visas from countries ready to receive them have had their petitions under decree-law No. 504 rejected by the Special Commission established by the Chilean Government without satisfactory explanation. The petition procedure is lengthy and is said to present procedural complications that generally delay pronouncement of a decision for approximately six months. In addition, many prisoners have inadequate financial resources to engage counsel to handle their petitions to the Commission. Other petitions have been denied despite years of imprisonment, on the grounds that certain other matters are being investigated which may result in the lodging of further charges against the applicants. A graphic example of this is the case of former Senator Eric Schnake, who is imprisoned by sentence of a military court. Visas have been issued by a number of countries prepared to receive him, but he has not been released since it is stated that new charges may be brought against him in the future. On the other hand, a number of prisoners whose petitions to have their sentences commuted to exile have been granted have not obtained visas from countries prepared to receive them and therefore remain in prison.

127. Following the mass navy trial which came to a close in 1976, 11 convicted persons had their sentences confirmed at the end of September, thereby enabling them to apply for orders of exile. It appears that the officials of the Valparaíso prison have never received official notification of the confirmation of sentence. Consequently, the 11 prisoners remain under the jurisdiction of the Office of the Naval Prosecutor rather than being passed to the jurisdiction of the Ministry of Justice. They are reported to have been transferred from one place of detention to another and are consequently unable to pursue petitions for exile.

128. As of 19 November 1976 it was reported that 670 sentenced prisoners had had their sentences commuted to exile from Chile under decree-law No. 504; up to September 1976, 140 petitions for commutation to exile had been denied.

129. The representatives of the Government of Chile made a statement before the Working Group on 26 January 1977 and reiterated the information annexed to the note verbale of 10 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, concerning the application of decree-law No. 504. It was reported that as of 23 December 1976, 918 petitions for exile under the decree had been granted and that 749 persons had actually left the country pursuant to this procedure; the remaining 169 persons had not obtained visas. The attachment to the note verbale (a copy of an article appearing in El Mercurio of 25 December 1976) also reported that 199 petitions were in process or had been rejected. A total figure of 1,377 petitions having been received up to December 1976, the status or disposition of 260 petitions remains unexplained.

B. Disappearance of detained persons

130. The Group continued to receive substantial evidence from reliable sources concerning the disappearance of detained persons in Chile. The Group considered this a "very serious problem" in its first report to the General Assembly (A/10285, annex, paras. 138-151) and "a particularly disturbing situation" in its report to the thirty-second session of the Commission on Human Rights (E/CN.4/1188, paras. 100-109) and dealt with it extensively in its report to the thirty-first session of the General Assembly (A/31/253, paras. 250-288).

131. Evidence before the Group, in particular statements made by detainees recently released, 8/ substantiates and reinforces the findings of prior reports and indicates that, as has been mentioned above, the security agencies are using new methods; persons who are arrested do not later appear in official places of detention, and their arrest is repeatedly and categorically denied by the authorities.

1. Detention and disappearance in Chile

132. The total number of persons reported to have disappeared subsequent to their arrest by the Chilean authorities has been estimated at between 1,000 and 2,000. 9/ One reliable source reporting only certain of the cases that have come to its attention in which evidence indicates arrest and detention by Chilean authorities gave 805 such cases from 1973 to 1975 and 107 additional cases for the first 11 months of 1976.

133. In a petition of 26 August 1976 to the Supreme Court of Chile requesting an investigation of missing persons, the Vicaría de la Solidaridad reported 46 cases of missing persons for the period 1 January to 30 June 1976. These cases are listed in annex VII. The figures for the last quarter of 1976 are necessarily incomplete owing to the time necessary for reporting disappearances, collecting information on the circumstances surrounding them within Chile and the reception of the data by the Group. Annex VIII contains a list, based on information from reliable sources, of some persons arrested in 1976 who are still missing.

134. The Group has been informed (paras. 91 et seq. of the methods of arrest used by Chilean security agencies, especially those aimed at reducing the chances of arrests being witnessed, which make possible the large-scale disappearance of detainees.

135. Fear also renders difficult the tracing of missing persons. In one recent case, it was stated "The following day ... was arrested by persons in civilian dress on the corner of Gran Avenida and Isabel la Católica, according to a witness who simply reported the fact to the mother of the arrested person and gave her her son's exercise books; he did not dare to give evidence in court for fear of reprisals".

8/ Annex V contains selected statements illustrative of those received.

9/ E/CN.4/1188, para.100 and Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights in Chile (1976), OEA/SER.L/V/II.37, Doc. 19, chap. III, para. 11.

136. Confirmation that missing individuals have actually been detained by the security agencies is drawn from several elements:

- (i) The similarity of the methods used in the arrest of persons who remain missing and those who eventually appear in official detention camps;
- (ii) Statements by released detainees to the effect that they have seen missing individuals in custody, and statements indicating a large number of detainees in unofficial camps;
- (iii) Written reports from individuals who have seen the missing person in the custody of security agents outside detention centres, usually during the search of buildings or when contact must be made with non-detained persons;
- (iv) Written or oral confirmation of arrest or detention by the arresting or detaining official or other Chilean authorities.

Moreover, in many cases, security agents make searches of homes or offices immediately prior to or after the disappearance of the person concerned.

137. The Group has received extensive information concerning missing persons who have been seen in detention in Chile. Much of this information comes from recently released detainees and the Group presents below only a sample of this information:

(a) Testimony of Gladys DIAZ. Gladys Díaz Armijo was detained on 20 February 1975 and released in December 1976. She testified before the Group on many points, one of which was the question of missing persons. The following is a written statement on this subject prepared by Miss Díaz at the request of the Group:

"JUAN CARLOS PERELMAN IDE (arrested on 20 February 1975, together with Gladys Díaz, in a house where they were living at Calle Bilbao 2911, Santiago). He was taken to Villa Grimaldi, tortured for several days and taken on 28 February 1975, together with 12 other persons, to an unknown place. In August, during a major international campaign to save his life, a half-burnt corpse was found at El Pilar, Argentina, with an identify card bearing his name. A member of his family went to identify the corpse, taking with him samples of the finger-prints of Juan Carlos Perelman. The body did not correspond to his, nor did the finger-prints on the card, the signature or the photograph; only the name and date of birth were correct. Juan Carlos Perelman, a chemical engineer, was aged 31 in February 1975. I gave evidence in Chilean courts concerning his disappearance.

"MANUEL EDUARDO CORTES HO: I saw him from 20 to 28 February 1975 in Villa Grimaldi. He told me that he had been arrested on 14 February, that his interrogation had ended and that it had been very harsh but that he was happy because he had given no information and betrayed nobody. His feet were chained and he had to hop forward when he was taken to the bathroom. He was very cheerful and was remarkable for the fellow-feeling he displayed for the comrades who were still being tortured. Manuel Eduardo Cortes Ho had often been to my house, and I knew him well. He was taken from Villa Grimaldi on 28 February 1975. I gave evidence in Chilean courts concerning his disappearance.

"CARMEN DIAZ DARRICARRERE: I shared a cell with her, in "la torre" (the Tower) in Villa Grimaldi, from 20 February to 23 February 1975. She used to sing at nights, together with Iván Monti, to keep up the spirits of the company and invented games in which the comrades could participate through the walls of the cells. All this took place while our guards were asleep.

"HUGO DANIEL RIOS VIDELA: I was with him in "the Tower" (he was on the second floor and I was on the third floor) from 20 to 23 February. He had a bullet in the neck which had not been extracted nor had his wounds been attended to. He was anaemic, had a very high temperature and was in considerable pain. I used to see him when they took us for meals or to the bathroom. Although we were blindfolded, I recognized him because he had two fingers missing on one hand and his voice was unmistakable. I had known him, too, for some time. He was taken from "the Tower" and nothing more was heard of him. He was seen by many people who gave evidence in a Chilean court.

"RODRIGO UGAZ: When we arrived at "the Tower", he had already been there 20 days, completely alone. He was very depressed. He only told us his name and that he had been brutally tortured. He had a presentiment that they were going to kill him and, despite the fact that the rest of us tried to cheer him up, he did not emerge from his silence. He shared a cell with Juan Carlos Perelman Ide and he too was taken away with the group on 23 February.

"IVAN MONTI: I was with him from 20 to 23 February 1975. He had been arrested in a house together with Carmen Diaz Darricarrere, Allan Bruce and his son Coné, who was almost five years old. Both he and his little son were brought blindfolded to Villa Grimaldi. The child was put in a place near the room in which they were torturing his father. The child was later taken to a home for minors in abnormal circumstances, from which his family rescued him two months later. Iván Monti was in good heart.

"ALLAN BRUCE: He was arrested with Iván Monti and others. He is a nephew of the then Chief of Villa Grimaldi, Lieutenant-Colonel Marcelo Moren. As a result, the rest of us used to joke that, in the circumstances, Allan Bruce could be certain that his life was safe. That was not so, however, and his own uncle took part in torturing him. On 28 February, he was taken away with the others. I was with him in "the Tower" from 20 February onwards. In those days, he shared a cell with Iván Monti.

"RENE ACUNA REYES: He had been shot in the neck. He was arrested on 14 February together with Cortés Ho and others. He was in a poor state of health, but received no medical treatment. I was with him, in "the Tower", from 20 to 28 February. One day, when we were queueing to go to the bathroom, he told me that he was worried because his wife was expecting a baby and would be upset about his detention. He left with the others on 28 February, for an unknown destination.

"ALFREDO ROJAS CASTEJEDA: He arrived in "the Tower", when I was alone there, all the others having been taken away. He arrived on 4 March 1975. He did not know why they had arrested him, or why they had taken his motor car. He is the owner of a Citroen Jaguar, which is now in the hands of DINA officials. He was in the cell next to mine until 20 April 1975. There are many witnesses to his stay in Villa Grimaldi who gave evidence in Chilean courts.

"ARIEL MANSILLA: He arrived in "the Tower" with a badly wounded foot, on about 20 March. At the beginning, his wound was not dressed but finally, as a result of pressure by another detainee, a doctor, who was about to be released, they allowed the latter to treat him. He was slowly improving. He was taken away one Sunday, on or around 15 April, at about 2 p.m., together with Carlos Carrasco.

"CARLOS CARRASCO: An ex-official of DIHA, accused of giving information concerning prisoners to the Resistance. He was brought in chains to "the Tower", early in April 1975, and taken away 15 days later. He has disappeared.

"ISIDRO ARIAS: He was brought to "the Tower" in the early morning of 5 April. I asked him his name. I recognized it, because he was a musician with the Chile Symphony Orchestra. He was taken out three hours later. Subsequently, the press reported an official Government communiqué that he had been killed while resisting arrest.

"CEDOMIL LAUSIC: He was arrested on or around 3 April, together with many others. I could hear them beating him with chains. Later, they brought him to "the Tower" and we were aware of his slow agony until he died. His lungs had been perforated."

(b) Testimony of Juan Parvex Rivera. Mr. Parvex Rivera, released from detention in November 1976, also appeared before the Group and testified on, among other matters, missing persons he saw while detained in Villa Grimaldi during January 1976 and the last 15 days of February 1976. These persons are: José Ramón Ascencio Subiabre, Alejandro Ramón Avalos Davison, Jorge Isaac Fuentes Alarcón, Santiago Abraham Ferrú López and Octavio Julio Boettinger Vera.

(c) Testimony of Fidelia Herrera Herrera. Ms. Herrera Herrera, detained in February 1975 and also released in November 1976, testified to having seen in Villa Grimaldi Ariel Mansilla, No. 174 of the list of missing persons presented to the Supreme Court on 20 August 1976 (see paras. 174 et seq.) and Alfredo Rojas, No. 267 on that list. In connexion with this latter case, the statement of Fidelia Herrera was presented to the Eighth Criminal Court of Santiago.

138. A list of missing persons seen in detention by persons released from detention in Chile during the last two months of 1976, established by a reliable source, has been received by the Group (see annex IX). Its contents are substantiated by sworn statements of recently released detainees in the files of the Group.

139. The above information is not exhaustive. Testimony, both written and oral, has been received by the Group concerning other cases of missing persons known to have been detained.

140. The Group has received much information concerning attempts to inform Chilean officials, in particular, the President of the Supreme Court, of the problem of missing persons who had been seen in detention. Typical of the evidence received in this connexion was the testimony of Fidelia Herrera about a meeting between the "council of elders", 10/ of which she was a member, and the President of

10/ The representatives of the detainees in Tres Alamos.

the Supreme Court during one of the latter's visits to Tres Alamos. In her testimony Fidelia Herrera said she had been able to speak with the President of the Supreme Court concerning problems of persons who had disappeared and that the President had responded by saying that those persons had gone out of Chile under false names and were abroad. The members of the council of elders informed the President that persons in Tres Alamos could testify that they had been detained together with certain persons on the list of those who had disappeared. The President of the Supreme Court requested them to submit a note giving their names and the names of the missing persons they had seen. It was promised that this would be done but first they asked him whether he could guarantee that the persons who were going to testify in this way would not also appear on the list of disappeared persons. The President of the Supreme Court replied that he could not give any such guarantee since their fate did not depend upon himself, but upon the authority of the Minister of the Interior.

2. Fate of detainees

141. The fate of persons detained by Chilean security agencies varies. In some cases their place of detention is immediately known, although they are held incommunicado, 11/ in others they disappear for periods of time ranging from days to months but are ultimately found in official detention centres. 12/ What causes the Group the gravest concern is the reports from reliable sources of the dramatic increase in the percentage of persons who are still missing a very long time after their unrecognized detention and whose fate is still unknown.

142. According to information received from a reliable source, 12 per cent of the persons detained during the period September 1973 to December 1975, remain missing; and for the period January to December 1976 this percentage rose to 22. In this connexion, the detailed figures reported above (para. 98) show that for seven months of 1976 the percentage of detainees still missing was 20 or more, and that for two months, June and December, more than 50 per cent of the detainees have disappeared.

143. The fate of individuals who are never heard from again is a crucial question which has been given much attention over the past few years by private organizations within Chile. A seemingly new development which has heightened the concern over the fate of missing persons is the reports concerning the discovery in various parts of Chile of badly mutilated and often unidentifiable bodies.

144. Since mid May 1976 concordance information indicates that a number of badly decomposed male and female bodies have been found, some with several bullet wounds, with wires binding their limbs, faces disfigured beyond recognition and fingers severed. These bodies are generally found in or near bodies of water and there are indications that heavy stones have been tied to them in attempts to make them sink (see, for example, the Marta Ugarte case, paras.147-158). Reports from reliable sources have linked the finding of a certain number of these bodies with a DINA detention centre in Cuyacán and other repressive activities of the security forces.

11/ See A/31/253, paras.180-186, "Arrest and detention of Hernán Montealegre Klenner".

12/ From reliable sources the Group has learnt that for the first half of 1976 the average length of time between detention and official recognition of detention by appearance in a recognized camp was between 10 and 13 days.

145. The discovery of these bodies prompted an editorial in the Chilean publication Qué Pasa (No.286), which said:

"Corpses have been found in very widely separated parts of the country - Papudo, Cajón del Maipo, the banks of the Bfo Bfo. On the basis of the scanty information published, the victims appear to have been brutally murdered and the persons responsible have attempted - sometimes successfully - to render the corpses unidentifiable".

The publication called for a full investigation of these occurrences, stating: "Only in this way can we keep high, as a distinctive characteristic of the national community, the respect for the value of human life in which we have always taken pride".

146. Similarly, the Vicaría de la Solidaridad has stated that:

"The repetition of these cases [of missing persons] and the incredible discovery of corpses which have proved impossible to identify have justifiably alarmed public opinion and the communication media, which repeatedly call for energetic investigation and even more determined action by the judicial authorities". 13/

The Marta Ugarte case

147. In relation to missing persons and the appearance of mutilated bodies, the Group has been occasioned the gravest concern by the discovery of the body of Marta Lidia Ugarte Roman, who had been reported missing in the Group's report to the General Assembly (A/31/253, annex XIX). The following information has been received by the Group.

148. Marta Lidia Ugarte Roman, 42 years of age, had been departmental head of the Supplies and Prices Board (JAP) of DIRINCO and secretary to the parliamentarian Mireya Baltra, and held at the time a high position in the leadership of the Communist Party. On 11 September 1973 she was summoned to appear before the new authorities.

149. On the morning of 9 August 1976, Marta Ugarte's two sisters spoke with her for the last time. She disappeared thereafter without trace and was seen again only in the control of her captors, first on a public thoroughfare by members of her family and later at the Villa Grimaldi, by fellow detainees, one of whom testified before the Group (see para. 158).

150. In the light of the information indicating that Marta Ugarte had been arrested, her family submitted an application for amparo to the Appeals Court on 16 August. In the application, No. 761-76, she was identified as an unmarried Chilean national, identity card No. 3,927,133, and information is given regarding various events connected with her disappearance. The application for amparo states that, on the day prior to her arrest, a group of persons, including a woman, had waited for the family at the grave of her recently deceased mother, situated in the General Cemetery. On seeing that Marta Ugarte was not among those present, the persons concerned withdrew with visible gestures of annoyance.

151. On Monday, 9 August, Marta Ugarte informed her sister by telephone that she was going to see Dr. Ivan Insunza that morning for treatment for a dog bite which she had sustained shortly before. On the following day, the family found out that she had not returned home the previous night and that Dr. Insunza had been arrested by the DINA a few days previously. The fear that she might have been arrested was borne out when one of her sisters and several friends caught sight of her travelling in a car with other persons, wearing dark glasses and appearing to be in an abnormal state.

152. Her family made every possible effort to locate her.^{14/}

153. On Sunday, 12 September 1976, the almost naked body of a woman, later publicly identified as Marta Ugarte, was found on a beach in the sector of Los Molles at Kilometer 182 of the North Panamerican Highway in Chile. According to press reports the body presented signs of having been raped and the ribs, spinal column, forearms and wrists were broken. There were signs of internal injuries and of injuries to the jawbone. A wire was found tied to the neck, but this had been done after the murder. Originally, it was believed that death was due to drowning.

154. Also according to press reports, two autopsies were carried out, one by local doctors and another in Santiago by the Institute of Forensic Medicine. No official results of the autopsies were given at the time, but the newspaper La Tercera de la Hora carried unofficial information that the first autopsy had shown surprising results. Newspapers also reported that Mr. Thomas Slaughter, a local judge, handled the case and ordered measures to be taken to identify the victim. It was also reported that Judge Slaughter was called abruptly to Santiago on 16 September 1976, but that no information was given on the reasons for his trip.

155. One newspaper noted that the murder had been committed elsewhere and that the body had later been carried to the seashore. The same paper, basing itself on the measures taken by Judge Slaughter, speculated that the crime might have been committed in Santiago.

^{14/} They visited police stations, first-aid centres, the Institute of Forensic Medicine and hospitals; on 24 August, they also made an unsuccessful request for an audience with the President of the Supreme Court. Two days later, they asked that the documents relating to the case should be resubmitted to the Ministry of the Interior, in view of the fact that 16 days had elapsed since her arrest. On 27 August, her family submitted to the Appeals Court a sworn statement to the effect that Marta Ugarte had been seen inside an investigation service car travelling along Matucana towards the Quinta Normal at 10.30 a.m. on Tuesday, 10 August, and that a telephone call had been made to one of her sisters at about 11 p.m. on Friday, 20 August, in the course of which unidentifiable moans and groans were heard. On 5 September, the Court was requested to resubmit the case to the Ministry of the Interior and the DINA, in view of that Ministry's delay in responding. On 7 September, the Court was requested to conduct official inquiries at Cuatro Alamos and Tres Alamos and to ask the Ministry of the Interior for information concerning the medical examination which all prisoners were required to be given under supreme decree No. 187. On 8 September, a petition for Marta Ugarte's release was submitted to the Minister of the Interior. On 21 September, the Appeals Court rejected the application for amparo and an appeal against this rejection was immediately lodged.

156. According to the press, the body was identified by the police immediately but publicity was not given to the name, "in order not to hinder the investigation". On 1 October 1976, the press was informed that the body had been identified by her sister and dentist as that of Marta Ugarte. On the same day, according to unofficial sources, the newspaper La Tercera de la Hora reported the arrest of three persons accused of concealing the crime.

157. In relation to this case, the Government of Chile stated, in a letter dated 3 December 1976 addressed to the Secretary-General:

"1. On 12 September 1976 the Carabineros of the locality of La Ligua discovered the body of Marta Lidia Ugarte Roman.

"2. On 14 September, by order of the Judge of the Criminal Court of La Ligua, a preliminary investigation was begun and recorded in dossier 15,027 of that court.

"3. The information obtained from the autopsy carried out by order of the competent court and the state in which the body was found make it possible to infer that Marta Lidia Ugarte Roman had been struck on the lower jaw with blunt instruments which caused it to fracture and which brought about an encephalo-cranial traumatism and subsequent death.

"4. On the basis of this information the Court of Appeals of Valparaíso appointed the Judge of this Court, Mr. Rafael Mera, as Investigating Judge to conduct the proceedings.

"5. At the present time, the appropriate legal proceedings are still under way, in pursuance of the orders of the Court."

158. During its recent series of meetings the Group heard the testimony of Mr. Pedro Rolando Jara Alegría, who stated that he had been detained by DINA agents on two occasions and that during his second detention, which began on 17 August 1976, he saw the following persons; Marta Ugarte, Vicente Atencio, Julio Vega Vega, Rosita Leyva and Mr. Vizcarra. Concerning Marta Ugarte, Mr. Jara Alegría stated that they were held with several other persons in adjoining rooms during the night of Tuesday, 24 August 1976; the rooms were separated by a door with an opening having a movable partition and he was able to talk to Miss Ugarte, whom he had known previously, and see the marks on her wrists which she said had been caused by having been hung by the wrists during interrogation. Mr. Jara Alegría left with the Group a drawing of the rooms in which this detention took place (see annex X). Mr. Jara Alegría also testified that on the day of his release, 25 August 1976, he was informed that the activities of his two young daughters (one was in the University and one was working) were known and that he should keep quiet and not get involved in anything political and it would be all right. He stated that after his release he was visited at least twice by DINA agents who threatened him because of information he had given concerning his detention, in particular, to the International Red Cross. Nevertheless, on 19 November 1976, he made a public declaration in a notarized document before a Notary Public, Mr. A. Carvajal, in which he gave information concerning Marta Ugarte, Julio Vega Vega and Mr. Vizcarra.

159. In view of the above, the Group believes that a full investigation of this case is warranted and hopes that a comprehensive investigation of missing persons, in particular the appearance of the mutilated and unidentified bodies, will also take place.

The case of Carmelo Soria Espinosa

160. In its report to the thirty-first session of the General Assembly (A/31/253, paras. 194-195), the Working Group referred to the disappearance and death of Carmelo Soria Espinosa, an official of the Latin American Demographic Centre of the United Nations Economic Commission for Latin America. Mr. Soria's disappearance on 14 July 1976 and the later discovery of his wrecked car and his body occurred in circumstances which suggest that the event was neither an accident nor a suicide.

161. On 24 August 1976 the Chairman of the Working Group addressed a letter to the Permanent Representative of Chile to the United Nations Office at Geneva, drawing the attention of the Government to the tragic event and requesting that the matter be looked into. The Working Group was informed that the Secretary-General had also instituted inquiries into the case.

162. In a note of 1 September from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Chairman of the Working Group and a note of 21 September from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (see A/C.3/31/6/Add.1, annex 14), the Government set forth certain details of the occurrence and stated that the matter remained under investigation by the ordinary courts of justice in Chile. In its observations on the report of the Working Group (A/C.3/31/6, chap.IV, sect. C, 4, (f)), the Government of Chile stated that the judicial inquiry was still in progress and that from the existing information "it is clear that an accident was involved".

163. During its January 1977 meetings, the Working Group heard the testimony of Dr. Laura Gonzalez-Vera Marchant de Soria, the widow of Mr. Soria, who told the Group that she was convinced that her husband's death was the result neither of an accident nor of suicide, but that he had been assassinated. Mrs. Soria recalled that her late husband had worked at a prominent publishing house during the previous government and referred to the surveillance he had been under since the take-over by the military Junta. Mrs. Soria told the Group of a long-time colleague of the deceased who had been arrested, imprisoned and questioned under torture about Mr. Soria's activities.

164. The witness described in detail the events leading up to her husband's disappearance: she said that he had been seen on his way home, and that in view of the evidence and of his regular habits he would not have gone voluntarily to the scene of the alleged accident. Mrs. Soria, herself a medical doctor, presented to the Group a copy of the autopsy report, explained apparent omissions and inconsistencies in the document and alleged that the injuries sustained by the deceased were indicative of death by strangulation, and not those which would result from an automobile accident. The witness described, as well, the site where the car and body were discovered and the condition of the vehicle, and offered evidence showing that in fact the body could not have been ejected from the locked car through the small hole in the broken windscreen. The witness also described incidents which had occurred after her husband's death, which, she

asserted, obstructed a proper investigation of the occurrence, amounted to an official "cover-up", and reinforced her belief that the death could be imputed to the Chilean authorities.

165. Excerpts from a statement presented by Mrs. Soria to the Working Group on 21 January, together with a copy of the autopsy report, appear in annexes XI and XII to the present report.

166. In view of the allegations of Mrs. Soria and the highly technical evidence submitted by her, the members of the Working Group requested that an independent expert examine the material and that they be given the benefit of his opinion. Dr. Jacques Bernheim, Director of the Institute of Forensic Medicine, University of Geneva, was consulted; his report appears as annex XIII to the present report.

167. Since this case is one of the most thoroughly investigated instances of death in suspicious circumstances to have come to its attention, the Group attaches great importance to the matter. The Group has received weighty testimony which casts doubts on an explanation of the incident as a mere accident. It has been informed of the efforts made by the Secretary-General of the United Nations to obtain authentic reports on the case. More than six months have elapsed since the death of Mr. Soria and the Government of Chile has not yet come forward with any definitive findings in the case.

Detention and disappearance of eight persons in Valparaíso

168. The case of the eight persons detained in Valparaíso in January 1975, dealt with in the Group's second report to the General Assembly (A/31/253, paras. 241-247), is an example of the phenomenon of missing persons in Chile. Based on the documents and testimony before it, the Group reported the arrest, detention and disappearance of those eight individuals, ^{15/} together with the statement of the Ministry of the Interior that they had not been arrested. The Government of Chile, in its comments on the Group's report (A/C.3/31/6/Add.1, annex 20) stated that one of the eight, Neftali Carabantes Olivares, referred to as a close associate of the regional commander of MIR, had been taken into custody along with the regional commander, but that he had been released on 18 January after his transfer to Santiago. In relation to the remaining seven persons, the Government indicated that:

"After initial statements were taken from them, the following persons were released since they had no direct connexion with the matters being investigated: María Isabel Gutiérrez Martínez, Eliás Eduardo Villa Quijón, Abel Alfredo Vilches Figueroa, Carlos Ramón Rioseco Espinoza, Alfredo Gabriel García Vega, Fabián Ibarra Córdova, Sonia Ríos Pacheco."

169. The Group, as explained in its report (A/31/253, para. 245) had "received authenticated copies of separate sworn statements made by 13 persons who state that they were detained by Chilean Government authorities during the early

^{15/} María Isabel Gutiérrez Martínez, Horacio Neftali Carabantes Olivares, Eliás Ricardo Villar Quijón, Abel Alfredo Vilches Figueroa, Carlos Ramón Rioseco Espinoza, Alfredo Gabriel García Vega, Fabián Ibarra Córdova, Sonia Ríos Pacheco.

months of 1975 and that during their detention they were together with some or all of the eight persons listed above." Since then the Group has received written statements from persons recently released from detention attesting to having been detained with the eight persons listed. These statements agree substantially with the statements received earlier.

Calle Conferencia 1587

170. In relation to the detentions at Calle Conferencia No. 1587 and the arrest of Mr. Mario Zamorano Donoso, reported in the Group's report to the General Assembly (A/31/253, paras. 173-179), 16/ the Group has received a sworn statement from a person resident at Calle Conferencia 1587 at the time of the events in question which substantiates the information contained in the report (see annex XIV).

Victor Manuel Díaz López

171. Similarly, with respect to the detention of Víctor Manuel Díaz López reported by the Group (A/31/253, paras. 259-261), 17/ the Group has received a sworn statement substantiating the information contained in the report. This statement is reproduced in annex XV.

3. Official investigations into disappearances

172. In both of its reports to the General Assembly (A/10285, paras. 138-151, and A/31/253, paras. 231-240 and 248-252), the Group has dealt with the question of official investigations into mass disappearances of persons in Chile, ranging from the statement of President Pinochet that an investigation would be made into the "list of 119" missing persons reportedly killed outside Chile (A/10285, paras. 149-151) to requests made to the Supreme Court for the appointment of a special visiting judge (A/31/253, para. 249). 18/

173. In addition to the numerous writs of amparo presented on behalf of missing persons (one organization reports filing more than 600 in the first eleven months

16/ For the observations of the Government of Chile, see A/C.3/31/6, chap. IV, sect. C, 4 (b).

17/ Idem, sect. D, 4 (b).

18/ Idem, sect. D, 1.

of 1976), at least eight requests were made to the Chilean Supreme Court between May 1975 and September 1975 for the appointment of a special visiting judge to inquire into the many cases of missing persons. 19/ Each of these requests was accompanied by information from official sources, press reports, sworn statements of eye-witnesses and other evidence showing the arrest of the missing persons. 20/ Each of these petitions was rejected by the Supreme Court, which, however, did issue instructions for the investigations normally under way to be more exhaustive. As the Group reported (A/31/253, para. 249), the reasons given for these rejections by the President of the Supreme Court did not in fact apply to the cases of missing persons actually presented to the Court.

(a) The case of 383 missing detainees: Vicaría de la Solidaridad

174. On 20 August 1976, the Vicaría de la Solidaridad presented a request to the Supreme Court for the appointment of a special visiting judge in relation to 383 selected cases of missing persons, in relation to which "there exists clear evidence and testimony, of varying significance, which enable us to state, with different degrees of certainty, that at some time these persons were arrested".

19/ These eight petitions as reported in Vicaría de la Solidaridad, Separata Solidaridad, No. 4, were:

1. Petition dated 28 May 1975 signed by a large number of clergymen, members of religious orders and professional persons.
2. Petition dated 4 July 1975 signed by the Bishop of the Catholic Church, Mons. Fernando Ariztía, and by the Pastor of the Lutheran Church in Chile, Helmut Frenz. This petition, like the preceding one, refers to 163 cases.
3. Petition dated 1 August 1975 signed by the bishops and pastors of the Churches represented in the Comité de Cooperación para la Paz, relating to 119 persons.
4. Petition dated 7 August 1975 in support of the petition submitted by the Comité de Cooperación para la Paz in connexion with the 163 cases of missing persons.
5. Petition dated 7 August 1975 signed by several lawyers in support of the earlier petition.
6. Petition dated 5 September 1975 signed by Bishop Ariztía, Pastor Frenz and the other leaders of the Comité de Cooperación para la Paz relating to 138 cases of missing persons.
7. Petition dated 5 September 1975 signed by 275 members of religious orders in support of the petition submitted by the Comité de Cooperación para la Paz on the same date.
8. Petition dated 5 September 1975 signed by close relatives of missing persons.

20/ Vicaría de la Solidaridad, Separata Solidaridad, No. 4.

This request was supported by four volumes, more than 700 pages, of information relating to the detention and disappearances of the persons concerned, including various official documents attesting to the detention of some missing persons. For example, photo-copies were presented of official documents admitting detention by military or security agents of the following persons, who remain missing: Astudillo Alvarez, Enrique; Astudillo Rojas, Omar; Astudillo Rojas, Ramón; Hernández Flores, Oscar; Hernández Flores, Carlos; Maureira Lillo, Sergio; Maureira Muñoz, Segundo Armando; Maureira Muñoz, Sergio; Maureira Muñoz, José Manuel; Maureira Muñoz, Rodolfo Antonio; Acuña Castillo, Miguel Angel; Barria Araneda, Arturo; Cabezas Quijada, Antonio Sergio; Carrasco Matus, Carlos; Castro Videla, Oscar Manuel; Droulle Jurick, Jacqueline; Elgueta Pinto, Martín; Garay Hermosilla, Héctor Marcial; Grez Aburto, Jorge Arturo; Gutiérrez Avila, Artemio Segundo; Ibarra Cordova, Fabián; Maturana Pérez, Juan; Maturana Pérez, Washington; Rodríguez Araya, Juan Carlos; Trejos Saavedra, Luis; Uribe Tamblay, Barbara; Van Jurick Altamirano, Edwin; Von Showen Vasey, Bautista.

175. Various reasons were given supporting the renewed request for a **comprehensive** investigation of the many cases of missing persons. One reason was the unsatisfactory results of the prior normal investigations into disappearances:

"The conclusion which emerges from the request and the accompanying evidence is that, objectively, most of these investigations are concluded without positive results. This fact is recognized by the President of the Supreme Court, who in his report on the occasion of the commencement of the judicial year 1976 stated, with reference to the proceedings concerning the disappearance of persons in respect of whom the Churches had requested the appointment of an investigating judge, that 'many had been discontinued without a result'.

"You will undoubtedly have noticed from the reports of the examining magistrates compiled under Supreme Court dossier No. 0-3475, that in most of the 254 cases examined, the judges have been unable to continue the investigation of the crimes because, when the intelligence services, in particular the Directorate of National Intelligence (DINA), are asked for reports concerning the conduct of their officials on the occasion of the arrest of persons, they refuse to reply or to comply with Court summonses. The investigations are thus paralysed and the judges hesitate to impose penalties in respect of the act of contempt represented by the systematic disregard of their summonses.

"This situation points to the inevitable conclusion that, if the investigations were entrusted to a more senior judge, such a Special Investigating Judge, his authority might succeed in removing the obstacles which have so far been systematically placed in the way of the judges conducting investigations."21/

21/ Request for reconsideration lodged by the Vicaría de la Solidaridad. Separata Solidaridad, No.4.

176. Secondly, the disappearances present a serious problem of justice, "whether they result from abduction, misadventure, crime or detention. The life or death of a person cannot be a matter of uncertainty or triviality. We therefore consider that the Courts should, motu proprio, take all possible steps and exhaust the procedures authorized by law, in order to ensure that justice prevails in the case of these missing persons." 22/

177. Thirdly, humanitarian reasons were also important because, in addition to the missing persons themselves, their families were seriously affected:

"As we have said, we are moved by the uncertain situation in which their relatives find themselves. What can a spouse who wishes to remarry do? Can he or she remarry when the death of the spouse has not been established? If the members of a family wish to claim their inheritance, can they do so if the presumed death, recognition of which is granted only after a very long period, cannot yet be established? ..." 23/

178. The fact that people continued to disappear was also evoked as a reason for the investigation: "But this situation is becoming even more serious because the phenomenon of disappearances is continuing in our society; we can report no fewer than 46 new cases of disappearances during the first six months of 1976." 24/

(b) Decisions of the Supreme Court

179. More than a month and a half after the Vicaría petition was filed, the Supreme Court of Chile, on 13 October 1976, handed down a decision in which it rejected the Vicaría's request for the designation of a special investigating judge. The reasons given were that the investigations already carried out or under way demonstrated diligence and zeal and were under the direct supervision of the investigating judge of the Santiago Court of Appeals and that from the documents presented in the case it appeared that of the persons allegedly missing, 38 were free and living in their homes, five had gone to foreign countries, 11 had been arrested by virtue of the state of siege, three had been judged by military courts and three had been judged by common-law criminal courts, since they were common-law delinquents.

180. Furthermore, the Court said, from the lists presented to the Court by the families of the presumed victims, totalling 313 missing persons, names were repeated - a cursory examination revealed 17 repetitions - and that the signatures on different petitions in relation to the same person were not the same - four such cases were pointed out. For these reasons, and because the investigations were being carried out in a satisfactory way, the petition was rejected by a vote of 6 to 5.

22/ Separata Solidaridad, No.4

23/ Ibid. For its part, the Group wishes to place on record its view that this should be understood to be without prejudice to judicial proceedings relating to the disappearance of persons.

24/ Separata Solidaridad, No.4.

181. In response to the Court's decision rejecting the petition, the Vicaría filed a request for reconsideration based on inadequate consideration by the Court of the documents attached to the original petition and errors of fact in the Court's judgement. Actually, the Vicaría stated, "The decision of the Supreme Court contains no assessment or analysis of, or even any reference to, the copious documentation and background information that were appended to the petition". ^{25/} Rather, the Court referred only to petitions presented not by the Vicaría but by the families of some of the missing persons, and it was only in these latter petitions that the Court had found the errors reported. No repetitions were made in the Vicaría's lists, and none of the persons mentioned have reappeared. It was also pointed out that most of the investigations carried out by investigating judges had been stopped through the refusal of the security services to co-operate.

182. The Vicaría also found that the reports relating to the 38 persons who had been freed, the five living in foreign countries etc. referred to persons not on the list presented by the Vicaría. The Group notes that, on 10 December 1976, the Supreme Court published the list of 11 persons held by reason of the state of siege to which the Court referred in its first judgement but, according to the Vicaría, none of the names were on the list of missing persons presented by the Vicaría. ^{26/} Based on these arguments and the fact that the disappearance of 383 persons constitutes a serious problem which is only a part of a continuing process, the Vicaría requested the Court to reconsider its judgement rejecting the request for the appointment of a special investigating judge. The Supreme Court of Chile, by a vote of 8 to 4, rejected the request for reconsideration.

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183. The Group has reviewed the part of its report to the General Assembly dealing with liberty and security of person (A/31/253, paras. 106-301) in the light of the observations of the Government of Chile (A/C.3/31/6 and Add.1). In this connexion the Group has noted instances in which the Government did not deal with the facts indicating violations of human rights which were presented (Martin Elgueta Pinto (A/31/45, para. 237; Claudio Eugenio Blanco, ibid., para. 224 and A/C.3/31/6, chap. IV, sect. C,8)). It also has noted cases in which such facts presented by the Group were confirmed in much of their substance by the Government (detention of eight persons in Valparaíso, see above paras. 168-169). In other cases, the Group has received since the adoption of its report to the General Assembly testimony from persons directly concerned which confirms the information presented in the report. Examples of these cases are: (i) detentions at Alejandro Fierro 5113 and Calle Conferencia 1587 (para. 170 above); (ii) arrest of Víctor Díaz López (para. 171 above); (iii) case of Manuel Guerrero (A/31/253, para. 225). ^{27/} Mr. Guerrero testified before the Group and confirmed the information presented in the report.

^{25/} Ibid.

^{26/} Ibid., No.11.

^{27/} For the observations of the Government of Chile, see A/C.3/31/6, chap. IV, sect. C, 8.

184. The Group notes that the extensive and concordant evidence from a variety of reliable sources, including persons directly concerned, which it had before it demonstrates that a large number of persons have disappeared in Chile since September 1973 under conditions indicating the involvement of Chilean security agencies; that persons continue to disappear in similar circumstances; and that an increase in the percentage of detainees who never reappear has taken place in recent months. Faced with this situation, the Group cannot escape the conclusion that a system has been established in Chile whereby individuals believed to oppose the present régime, including persons active in the labour movement, are arrested by Chilean authorities and detained in various unknown locations while the responsible authorities deny their arrest or detention and that, after having been interrogated under torture, these individuals are never seen alive again.

185. The Group, in view of the numerous cases of detained persons who have never been seen again and the discovery of many mutilated bodies especially the case of Marta Ugarte - and bearing in mind the fact that, as it also mentioned in its report to the General Assembly, no serious investigation of missing persons has yet taken place, calls upon the Government of Chile to undertake full investigations of all these occurrences and make the results public.

C. The specialized organs of State security; torture and cruel, inhuman or degrading treatment or punishment

186. In its resolution 31/124 of 22 November 1976, the General Assembly expressed once again "its profound indignation that constant and flagrant violations of human rights have taken place and continue to take place in Chile, in particular the institutionalized practice of torture, cruel, inhuman and degrading treatment and punishment ...". It called upon the Chilean authorities "to put an end to the practice of torture and other forms of cruel, inhuman or degrading treatment or punishment by Chilean State agencies, particularly the Dirección de Inteligencia Nacional, and to prosecute and punish those who are responsible".

187. The information which has continued to reach the Working Group since its previous report to the General Assembly (A/31/253) shows that the appeal of the General Assembly has not been heeded to any significant extent and that torture and cruel, inhuman or degrading treatment or punishment have continued to occur in Chile. Prisoners released as recently as November and December 1976 have given personal and eye-witness accounts of instances still occurring during the last half of 1976 of the same kinds of torture as those reported previously by the Working Group. They also confirm that there is increasing use of more subtle forms of torture, including the use of drugs and psychological torture.

188. There is no indication that the machinery for political repression described in previous reports 28/ has ceased to exist or has been reformed or that significant improvements in its methods of operation from the standpoint of human rights have taken place. The DINA continues to be the main executive instrument for maintenance of "State security" 29/ or, in other words, of repression. It also continues to be beyond the reach of judicial supervision.

189. As was stated in paragraphs 91 et seq. an increasing number of persons are secretly and brutally arrested by the security services and taken, often without warrant, to secret places of detention, while their detention is ignored or denied by government departments which should normally be competent for such action. In these circumstances torture is inflicted upon them with impunity. As there is no way of having the victims brought before the courts, torturers can act in the knowledge that they are unlikely to be exposed. Moreover, should the victim die he can be disposed of in secrecy. The Working Group has indeed received several reports that persons detained by the security services sometimes die as a result of torture received. Mutilated and unidentifiable bodies continue to be discovered in large numbers in Chile. Nearly all of them show unmistakable evidence of having been tortured (see paragraphs 143-146 above). Three such cases were described earlier in this report: those concerning Marta Ugarte, Carmelo Soria Espinoza, and Franklin Ramírez Ramírez.

190. Recent cases of torture which have been brought to the attention of the Group illustrate the methods which continue to be used. They indicate torture by the security agencies in their search for information. When it becomes apparent that

28/ See in particular A/31/253, paras. 338-372.

29/ See, for instance, the preambular paragraph, in fine, of decree No. 2244 of 11 September 1976 (A/C.3/31/6/Add.1, annex 25).

the victims have no information to give, or no more information, they are forced to sign false statements that they have not been tortured and are released without charge. In this way potentially any person in Chile can be subjected to torture if the security agencies have any reason to believe that he may have information in which they are interested. An innocent person who is arrested is almost certain to undergo torture because, having no information to give, he will not admit to possessing any. But the security agencies will continue to torture him until they are sure that he does not possess any information.

191. The following cases, which were said to have occurred during the second half of 1976, have been reported to the Working Group by reliable sources. In these cases the names have been omitted in compliance with the Group's undertaking to respect confidentiality:

(a) A woman was arrested in the street in August 1976 and taken to Villa Grimaldi, where she was undressed and attached to a metal frame, the so-called "parilla", to which electric current was applied. She was kicked on her body, locked up for 11 days in "La Torre" (the tower), a dark building containing a number of tiny cells in which prisoners can only sleep doubled up. She was forced to sign a statement that she had not been subjected to violence. During her stay in Villa Grimaldi, she saw a number of people in a very bad state; among them were a young couple, the wife pregnant, a girl of about 15 who screamed a great deal for one day and was not seen again, and an old man of about 70 who was made to run until he had a heart attack.

(b) A man who was arrested in August 1976 by DINA officers and taken to Villa Grimaldi was given electric shocks and was brutally beaten. Then he was taken to Tres Alamos to the Investigation Bureau of Plaza Almagro, where he was beaten again. He was afterwards removed to a public gaol, where he was held for eight days incommunicado on a purported charge of armed crime. Fifteen days after his arrest he was freed for lack of evidence against him.

(c) A student was arrested in August 1976 at the Caracolas frontier post as he was about to cross over to Argentina. He was taken to an unknown destination, where he was interrogated for a whole day, hung up by the hands, blindfolded and beaten by unidentified persons. Later he was taken down and his head put in a barrel or drum of water, his feet having been tied. He was kept under water for a time he could not estimate because he lost consciousness while his head was held under the water. After that he was attached to a frame and given intermittent electric shocks. He was tortured thus for about three hours. Then his head was forced into a bucket of excrement. In the intervals he was questioned about charges which had been put to him in the office of the Fiscalía. If he denied having been involved he was tortured until he lost consciousness. Finally, he was tied up in the position which the torturers call the "paloma" ("pigeon"), with his hands behind his back, and raised up to an almost horizontal position. His feet were also tied. Electric wires were put in his mouth and shocks administered. The wires were attached to his teeth and could not fall out. Later the current was applied to his whole body until he "confessed" what the torturers wished. The next day he was presented with the statement and told he must sign it without being allowed to read it. As he refused he was beaten again, a nylon bag was put over his head and tied so that he could not breathe. When he signed the statement he was removed to Cuatro Alamos to "rest". On the third day he was transferred to Tres Alamos, where the Government admitted he was being held. He was released after having been under arrest a total of three months and 16 days without any charge being made or proceedings instituted against him.

(d) Another student was arrested in August 1976 by DINA agents, who took him to El Morro in Talcahuatno, to the premises of the Navy, one part of which has been taken over by DINA. He was kept there for 10 days with a blindfold on his eyes, in a cell with four other prisoners. He was taken to specially equipped underground premises in El Morro for interrogation. Whilst blindfolded he was made to undress completely, and his hands were tied behind his back with damp cloth. A stick was passed between his arms and his back and in this position he was hung in the air by a pulley. He was given electric shocks in the genitals and cheeks; he had water poured on him and electric current was applied. This went on for several days for about 30 minutes each time. During this time the Red Cross visited El Morro but he and the other prisoners were transferred rapidly to a place he does not remember, where he was kept bound and handcuffed and lying on the floor, with the others, for a day. He was subsequently located by his relatives, after about 15 days had passed. Meanwhile, complaints had been filed with the Court of Appeal, but they had been rejected. Finally, he was freed, and no charges were ever entered against him.

(e) A female student was arrested in September 1976 at the University boarding house by DINA agents accompanied by carabineros. She was taken to a house run by DINA in Talca, where she was kept for one day. She was interrogated and tortured there (beaten, given electric shocks, suffocated and made to take drugs). Then she was moved to Santiago, to Cuatro Alamos, where she remained for three more days incommunicado, being questioned and subjected to psychological pressures. She was subsequently moved to Tres Alamos and, about two months after her detention, she was freed without ever having been charged.

(f) One man was arrested in August 1976 and tortured with electric shocks; he was released three days later upon signing a document he was not allowed to read.

(g) Another man arrested in August 1976 by a group of 16 men in civilian clothes, who identified themselves as DINA agents and took him to Villa Grimaldi. There he was beaten, undressed and laid blindfolded on a metal frame, to which he was attached, whereupon electric current was applied to his body. Then, still blindfolded, he was made to dress and run round the room until he ran into the wall. His interrogators threatened to kill him and, holding a pistol in his mouth, made him sign blank papers. A few days later he was freed by the Judge of the Eighth Criminal Court (8. Juzgado del Crimen de Mayor Cuantía), for lack of evidence against him.

192. With respect to the techniques of torture practised in Chile and their effects, two scientific papers prepared by a team of neurologists, psychiatrists and psychologists which have been presented to recent international conferences have come to the attention of the Group. 30/ Since these reports reflect in many

30/ "Ethical questions arising for psychologists in connexion with the torture techniques used in Chile", paper submitted to the symposium on deontology of the twenty-first international congress on psychology, Paris, July 1976; "The effects of imprisonment and torture inflicted under the Chilean system of repression on the political prisoner", paper presented on 10 December 1976 at the opening ceremony of Amnesty International's Year of the Prisoner of Opinion. These communications were presented by Professor Ana Vasquez and a colleague, Dr. Reszczynski, to the above-mentioned conferences.

respects the information received by the Group from persons recently released from detention in Chile, the Group has found it useful to present, in annex XVI, excerpts therefrom concerning the methodology of the investigation, two examples of psychological manipulation, an analysis of the effects of torture in 63 cases and an analysis, based on 248 cases, of the evolution of torture from September 1973 to March 1976.

The DINA

193. As stated in paragraph 188 above, the DINA continues to be the main executive instrument for maintenance of "State security", or, in other words, of repression. It also continues to be beyond the reach of judicial supervision. The Working Group has received reliable evidence from several sources that the personnel of DINA have been instructed not to testify before the courts and that the courts are aware of this situation and acquiesce in it.

194. In earlier reports the Working Group drew attention to the fact that articles 9, 10 and 11 of decree-law No. 521, which established the DINA, had never been published in Chile but had only been circulated in a restricted annex to the Diario Oficial (A/10285, para. 102). The Chilean newspapers had reported that they provided for the DINA's complete control over all internal security matters, that the DINA was responsible only to the President of the Republic in person and that it could make arrests and keep persons in detention without warrant or any formal order (E/CN.4/1188, para. 43). The Working Group has now received from a reliable source the following, purporting to be the text of the three secret articles:

"Article 9. The Director of National Intelligence and the Chiefs of the Intelligence Service subordinate to the Institutions of National Defence may directly co-ordinate their activities for the purpose of executing their specific missions. Without prejudice to the foregoing, and when so required by the overriding need to defend the institutional régime of the State, the Government Junta may order all the aforesaid intelligence organs to participate or co-operate in functions which are the responsibility of the Directorate of Military Intelligence.

"Article 10. For the purposes of the exercise of the powers of removal and arrest of persons, which are accorded under the declaration of a state of siege or which may be granted in the exceptional circumstances provided for in the Political Constitution, the Government Junta may order that searches and arrests shall, if necessary, be executed also by the Directorate of National Intelligence.

"Article 11. The Directorate of National Intelligence shall be the legal successor of the commission known as DINA organized in November 1973".

195. If the foregoing does in fact reflect the actual text of articles 9, 10 and 11, it bears out earlier reports that, whereas under the published articles of decree-law No. 521 the task of the DINA is essentially to provide information to protect national security, in fact it enjoys great freedom of action and extensive delegation of authority from the Government Junta.

196. It has been reported to the Group that the DINA has been entrusted with and has engaged in activities even outside Chile. DINA agencies are reported to be operating in South and Central America as well as in Europe (A/31/253, para. 351). It is reported that DINA has established centres in Rome, Madrid and, more recently, Brussels.

197. Some sources have mentioned the DINA in connexion with the violent death of Orlando Letelier, Minister for Foreign Affairs and Minister of Defence in the Unidad Popular Government, who had been Ambassador of Chile to the United States in 1971, who died on 21 September 1976 in Washington D.C. after a bomb destroyed his car. On that day, Orlando Letelier was driving to work with a colleague and the colleague's wife. He travelled on his usual route, which took him past the Chilean Embassy in Washington. When he was opposite the Chilean Embassy a bomb exploded under his car killing him instantly. His colleague's wife died later from her injuries. According to a UPI dispatch, a member of the DINA, accompanied by four men and a woman, was seen arriving in the United States on 25 August 1976. This information, which had been received by the Rev. William Wipfler, Director of the National Council of Churches, was communicated to the FBI by Congressman Donald M. Fraser. Several United States senators condemned the murder of Letelier publicly.

198. It has been asserted before the Working Group that the death of Orlando Letelier, when related to the murder in September 1974 in Buenos Aires of General Pratts and the shooting in October 1975 in Rome of former Chilean Deputy Bernardo Leighton, may indicate a pattern of extermination of those Chileans abroad who are viewed as potential future leaders of Chile.

199. The representative of Chile, in his statement to the Third Committee of the General Assembly on 11 November 1976, rejected any link between the attempt on the life of Mr. Bernardo Leighton and the assassination of Mr. Letelier, on the one hand, and the action of Chilean foreign intelligence, on the other. He drew attention to the attack upon the Chilean Deputy Permanent Representative to the United Nations. He said that the Leighton and Letelier cases were currently the subject of judicial procedures in Italy and the United States respectively, and that his Government was co-operating fully in the investigations and had instructed the Chilean Ambassadors concerned to waive diplomatic immunity with respect to the provision of relevant information. From the press reports concerning the two cases, he added, it would appear that neither the Chilean Government nor any of its agents was implicated (A/C.3/31/SR.46, para. 3).

200. The Group, in its report to the General Assembly (A/31/253, paras. 346-347), drew attention to declarations of loyalty and contracts of employment with DINA which certain detainees had been required to sign. In connexion with the denial of this information by the Government of Chile (A/C.3/31/6, chap. V, sect. II, and A/C.3/31/6/Add.1, annex 29) and the Government's provision of written statements denying signature of such contracts or declarations by six persons referred to in the Group's report, the Group draws attention to the following testimony which it received from one of the six persons, Mr. Iván Adolfo Parvex:

"... I think that the worst situation I encountered during my stay in Cuatro Alamos was the compulsion, for obvious reasons (as I say we were quite defenceless in Cuatro Alamos), to sign two documents in which ... I appeared to be signing voluntarily a document in which I took an oath loyally to serve the homeland, through the Directorate of National Intelligence, as an auxiliary agent. In other words, I was forced to sign an oath making me part of the Directorate of National Intelligence as an auxiliary agent and, at the same time, I was forced to sign a document constituting, as from that date, a contract of employment signed by the Directorate of National Intelligence as employer and by myself as employee. The two documents together meant that, from then on, I was in the hands of DINA as an auxiliary agent and not as a political detainee. Later on - and I now jump to the final period just before I was released some time in October - two officials of the National Intelligence visited me again and told me that I was to sign another document, in my own handwriting, saying that I had never signed the earlier documents. In other words, I was to deny absolutely that they had obliged me to sign documents making me an auxiliary agent of DINA. Of course, being in the hands of the security agencies, I was obliged to write out this declaration from the dictation of the DINA agents, so as to give the appearance that I was disowning the signatures on the two earlier documents. I was later informed that the signed and handwritten document had been used to exculpate the Chilean Government in this Commission ..."

IV. EXILE

Situation of refugees

201. In its report to the General Assembly (A/31/253, para. 412) the Working Group noted with satisfaction the work done by the Office of the United Nations High Commissioner for Refugees (UNHCR), with the technical assistance of the Intergovernmental Committee for European Migration (ICEM) and with the co-operation of the Governments of countries of resettlement.

202. The total number of Chilean refugees cannot be stated exactly. The UNHCR provides statistics only of refugees from Chile who have been resettled or who are waiting to be resettled under its auspices: as of 30 November 1976, a total of 13,902 such refugees from Chile had been resettled in various parts of the world.

203. In regard to refugees under the mandate of UNHCR, considerable sums have been allocated from the UNHCR budget for family reunions and for maintenance and resettlement of refugees from Chile. By the end of 1976 some 1,300 dependants of refugee heads of family abroad were waiting to emigrate from Chile. An allocation of \$200,000 is included for 1977 for this purpose in the budget of UNHCR.

204. By the end of 1976, about 8,000 Chilean refugees had been registered in Argentina and were still awaiting resettlement. It is believed that there are in addition several thousand refugees who have not been registered. An allocation of \$2 million has been made in the UNHCR budget for 1977 for care and maintenance of refugees in Argentina. Practical solutions are yet to be found for about 700 Chilean refugees in Peru; an allocation of \$250,000 has been made in the UNHCR budget for 1977 for supplementary aid to those refugees.

205. Under the ICEM Special Programme for Resettlement from Chile, 6,123 persons were resettled in several countries between 1 January and 31 December 1976. The countries which accepted the highest number of persons during that period were the United States of America (1,033), France (860), Sweden (852), the Netherlands (524) and the United Kingdom (514). The cumulative total of persons resettled under this programme for the period from 6 October 1973 to 31 December 1976 stands at 20,239. The countries which have accepted the highest total number of persons for resettlement are Sweden (2,563), France (1,956), the United Kingdom (1,767), Romania (1,401) and the Federal Republic of Germany (1,214). Among the Latin American countries, Mexico has accepted 912, Argentina 786 and Cuba 598. The figures reported by ICEM do not represent the total number of persons exiled from Chile who have found refuge in countries of resettlement, but cover only the persons who were assisted by ICEM.

206. Subsequent to the decision of the Chilean Government to authorize persons detained for political reasons to apply for expulsion and to leave the country (see A/10285, paras. 172-176), 1,693 persons were released from prison and moved from Chile by ICEM, together with 2,674 dependants, during the period from 6 December 1974 to 31 December 1976. As of 31 December 1976, ICEM was preparing the departure from Chile of 655 prisoners and 1,280 dependants. Among them were 264 prisoners with 660 family members declared eligible for release by the Government for whom no country had yet granted entry permits.

207. The assistance to refugees from Chile entails considerable expenditure by intergovernmental organizations, which is provided mainly by voluntary contributions from member countries. For their part, the countries of resettlement have had to make, and are still making, extensive efforts, at a time when unemployment is a

matter of great concern, to facilitate the integration of the refugees. It may therefore be said that the Chilean Government's policy of expulsion on political grounds, to "clear" the country of dissidents while saving them, in many cases, from inhuman treatment, places a heavy burden on the international community. The Group has previously made observations as to how this voluntary "brain drain", depriving Chile of many of its most talented citizens, may be detrimental to the future development of the country.

Diplomatic asylum

208. In its previous report (A/31/253, para. 413) the Group stated that, according to ICEM, as of 31 July 1976 six persons were still in asylum in embassies. The Government of Chile stated in October 1976 (A/C.3/31/6, chap. VII, sect. A) that there were only five cases pending. It has been reported by ICEM that on 31 December 1976 seven persons were in asylum in embassies. In a note verbale dated 5 January 1977, the Permanent Mission of Chile to the United Nations Office at Geneva informed the Secretary-General that, with respect to persons who had left the country after having been in asylum in foreign embassies in Santiago, the Government, continuing its policy of normalization, had authorized the return to Chile of nine persons and was examining the cases of eight other persons.

Some cases of expulsion

209. In its observations (A/C.3/31/6, chap. VII) on the Working Group's report to the General Assembly, the Government of Chile stated that it could not accept the statement by the Group that there were "hundreds of Chileans who have been arbitrarily expelled" (A/31/253, para. 418). The Working Group can only regret that it has received evidence and testimony, including that of the interested parties themselves, concerning the expulsion of several hundred persons with passports bearing the stamp "Valid only to leave the country" (see also paras 225-226).

210. In an official declaration of 16 November 1976 (see A/C.3/31/11), the text of which was communicated officially to the Secretary-General of the United Nations on the same date, the Government of Chile informed national and international public opinion that it had decided upon the release of all persons in the country who were detained under the state of siege, except for 18 persons. With respect to the said 18 persons, the Government of Chile declared that it would also be prepared to order their release "subject to the sole condition that there should exist countries prepared to receive them, since they were so particularly dangerous to the security of the State that their release must be combined with their departure from the national territory".

211. Of the above-mentioned 18 persons, 16 were expelled and received asylum in Austria (Tito Palestro), Belgium (José Miguel Moya Raurich), ^{1/} Cuba (Victor Toro Ramírez), France (Carlos Enrique Bruit Guttieres and Alfredo Joignant Muñoz), the

^{1/} In its previous report (A/31/253, para. 347) the Group mentioned the cases of Mr. José Miguel Moya Raurich and Mr. Edwin Patricio Bustos Streeter. Mr. Moya had been arrested on 25 October 1975 and Mr. Bustos on 10 September 1975 and both were detained at Cuatro Alamos. The Group referred to a submission to the Supreme Court by relatives of 14 persons, including Mr. Moya and Mr. Bustos, alleging that these detainees had been induced to sign a "contract of employment"

German Democratic Republic (Patricio Romano Lorca and Daniel Vergara Bustos), the Federal Republic of Germany (Luz de las Nieves Aress Moreno and Gladys Díaz Armijo),^{2/} Italy (Edwin Patricio Bustos Streeter),^{3/} Mexico (Jaime Zurita Campos),^{4/} the Netherlands (Hernán Brain Pizzaro and Raúl Alberto Iturra), Norway (Ricardo Frodden Armstrong), the United Kingdom (Cristian Van Yurick Altamirano) and Venezuela (José Cademartori Invernizzi). Four of these were Unidad Popular leaders referred to in the telegram dated 20 February 1976 addressed to the Government of Chile by the Chairman of the Commission on Human Rights (see A/31/253, annex III, A): Mr. José Cademartori, former Minister of Economy, Mr. Alfredo Joignant, former head of the Criminal Inquiry Commission, Mr. Tito Palestro, a former Mayor, and Mr. Daniel Vergara, former Minister of the Interior (see also ibid., para. 216).

with the DINA or to make a declaration of loyalty to the Government (ibid., para. 346). The Group also made reference to accusations of torture and ill-treatment allegedly undergone by Mr. Moya and Mr. Bustos (ibid., para. 209). In its reply (A/C.3/31/6, chap. IV, C, 5, c) the Government stated that Patricio Bustos Streeter had suffered from hydrocele and José Moya Daniels had suffered from mycosis. The Government also reproduced a statement by the President of the Supreme Court in which it was admitted that members of the families of some detainees had stated to the President of the Supreme Court that Mr. José Miguel Moya Raurich and some other detainees were in ill health and not receiving medical care. According to the statement, "the men themselves said that they were in good health and had been examined by physicians" (A/C.3/31/6/Add.1, annex 18).

^{2/} In a note verbale dated 13 January 1977, the Permanent Mission of Chile to the United Nations Office at Geneva reproduced the text of "a sworn statement, dated 4 January 1977, made by Mr. George Francisco Roessler Cornejo, husband of the journalist Gladys Díaz Armijo, who was recently released, to Mr. Juan Astaburuaga, Notary Public, concerning certain notions which have been spread about concerning him". Since the passport shown by Miss Díaz Armijo, when she appeared to give evidence before the Working Group, certified that she was "single", and since passports are full evidence of the civil status of persons in Chile, the witness was questioned about her civil status. Miss Gladys Díaz Armijo declared that her marriage with Mr. George Francisco Roessler Cornejo had been annulled in March 1971 and that Mr. Roessler Cornejo had remarried in April 1971. Miss Díaz Armijo stated that the name of Mr. Roessler Cornejo's new wife was Pilar Fernández García. The witness left with the Working Group a photocopy of the above-mentioned passport, in which she is described as "single". (The text of the note from the Chilean Government and the photocopy of the relevant page of Miss Gladys Díaz Armijo's passport are to be found in Annexes XVIII and XIX, respectively.

^{3/} See note 1.

^{4/} In its previous report (A/31/253, para. 280), the Group stated that the whereabouts of Mr. Jaime Manuel Zurita Campos, who had been detained from 22 August 1974 to 19 December 1975 and rearrested on 13 February 1976, were not known. In its reply (A/C.3/31/6, chap. IV, D, 5) the Government stated that Mr. Zurita, who had been detained from 4 December 1974 to 18 December 1975, had been rearrested under decree No. 1911 of 13 February 1976 and was detained in Tres Alamos. The Government also transmitted a document dated 30 September 1976 in which Mr. Zurita stated that he had been properly cared for and had not been subjected to any psychological or physical pressure (see A/C.3/31/6/Add.1, annex 24).

212. The Government specified two cases, that of Mr. Luis Corvalán, General Secretary of the Chilean Communist Party, and that of Mr. Jorge Montes, former Senator and leader of the Chilean Communist Party, whose release and expulsion were conditioned on the release of Mr. Vladimir Bukovsky by the Soviet Union and Mr. Hubert Matos by Cuba respectively. The Group has noted that on 18 December 1976 Mr. Corvalán was expelled from Chile (see also paras. 108 and 118 above).

213. In the case of the expulsion of Mr. Eugenio Velasco Letelier and Mr. Jaime Castillo Velasco (see A/31/253, paras. 424-432 and annexes XXII-XXV), the Government reproduced copies of the decision of the Santiago Court of Appeals and the Supreme Court of Justice of Chile on the applications for amparo submitted on behalf of these two well-known lawyers, respected for their humanitarian work (A/C.3/31/6/Add.1, annex 31).

214. In its judgement of 17 August 1976, the majority of the Court of Appeals (Judges Eduardo Araya Rojas and Sergio Dunlop Rudolffi) did not find it necessary for the expulsion orders to include the facts and considerations which might have justified the view that the applicants (amparados) were a danger to national security. For the majority, it was sufficient that there should be a "basis for the order". This was satisfied by "stating the principal reason motivating the decision" and in the specific case by "indicating the legal texts conferring the power and the circumstances justifying the measure". The majority found it "superfluous to require any further motivation, still less to the extent necessary to justify what was alleged".

215. In his dissenting opinion, Judge Ruben Galecio Gomez stated that the expulsion orders did not give the reasons for the expulsion as required by decree-law No. 81, since the orders should state "the reason which authorized it to be made". Judge Galecio found it essential that the requirement of a statement of reasons for expulsion orders should be "carried out in fact and not only in appearance". The expulsion orders, however, did not establish "why, by virtue of acts or activities - or type of acts or activities - they must be regarded as dangerous to the security of the State, to the extent that their expulsion must be regarded as legitimate". According to Judge Galecio, decree-law No. 81 confers upon the courts "the right of evaluating the motives on which the public authorities base their discretionary powers, in order to remove any doubt that they are arbitrarily or illegally exercised".

216. The opinion of Judge Galecio confirms the view of the Group expressed in its previous report (A/31/253, para. 504) of the "contrast between assertions and facts, between façade and reality". If the courts find it sufficient for the Government to indicate the legal texts conferring the power of expulsion, without requiring any further motivation, the Government may expel without judicial control any Chilean citizen whether he constitutes a danger to national security or not. The judgements in the case of the two lawyers tend to indicate that the courts have reduced amparo to a completely ineffective remedy for any arbitrary expulsion whatsoever.

217. Decree-law No. 81 requires also that "those who are the object of the measures of expulsion or banishment from the country will be able to select freely the place of their destination". In its judgement, the majority of the Court of Appeals noted that "the statement that the persons concerned were not given the free choice of destination was denied by the government representative, who said that they refused the offer to do so; thus, their assertion lacks credibility since no proofs of it have been furnished". Judge Galecio however considered that the

expulsion was carried out in violation of the requirements of decree-law No. 81 because "the authority charged with carrying out the expulsion is duty bound to give the person affected a reasonable opportunity to make that selection, a selection which is not free if it includes pressure or if the destination is previously fixed by the same authority carrying out the decree. There is no selection, if there is no possibility of choice; nor is it free, if no opportunity is given to explain the decision".

218. The Supreme Court stated that "even assuming that in the execution of the order in question the right of the person protected by amparo to choose his destination was ignored, such an omission would not invalidate the order, since what is involved is a right deriving from the order and not a circumstance or element included in the order; and this right therefore does not affect the decision on the application for amparo". The courts of justice are not exercising their powers to control the legality of acts by the administration, even as concerns action under the Government Junta's own constitutional acts and other enactments, and this encourages arbitrariness. These judgements tend to confirm the observation made by the Group in its previous reports that the Government ignores the provisions of its own decree-laws and that the courts as they function at present do not provide a remedy against such violations.

219. The Court of Appeals referred in its judgement to the fact that it had been argued in the courts that the "United Nations Covenant on Civil and Political Rights, which lays down that expulsion from a country cannot apply to nationals, constitutes a treaty inasmuch as it was ratified by our Government in February 1972 and has been in force since 22 March 1976, that its application must prevail over national legislation, and that it accordingly has had the effect of derogating from article 2 of decree-law 81". The majority of the Court of Appeals was of the opinion that "this is an issue which, because it has reference to a rule of constitutional rank, does not enjoy the priority attributed to it". In his dissenting opinion, Judge Galecio disputed that decree-law No. 81 had a constitutional status.

220. However, the above-mentioned part of the opinion shared by the majority of the Court of Appeals was deleted by the judgement of 25 August 1976 of the Supreme Court. In deleting this part, the Supreme Court avoided the controversy about the constitutional character of decree-law No. 81. Moreover, the Supreme Court added to this judgement that "the International Covenant on Civil and Political Rights adopted by a resolution of the twenty-first session of the General Assembly of the United Nations on 16 December 1966 ... has not been promulgated as a law of the Republic and, for that reason, cannot serve as a legal precedent to justify the repeal of article 2 of decree-law No. 81 of 1973".

221. The Group was surprised to learn that the Covenant, which was ratified by Chile on 10 February 1972 and entered into force on 23 March 1976, was denied at present any legal effect as regards the internal legal order of Chile. This appears to be in sharp contrast with the declaration of the Government of Chile to the effect that Chile recognizes and respects the Covenant (A/C.3/31/SR.46, para. 19) and will continue to perform its obligations under the Covenant (A/C.3/31/6, chap. XII, 5).

222. The aforementioned decision of the Supreme Court, taken in conjunction with the statement by the representative of Chile before the Third Committee of the General Assembly denying the Group's right to refer to the International Covenants

on Human Rights as constituting accepted standards of international law, leads the Group to believe that the present régime in Chile is not prepared to enact legislation that incorporates the provisions of the Covenant in the national legislation.

223. The Group wonders how it is possible to give effect to the rights recognized in the Covenant if the courts deny it any legal effect in the internal order. In order to fulfil its obligations under article 2, paragraph 2, of the International Covenant on Civil and Political Rights ^{5/} the Government of Chile has the obligation to take the necessary steps to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the Covenant.

224. In any event, it is the firm opinion of the Group that now that the Covenant has entered into force it establishes the obligation for any State that has ratified it to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant (see article 2, para. 1, of the Covenant). No omission of the executive, no decision of the judiciary can diminish the extent of the international commitment of Chile to abide by the provisions of the Covenant.

New developments in the situation of exiled persons

225. As recalled by the Government of Chile in its observations (A/C.3/31/6, chap. VII), the Group had drawn the attention of the representatives of the Government of Chile to difficulties experienced by Chileans who had been expelled and whose passports were stamped "Valid only to leave the country" (A/31/253, paras. 420-421). The Government of Chile stated in its observations (A/C.3/31/6, chap. VII) that on 21 September 1976 the President of the Republic had instructed all Chilean consulates "to extend and renew the passports of all Chileans, omitting the statements which caused problems or trouble".

226. While the Group regards this, in the present situation, as a very encouraging sign - as already stated in its report to the General Assembly (A/31/253, para. 421) - the Group has also to restate that expulsions under present conditions of political arbitrariness constitute in themselves a violation of the right of everyone to enter his own country, as recognized in article 12, paragraph 4, of the International Covenant on Civil and Political Rights. The Group has, however, become aware of several passports issued after 21 September 1976, bearing the annotation "Valid only to leave the country". Photocopies of such passports, belonging to persons who have authorized the Group to reproduce them, appear in annex XX to this report.

^{5/} Article 2, paragraph 2, reads: "Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant."

227. According to El Cronista of 26 October 1976, the Ministry of the Interior issued information to the effect that Chileans who had left the country after taking asylum or without complying with the legal provisions in force may apply for permission to return to Chile by sending a formal request to the Minister of the Interior. Such applications must be transmitted through the appropriate consul. Persons making such application must state therein that they undertake not to engage in any political activity and to respect fully the suspension of political parties.

228. The Group fervently hopes that this measure will constitute a first step in the direction of the full respect of the right of return of the Chileans who left the country after the military coup in September 1973 without risk of reprisals for prior alleged activities in Chile or abroad or fear of repression for future legitimate conduct. The Group wishes to recall that the right of everyone to enter his own country is a right that may not be subjected to any condition or prerequisite. Moreover, the obligation imposed on the persons concerned to undertake to refrain from fostering or taking part in any political activity could lead to violations of articles 18 (right to freedom of thought, conscience and religion), 19 (right to freedom of expression), 21 (right of peaceful assembly) and 22 (right to freedom of association) of the International Covenant on Civil and Political Rights.

Recent cases of deprivation of nationality

229. The Group has been informed of some recent cases of deprivation of Chilean nationality. In particular, it was mentioned in Chilean newspapers 6/ on 21 September 1976 that Mr. Volodia Teitelboim Bolosky, a former member of Parliament, had been deprived of his Chilean citizenship by a decree issued on 10 June 1976. On 21 October 1976, El Cronista reported that Mr. Jaime Suárez Bastidas, Ministro Secretario General in the previous Government, had been deprived of his nationality because he "promoted from abroad an active publicity campaign aimed at the isolation of the country, making slanderous charges against the supreme authorities of the Government, and the chiefs of the Corps of Carabineros". On 10 September 1976, the Government issued a decree depriving Mr. Orlando Letelier of his Chilean nationality. The decree followed an official accusation that Mr. Letelier had helped instigate a boycott of Chilean products by Dutch dockworkers and a campaign against a Dutch mining investment in Chile. On 21 September 1976, 11 days after being deprived of his nationality, Mr. Letelier was murdered in Washington, D.C.

Assassination of Mr. Orlando Letelier

230. Much concern was expressed as to the conditions and motivations of that act. It may be recalled that Mr. Orlando Letelier died in Washington, D.C., as a result of injuries suffered when his car was blown up as he drove through the city. His secretary was also killed and her husband injured. Mr. Letelier, who was 44 years old, had been successively Chile's Ambassador to Washington, Foreign Minister and Minister of Defence in the previous régime. A well-known economist and a former official of the World Bank, he was at the time of his death Director of the Transnational Institute, a division of the Washington-based Institute for Policy Studies.

6/ Las Ultimes Noticias and El Cronista.

231. In an article published by the New York Times on 21 September 1976, Mr. Letelier wrote a few days before his death:

"Because of my position as Minister of State and Ambassador [to the States] of the constitutional government of Chile, I was incarcerated in the concentration camp on Dawson Island until I was expelled from the country without any formal charges ever being made against me. I was not granted any of the basic rights guaranteed by the Constitution or by the laws of my country. Among other violations, I was deprived of my passport and thus of my status of a Chilean abroad. Many of my fellow countrymen were subjected to the same arbitrary measures."

232. The Chilean Government, through a press release in Santiago the day of the murder, "lamented what had happened and reiterated its most fervent repudiation of every act of terrorism". The Chilean Ambassador to the United States, Sr. Manuel Trucco, following his Government's instructions, requested the State Department that the matter be investigated thoroughly.^{7/} The State Department expressed serious concern about the death of Letelier and its most profound regret to his wife and family.^{8/}

233. The follow-up investigation has been assigned to the Federal Bureau of Investigation as well as to the District of Columbia police.^{9/} Mr. Richard Barnet and Mr. Marcus Raskin, directors of the Institute for Policy Studies, requested the designation of a federal prosecutor with special powers to investigate the crime,^{10/} and asked that the Government and Congress investigate the relationship between the Central Intelligence Agency and the Dirección de Inteligencia Nacional de Chile (DINA).^{11/}

234. The Chilean socialist leader, Carlos Altamirano, stated that the Chilean Government was directly responsible for the assassination of Letelier.^{12/} Friends and colleagues of Letelier said that he had received threats against his life if he continued his criticism of the Junta.^{13/} The Chilean Ambassador to the United States, Mr. Trucco, described as incredible the attacks being made against his Government.^{14/} The Chilean papers denounced the attack as part of an international conspiracy against Chile.

^{7/} El Cronista, 22 September 1976.

^{8/} La Tercera de la Hora, 22 September 1976.

^{9/} Ibid., 22 September 1976.

^{10/} El Cronista, 24 September 1976.

^{11/} La Tercera de la Hora, 24 September 1976.

^{12/} El Mercurio, 24 September 1976.

^{13/} Ibid.

^{14/} La Tercera de la Hora, 23 September 1976.

V. FREEDOM OF ASSOCIATION

235. In its previous report, the Working Group noted (A/31/253, paras. 437-439) the continuing curtailment by the Government of Chile of trade union rights, including the right to hold elections, the right to collective bargaining and the right to strike.

236. The General Assembly in its resolution 31/124 of 16 December 1976 called once more upon the Chilean authorities to respect the right of everyone to freedom of association with others, including the right to form and join trade unions for the protection of his interests. However, recent information available to the Working Group does not indicate any significant improvement of the situation in this particular area of human rights. 1/

237. The ILO Committee on Freedom of Association in its 161st report, 2/ issued in November 1976, noted that the trade union legislation which is to complement the new constitutional provisions in Chile has not yet been enacted. Consequently, the limitations on trade union activities are still in force over three years after the change in government. Trade union organizations are deprived, at least partly, of the exercise of certain rights essential for their normal operation, particularly as regards elections, meetings, the presentation of claims, collective bargaining and strikes.

238. Evidence before the Group reveals that as a result of an open letter addressed to the Chilean Government on 28 May 1976 by 10 trade union federations, repressive measures against trade unions have been intensified in Chile: collective contracts have been suspended, and trade unions are experiencing increasing difficulties in carrying out their normal activities. The process of "national trade union co-ordination" and "provincial trade union co-ordination", which was initiated in February 1976 and has been pursued with greater intensity since August 1976, will have the effect of bringing all the trade unions in the country under the tight control of the Government.

239. A trade union has to inform the police two days in advance of its intention to hold a meeting, and, as reported in the Frankfurter Allgemeine Zeitung of 4 October 1976, 40 per cent of the meetings requested are not permitted by the authorities. According to recent information received by the Group, the meeting of the National Council of the Sindicato de Comercio y Cooperativas 3/ and the meeting of the National Council of the Confederación Marítima Chilena, 4/ which were to be held in Valparaiso, were not authorized by the Chilean authorities.

1/ Information furnished by the Trade Unions International of Public and Allied Employees.

2/ ILO document GB.201/11/24, para. 16.

3/ Hoy, 13-14 November 1976.

4/ Hoy, 23 November 1976.

240. The withdrawal of recognition of the legal personality of trade unions has been increasingly denounced and criticized in recent months in Chile. The Working Group has been informed that the following trade unions have been affected by these measures:

(a) Sindicato Profesional de Empleados de Estaciones de Servicio AGRITEC Ltda.;

(b) Sindicato de Empleados y Obreros de Bodegas Weir Scott SA;

(c) Sindicato de Obreros de Fábricas de Subproductos del Matadero de Santiago;

(d) Sindicato Profesional de Empleados Linotipistas y Técnicos of the newspapers El Austral and Gong of the Sociedad Periodística del Sur;

(e) Sindicato Provincial de Obreros Electricistas. 5/

241. Moreover, it has been reported to the Group that on 8 November 1976, 17 trade unions were dissolved in various parts of the country. 6/

242. Allegations that trade unionists have disappeared following arrest motivated the ILO Committee on Freedom of Association in its latest report 7/ to recommend that the Governing Body express its concern and request the Government of Chile to undertake new investigations regarding certain missing trade unionists, in respect of whom the Government had stated that it had no information, and communicate the results as soon as possible.

243. Nevertheless, information available to the Working Group indicates that some members of trade unions are still missing in Chile. The following list has recently been provided to the Group: 8/

Bernardo Araya Zuleta

Luis Emilio Recabarren González

Miguel Luis Morales Ramírez

Jaime Patricio Donato Avendaño

Uldaricio Donaire Cortés

5/ Hoy, 6 October 1976.

6/ Information furnished by the World Federation of Trade Unions. The same information was given in an article published in Hoy of 9 November 1976.

7/ ILO document GB 201/11/24, para. 82.

8/ Information furnished by the Vicaría de la Solidaridad.

César Cerda Cuevas

Héctor Manuel Rojas

Guillermo Albino Martínez Quijón

Juan Héctor Moraga Garcés

Juan Antonio Giannelly Company

Jorge Solovera Gallardo

Barió Francisco Godoy

Nicholás Alberto López Suárez

José Enrique Corvalán Valencia

Carlos Mario Vizcarra Cofre

Julio Roberto Vega

Aroldo Pérez Santibáñez

Mario Jesús Juica Vega.

VI. INTELLECTUAL FREEDOMS

244. The General Assembly, in its resolution 31/124 of 16 December 1976, called once more upon the Chilean authorities to guarantee the right to intellectual freedom. The General Conference of UNESCO, in its resolution 14.1 of 29 November 1976, once again urged the Chilean authorities to take the necessary measures, without delay, to restore and safeguard the human rights set forth in the Universal Declaration, particularly as regards education, science and culture.

245. The Chilean Constitutional Act No. 3 of 11 September 1976 ^{1/} puts great emphasis on intellectual freedoms. The Act contains provisions dealing with the freedom to express opinions and to disseminate information without prior censorship, the right to receive truthful and objective information on national and international affairs, the right to education and freedom of instruction. It is doubtful, however, that true freedom of information and intellectual freedom can exist in Chile as long as article 11 of constitutional act No. 3 remains in force, since it declares unlawful and contrary to the institutional order of the Republic any act by persons or groups committed for the purpose of disseminating doctrines detrimental to the family or advocating a concept of society based on class struggle or inimical to the established régime.

246. The Working Group is still receiving information suggesting that education in Chile continues to be under tight surveillance and control by the military Junta. For instance, the attention of the Group was drawn to circular No. 61 of 7 October 1976 issued by the Vice-Rector of Student Affairs of the University of Chile, according to which it is strictly prohibited to hold student meetings without the express approval of the dean of the respective faculty or his substitute; to place posters or distribute pamphlets, signed or unsigned, regarding university problems or any aspect of governmental policy; and to publish or circulate written texts in any form (e.g. pamphlets, magazines, offprints) produced by university students in any academic unit.

Education and research in universities and at other levels

247. As far as the general conditions of education in Chile are concerned, recent information received by the Group indicates that the whole educational system, far from improving, is seriously deteriorating. This situation is confirmed by the description of intellectual life in Chile given by Professor Claude Frioux in a report he prepared after a visit to Chile in August and September 1976. ^{2/} Professor Frioux notes in particular that teaching and research in the social sciences have been almost completely suppressed in all the universities. For example, in the Faculty of Law of the University of Chile the courses are now merely of a practical nature, and no attention is paid to social problems. He also observes that in this faculty the professors are under strict surveillance by the military rector and his agents.

248. In the field of applied science and technology, information ^{3/} available to the Group indicates that the main objective of the association between the Chilean Government and a North American multinational corporation has been to entrust to

^{1/} A/C.3/31/6/Add.1, annex 6; see also paras. 62-63.

^{2/} Claude Frioux, "Rapport sur la situation des universités et de la culture au Chili" (September 1976).

^{3/} Chile Democrático, "Situación de la educación en Chile, diciembre de 1976" (December 1976).

that corporation all the programmes of research in this field that were formerly carried out by universities or other institutions of higher education. The director of the present programme has stated that in the present situation research should be conducted for practical rather than scientific purposes.

249. Many educational institutions at different levels and in other fields, such as adult education and artistic training are reported to have ceased to function.

250. Although the Chilean Government ^{4/} has stated that student enrolment has been maintained at the 1975 figures, information available to the Group demonstrates the opposite. For instance, a report ^{5/} on university enrolment shows that since 1973 there has been a 27 per cent reduction in the number of places available at the university level which thus fell from 47,000 to 34,500. Previously, from 1965 to 1973, the number had been increasing at the rate of 6.2 per cent a year. At the level of secondary education, increased costs and economic problems have compelled many parents to withdraw their children from schools, and attendance among poor families has dropped by 12 per cent. In line with the policy of increasing private control of the universities, grants have diminished by 47 ^{6/} 47 per cent and students now have to pay 70 per cent of the tuition fees. ^{7/} It was reported to the Group that, while there were 4,000 new students registered in 1976 in the University of Concepción only 3,500 will be accepted in 1977. ^{7/} In addition to the budgetary cuts facing Chilean universities and the high tuition fees, there have been massive dismissals of students. In the University of Chile, 300 students were dismissed from the Social Science Faculty in January 1976 and a further 80 in March 1976.

Dismissals and exodus of teaching staff

251. Reported dismissals of academic staff continue to arouse serious concern and to be criticized by the international press, despite the assertion by the Chilean Government that "university staff were not dismissed but their working hours were reduced to make them commensurate with the real needs". ^{8/} It has been reported in the Frankfurter Allgemeine of 18 October 1976 that universities in Chile have lost 30 to 35 per cent of their teachers, that recently dismissals of 5 to 10 per cent of the teachers have taken place, and that the quality of teaching at present is low. Moreover, in his report Professor Frioux has stated that intellectual life in the present situation in Chile has been seriously affected by massive expulsions of professors which culminated in the dismissal of 40 per cent of the academic staff. Since August 1976, the Chilean Government has multiplied these dismissals, which are mainly aimed at persons in academic life who have had some link with the Christian Democrats. Professor Frioux cites the case of the ex-Minister of Education, Professor Maximo Pacheco, who has been expelled from the Faculty of Law of the University of Chile on the grounds that

^{4/} A/C.3/31/6, chap. IX, sect. A,4.

^{5/} Report prepared by Galo Gomez Oyarzun, former Vice Rector of the University of Concepción, quoted in Chile Committee for Human Rights, Newsletter No. 12, December 1976, p.4.

^{6/} Chile Democratico, op. cit., p.9.

^{7/} Ibid., p.10.

^{8/} A/C.3/31/6, chap. IX, sect. A,2.

he had some ties with the Christian Democrats. The same measures were taken against Professor F. Cumplido, who was also teaching in the Faculty of Law of the University of Chile. ^{9/} According to Professor Frioux's report, in the summer of 1976 a total of 80 professors were dismissed from the University of Chile. He was told by the Admiral-Minister of Education that the objective of the Junta was to eradicate from public life all Christian Democratic elements. It was also reported to the Group that 225 members of the teaching staff were dismissed from the University of Concepción in January 1976 and 20 additional staff in August 1976. ^{10/} The problem of unemployment coupled with close surveillance by the military Junta has compelled many members of the teaching profession to leave Chile for other Latin American countries.

Press and publications

252. As regards press and publications the information received by the Group shows that the restrictive measures imposed by the Chilean authorities add to the difficulties resulting from the prevailing economic conditions. Professor Frioux, in his report, indicates that out of 800 professional journalists in Chile 400 are presently unemployed.

253. According to other information received by the Group, freedom to express personal views on matters of national interest remains dependent upon political considerations. It was thus reported that the board of directors of Editorial Jurídica de Chile asked for the resignation of ex-senator Juan Hamilton, the manager of that publishing company, because of his express support of the lawyers Castillo and Velasco. ^{11/}

254. Cases of expulsion of journalists have come to the attention of the Group. An article published in Hoy of 16 September 1976 reported that a Spanish journalist who arrived in Santiago on 9 September 1976 was detained with his wife for three days, during which they were not permitted to communicate with the Spanish Consulate. It was alleged that he was taking a photograph of a child begging. They were later expelled from Chile and their photographic equipment was confiscated by the Chilean authorities. Another article published in Hoy of 20 October 1976 reported that two Danish journalists had been expelled from Chile.

Radio and television

255. Despite the denial of the Chilean authorities that censorship affects radio and television news, an article published in the Frankfurter Allgemeine Zeitung of 18 October 1976 stated that decree-law No. 1281 of 10 December 1975 was still in force in Chile and was regarded as giving "carte blanche" to local military authorities to curtail the free expression of the mass media. Restrictions on freedom of expression consisted not only in closing down facilities but in exercising

^{9/} Chile Democratico, op. cit., p.9.

^{10/} Ibid., p.10. Also see Chile Committee for Human Rights, Newsletter No. 12, December 1976, p.4.

^{11/} See Hoy, 17 August 1976, quoting from La Tercera de la Hora.

pressure behind the scenes and imposing self-censorship. According to the same article, journalists nevertheless continue to express their opinions as freely as they can; "Radio Balmaceda", the Catholic station "Radio Chilena" and the private station "Radio Santiago" still voice criticism of the régime. Nevertheless, according to an article published in Le Monde of 1 February 1977, "the Balmaceda Radio Station, belonging to the Chilean Christian Democrats, was closed down on Saturday, 29 January 1977, by the military authorities of the province of Santiago. General Julio Canessa, Commander of the military region, accused the Christian Democrats, without giving any details, of violating in their broadcasts the ban on all political activities imposed in September 1973 after the coup d'état".

256. The Group has received the text of an order, issued by a military zone commander under the provisions of the Law on the Security of the State, prohibiting the broadcasting on radio or television of any news, statements or communications concerning the measures taken in connexion with the expulsion of the lawyers Castillo and Velasco and the incidents that took place at Pudahuel Airport on 15 August 1976. 12/ The decision was motivated by the fact that the coverage of these events by the information media and their public discussion represented "a flagrant violation of the political recess" and were "designed to disturb law and order".

12/ See A/13/253, para. 475.

VII. ECONOMIC AND SOCIAL RIGHTS; THE SITUATION OF
WOMEN, CHILDREN, YOUTH AND THE FAMILY

257. In commenting on chapter XI of the Ad Hoc Working Group's report to the General Assembly (A/31/253) the Government of Chile asserted that the Working Group's view regarding the unsatisfactory economic situation of the poorest strata of the population - a view the Group had also emphasized in its previous report to the Commission on Human Rights (E/CN.4/1188) - was based on "no additional information", and that the Ad Hoc Working Group "seems to have forgotten that Chile is a developing country which in common with other developing countries has suffered from recession, a decline in the price of its main export commodity, and the rise in fuel costs" (A/C.3/31/6, chap. XI, sect. A). The Chilean Government, moreover, maintained that during 1976 Chile would spend more than \$US 100 per capita on social welfare (ibid.).

258. The Group considers it necessary, in view of the foregoing, to reaffirm that the statements contained in paragraphs 492 to 494 of its report (A/31/253) were based on the extensive documentation before the Group, as well as on the testimony of numerous witnesses. Secondly, the Group cannot agree that it has been unmindful of Chile's status as a developing country or of the effects on Chile's economy of the unfavourable international economic situation which has prevailed in recent years. The Group considers it necessary to emphasize in this connexion that its main concern has been that the economic and social policies pursued by the Government of Chile since 11 September 1973 have caused the burden arising from Chile's economic and social difficulties over the past three years to fall to an excessive extent on the poorest strata of the population. Moreover, the Group has received further evidence indicating that deliberate discriminatory economic measures are taken to the detriment of persons opposed or considered as potentially opposed to the present régime. These measures are directed against members of the families of political detainees and persons active in labour organizations, and the Group has even been informed of the firing from his job of a parent of a politically active student. Recent information provided to the Group makes it clear that the Group's concern in this regard has been and continues to be justified.

259. Against the broad pattern of the very high inflation rates which have prevailed in recent years and which have affected most adversely those least able to protect themselves, namely, the poorest sections of the population, there has occurred in Chile over the past three years, according to information available to the Group, 1/ a dramatic redistribution of national income, amounting to a reduction from a 62.9 per cent share of national income for workers and employees to 38.2 per cent. The purchasing power of these groups over the same period has declined by more than 50 per cent. The unemployment rate - which in the Greater Santiago area, for example, was about 4 per cent in 1973 - has been at a level five times higher until recently, when it began to show a real decline.

1/ In this connexion, see e.g. Esprit, October 1976; Neue Zürcher Zeitung, 4 November 1976; Le Nouvel Observateur, 3 January 1977.

According to the National Institute of Statistics of Chile, the total unemployment in the Greater Santiago area declined from 20.5 per cent in March 1976 to 12.2 per cent in November 1976; 2/ the latest figure, covering December 1976, indicates that the level remained at a rate slightly higher than 12 per cent. 3/

260. Statistics published in the international press provide a graphic illustration of the deterioration in living standards of the poor in Chile in this decade. According to one estimate, the minimum wage in August 1976 reached a maximum of 1,000 pesos (family allowances and indemnities included), whereas the basic food costs for an average family of two adults and three children amounted at that time to approximately 1,260 pesos. 4/ Another source pointed out in this connexion that whereas the entire minimum wage in Chile today covers only 80 per cent of a family's food needs, in 1969 families earning a minimum wage needed to spend only slightly more than 50 per cent of their wages to meet all their essential food requirements. 5/

261. The Working Group cannot refrain from observing that, difficult as the situation of those earning a minimum wage is, they are still in a relatively enviable position when compared with the occasionally employed, such as those who are able to participate in the Minimum Employment Programme, and even more so when compared with the large number of unemployed. With regard to this latter group, the international press and other sources 6/ have reported the particularly distressing fact that a survey of nearly 10,000 children belonging to unemployed families in Chile found 66.4 per cent of them clinically undernourished. An even higher figure was reported by the Vicaría de la Solidaridad in the southern zone of Santiago, where a survey found 76 per cent of the 10,000 children under the age of 14 being served food at church canteens to be undernourished. 7/

262. According to international press reports, 8/ the social consequences of this severe decline in income and purchasing power of large sections of the population continue to be grave and in some cases are even getting worse. It was reported as recently as November 1976 that Chilean social workers were alarmed by increases in abortions, delinquency, prostitution and alcoholism and in the number of cases where women are forced by poverty to leave their homes and to place their children with relatives who are better able to care for them. El Mercurio noted in an article appearing on 16 December 1976 (in the context of the desire expressed by the Chilean authorities to remedy this situation) that there were 6,000 vagrant children between the ages of 7 and 13 to be found begging on the streets of Santiago. In other reliable reports deep and growing concern has been voiced about the deleterious psychological impact on families

2/ For the complete figures, see Qué Pasá, 23 December 1976, as provided by the Government of Chile.

3/ El Mercurio, 23 December 1976.

4/ Neue Zürcher Zeitung, 4 November 1976. At the official exchange rate of 1 December 1976 (\$US 1 = 16.62 Chilean pesos), 1,000 pesos and 1,260 pesos correspond to approximately \$US 60 and \$US 76 respectively.

5/ International Herald Tribune, 9 December 1976.

6/ Neue Zürcher Zeitung, 4 November 1976; Chile Committee for Human Rights, London Newsletter No. 12, December 1976.

7/ Solidaridad, No. 7, October 1976.

8/ Neue Zürcher Zeitung, of 4 November 1976.

caused by the increasing number of unexplained disappearances of family members. In view of the foregoing, the Group is obliged to confirm its earlier findings with regard to the unsatisfactory nature of the economic, social, nutritional and health situation of the poorer strata of the population in Chile and to express its continuing concern about the present situation. In this context, the Group regrets to note that, according to information from Chilean sources, ^{9/} government outlays for public health declined from 9.3 per cent of the national budget in 1973 to 5.3 per cent in 1976 and that there was a comparable, although less severe, decrease in public spending for education.

263. The Working Group has taken note of certain significant data supplied by the Government of Chile in document A/C.3/31/6 and of a number of important elements in President Pinochet's statement of 11 September 1976 that are relevant to these questions. Among these is the information regarding Chilean government allocations for social expenditures in 1976 ^{10/} and the expansion of, *inter alia*, such social rights as the right to education, to health and to work, contained in the Act on Constitutional Rights and Duties promulgated on 11 September 1976. The Group also notes that the expected reduction of the inflation rate to under 200 per cent by the end of 1976, combined with the Government's policy of providing quarterly wage adjustments, has, according to reports in the Chilean press, ^{11/} apparently slowed to a degree the rate of erosion of the workers' purchasing power in 1976. ^{12/}

264. The Group considers two of President Pinochet's policy pronouncements in his statement of 11 September 1976 of special significance in dealing with the most immediate needs of the disadvantaged sectors of the population. First his statement that "the Government's investment in plans relating to food, health, low-income housing and basic and pre-basic education is being directed towards effectively redistributing state social assistance to the extreme poverty sectors". Secondly his announcement that "with regard to the Minimum Employment Plan, the Government has ordered that the necessary resources be provided so that everyone, without exception, who needs to do so may join it". These and similar policies, if effectively implemented, could, in the view of the Group, result in an amelioration of the current employment, nutritional, health, housing and educational problems affecting the Chilean population, particularly those who are most disadvantaged.

^{9/} El Mercurio, 5 January 1976; Center for International Policy, Washington, D.C., International Policy Report, September 1976.

^{10/} Approximately 1,000 million pesos. For further details, see A/C.3/31/6, chap. XI, sect. A.

^{11/} El Mercurio, 23 December 1976.

^{12/} With regard to the decline in the inflation rate, see also Die Presse - Die Welt, Gemeinsame Beilage No. 23, 28 January 1977.

VIII. CONCLUDING OBSERVATIONS

265. As stated earlier, the present report is to be considered as updating the report which the Ad Hoc Working Group submitted to the General Assembly at its thirty-first session. A relatively short period of time has elapsed since the adoption by the Group of that report and only two months since its discussion by the General Assembly. Upon further review of the considerable amount of written and oral information emanating from the Chilean Government and from non-governmental Chilean and non-Chilean sources, received since September 1976, the Group finds grounds for confirming the essentials of its previous assessment of the situation of human rights in Chile.

266. The Group wishes to insist that it has maintained and maintains the most absolute impartiality and endeavours to be as objective as possible in its appraisal of facts. It is clear, of course, that objectivity is not achieved merely by affirming one's honesty. The Group submits the matter of the objectivity of its reports to the judgement of those who established its mandate, rather than of those who may have an interest in impugning it. The members of the Group were selected on their personal capacity and not as representatives of States, and their designation was made after careful examination of their personal and political backgrounds. For this reason, it has never paid attention to the facile and inopportune criticism that has been addressed to it in this respect.

267. It will be recalled that in the concluding observations of its reports, adopted unanimously by its five members, the Group referred to the fact that under the prevailing norms of international law, the functions being performed by the Group were of a delicate nature, to the large amount of information and documentation which it had examined, and to the similarity of its own findings and conclusions to those of bodies conducting parallel activities such as those working within the Inter-American system. It dwelt on the importance for the full performance of the task entrusted to it of an actual on-the-spot inquiry in Chile conducted under suitable conditions. Its conclusions as to the situation of human rights in Chile were that developments since the previous year, though showing certain changes, did not indicate significant progress in the restoration of human rights. A principal conclusion of the Group was that the prolongation of the state of siege as justification, in particular, for the maintenance of controls over liberty and security of persons and for granting unlimited and uncontrolled powers to the State police - the DINA - was in the opinion of the Group the main reason for the state of affairs as described, and the main area in which action should be taken to bring the conditions of human rights in Chile into conformity with internationally accepted norms.

268. The major developments regarding the situation of human rights in Chile that have taken place since the previous report of the Group are the proclamation of three constitutional acts and the release on 17 November 1976, of 302 political prisoners, including most of the persons mentioned in the telegrams sent by the Chairman of the Commission on Human Rights during the thirtieth and thirty-second sessions of the Commission.

269. However, the constitutional acts, including Act No. 3 ("Constitutional rights and duties"), are far from being in conformity with the International Covenants on Human Rights ratified by the Chilean Government. The rights and duties proclaimed in those Acts are to be construed in the light of the principles set forth in the preambular paragraphs and in some provisions, with the consequence that human rights cannot be guaranteed without discrimination. Moreover, the overwhelming majority of the provisions are not self-executing. They depend for their application upon the enactment of further laws defining their content or the scope of their application. Furthermore, it may be noted that although the International Covenants on Human Rights were ratified by the Chilean Government, which admits that it is bound by them, the necessary measures have not yet been taken to enact their provisions into Chilean law. On this basis, the Chilean Supreme Court held on 25 August 1976 that the provisions of the Covenants could not be invoked by Chileans for the protection of their rights before the courts.

270. The constitutional instruments enacted seem to have institutionalized the state of emergency as the normal order in Chilean society. The safeguard of national security remains the paramount goal.

271. The Government in power tries to eliminate by one means or another all elements of actual or potential opposition to the régime.

272. Arrest, detention, expulsion and exile of Chileans who are suspected opponents of the régime continued in the period under consideration. The number of persons tortured appears to have diminished, although the methods of torture have become more subtle. Torture of detained persons remains a regular practice of the DINA. The rate of disappearances has considerably increased. Persons reported missing frequently turn up dead under suspicious circumstances. Government investigations of cases of persons reported missing and persons found dead under suspicious circumstances are incomplete or inadequate, if they take place at all.

273. Some places of detention and imprisonment on the official list have ceased operation, and some places of torture have been abandoned. But other houses, villas, schools and army installations appear to serve the same purposes. The previous report of the Group has already stressed some of the adverse effects of the switching from "official" detention camps to "unofficial" places of detention. In the latter case, the families and the lawyers have no means of finding out about the fate of the victims.

274. An element which may not have been sufficiently emphasized from the point of view of human rights was described to the Group by a recent visitor to Chile with access to persons who try to help the victims of the policy of repression. It is the atmosphere of fear which dominates the population. Interventions by such personalities as the Minister of Justice or the President of the Supreme Court are ineffective. The President of the Council of State himself, a former President of Chile, Mr. Alessandri, replied as follows on 28 December 1976 to a person who had asked for his intervention:

"I have received your note of 21 December in which you request my assistance in obtaining news of your father, Mr. Fernando Ortiz Rojas, who, you say, was arrested on 15 December by Security Service agents. In this connexion, I must inform you that if, as you state in your letter, the President of the Supreme Court, who is legally empowered to do so, has intervened in this case and his action has met with no success, it is ridiculous to suppose that I can do anything about the matter. On several occasions I have taken action simillar to that which you request of me, and every time I have been informed that there is no information which would make it possible to say that the persons in question are being held. Since I have no influence of any kind where this Government is concerned, I have for some time refrained from taking action of this nature, which leads to nothing and results in loss of hope for the persons concerned. I most sincerely regret the situation in which you find yourselves and ask you to understand the circumstances which I have described."

275. The Group, while recognizing that the UNHCR and many States Members of the United Nations have done their best to resettle refugees, appeals for further efforts and stronger measures to solve the refugee problem in a humanitarian manner.

276. The DINA, the main agency of Chilean internal security, continues to exercise unlimited powers. Such an agency, whose operations can reach into practically every element of daily life, is contrary to the principles of the International Covenant on Civil and Political Rights and of respect for humanity. In this context, it should be pointed out that reports circulating to the effect that the International Committee of the Red Cross plans to close down its activities in Chile do not conform to the information received by the Group from authoritative sources.

277. As a consequence of the political situation, the economic situation in Chile is still precarious, although the inflation rate has decreased. However, the Group found that if the announced economic policy of the Government is effectively implemented in a non-discriminatory manner, the problems currently affecting the Chilean population, particularly the most disadvantaged among them, in the fields of employment, nutrition, health, housing and education may be alleviated.

278. The Group wishes to repeat its hope that the promising elements of the past months will be followed by other measures the effectiveness of which the international community might be allowed to assess. It has no doubt, in the light of repeated statements from many sources, that the concern of the United Nations and other organs of the international community is an important if not an essential element of a humanitarian solution of the problem. Many persons who have spoken or written to the Group have emphasized the comfort they derive from the active international concern and the hope they cherish that if it is maintained the situation will eventually improve. The Government of Chile itself does not seem to contest the importance of the international

interchange. It has transmitted to the Group a great amount of information, which the Group considers an important part of its documentation. The Group is also appreciative of the information given to it by the representatives of the Government of Chile who have appeared before it. It hopes that this assistance will evolve into a genuine co-operation, of which the people of Chile will be the beneficiaries. In this context, the Group wishes to reaffirm its conviction that its investigations can only be complete and final if the Chilean Government is convinced that a visit to the country is the most appropriate means by which the Group can fully comprehend and verify all the facts of the situation inside the country.

IX. ADOPTION OF THE REPORT

279. At the meeting held on 1 February 1977 the present report was unanimously adopted and signed by the members of the Ad Hoc Working Group of Experts. 1/

Leopoldo Benites (Ecuador)
Acting Chairman/Rapporteur

Abdoulaye Dieye (Senegal)

Felix Ermacora (Austria)

M.J.T. Kamara (Sierra Leone)

1/ Mr. Ghulam Ali Allana, Chairman/Rapporteur, was unable, for reasons of health, to attend the January meetings of the Ad Hoc Working Group.

Annex I

GENERAL ASSEMBLY RESOLUTION 31/124 OF 16 DECEMBER 1976

Protection of human rights in Chile

The General Assembly,

Reiterating its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms for all,

Recalling that, in accordance with the Universal Declaration of Human Rights, a/ everyone has the right to life, liberty and the security of person and the right not to be subjected to arbitrary arrest, detention or exile, or to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, unanimously adopted in its resolution 3452 (XXX) of 9 December 1975,

Considering that, in its resolution 3448 (XXX) of 9 December 1975, the General Assembly expressed its profound distress at the constant and flagrant violations of human rights which have taken place and continue to take place in Chile, including the institutionalized practice of torture, cruel, inhuman or degrading treatment or punishment, arbitrary arrest, detention and exile,

Reaffirming once more its condemnation of all forms of torture and of cruel, inhuman or degrading treatment or punishment,

Considering that its previous appeals to the Chilean authorities and, likewise appeals by the Economic and Social Council, the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the International Labour Organisation, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization for the restoration and safeguarding of basic human rights and fundamental freedoms in Chile have hitherto remained unheeded,

Bearing in mind resolutions 8 (XXXI) of 24 February 1975 b/ and 3 (XXXII) of 19 February 1976 c/ of the Commission on Human Rights,

Taking into account resolution 3 B (XXIX) of 31 August 1976 d/ of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

a/ General Assembly resolution 217 A (III).

b/ See Official Records of the Economic and Social Council, Fifty-eighth Session, Supplement No. 4 (E/5635), chap. XXIII.

c/ Ibid., Sixtieth Session, Supplement No. 3 (E/5768), chap. XX.

d/ See E/CN.4/1218, chap. XVII, part A.

Having considered the reports submitted by the Ad Hoc Working Group on the situation of human rights in Chile, e/ as well as the documents submitted by the Chilean authorities, f/

Taking note of the statement by the Chilean authorities of 16 November 1976, brought to the attention of the General Assembly by a letter from the Permanent Representative of Chile, g/

Commending the Chairman and the members of the Ad Hoc Working Group for the thorough and objective manner in which the report was prepared, despite the refusal of the Chilean authorities to permit the Group to visit the country in accordance with its mandate,

Concluding that constant and flagrant violations of basic human rights and fundamental freedoms continue to take place in Chile,

1. Expresses its profound indignation that constant and flagrant violations of human rights have taken place and continue to take place in Chile, in particular the institutionalized practice of torture, cruel, inhuman and degrading treatment and punishment, the disappearance of persons for political reasons, arbitrary arrest, detention, exile and cases of deprivation of Chilean nationality;

2. Calls once more upon the Chilean authorities to restore and safeguard, without delay, basic human rights and fundamental freedoms and fully to respect provisions of the international instruments to which Chile is a party and, to this end:

(a) To cease using the state of siege or emergency for the purpose of violating human rights and fundamental freedoms and, having regard to the observations by the Ad Hoc Working Group on the situation of human rights in Chile, to re-examine the basis on which the state of siege or emergency is applied with a view to its termination;

(b) To put an end to the practice of torture and other forms of cruel, inhuman or degrading treatment or punishment by Chilean State agencies, particularly the Dirección de Inteligencia Nacional, and to prosecute and punish those who are responsible;

(c) To clarify forthwith the status of individuals whose disappearance is attributable to political reasons;

(d) To release immediately those who have been arbitrarily arrested or detained without charge and those who are in prison solely for political reasons;

(e) To release, furthermore, those who are detained or imprisoned on account of acts or omissions which did not constitute a criminal offence at the time they were committed;

e/ A/10285, annex, A/31/253, annex.

f/ A/C.3/31/4, 5, 6 and Add.1.

g/ A/C.3/31/11.

(f) To guarantee fully the right of habeas corpus (amparo);

(g) To cease the arbitrary deprivation of Chilean nationality and to restore it to those who have been so deprived;

(h) To respect the right of everyone to freedom of association with others, including the right to form and join trade unions for the protection of his interests;

(i) To guarantee the right to intellectual freedom;

3. Deplores the fact that, despite previous assurances to the contrary, the Chilean authorities persistently refuse to allow the Ad Hoc Working Group to visit the country in accordance with its mandate;

4. Invites Member States, United Nations agencies and international organizations to take steps which they may consider appropriate as a contribution to the restoration and safeguarding of human rights and fundamental freedoms in Chile, in accordance with the purposes and principles of the Charter of the United Nations, and welcomes the steps already taken to this end;

5. Invites the Commission on Human Rights:

(a) To extend the mandate of the Ad Hoc Working Group, as presently constituted, so as to enable it to report to the General Assembly at its thirty-second session, and to the Commission, at its thirty-fourth session, with such additional information as may be necessary;

(b) To formulate recommendations on possible humanitarian, legal and financial aid to those arbitrarily arrested or imprisoned, to those forced to leave the country and to their relatives;

(c) To consider the consequences of the various forms of aid extended to the Chilean authorities;

6. Requests the President of the thirty-first session of the General Assembly and the Secretary-General to assist in any way they may consider appropriate in the re-establishment of basic human rights and fundamental freedoms in Chile.

Annex II

LETTER DATED 7 DECEMBER 1976 FROM THE CHAIRMAN OF THE AD HOC
WORKING GROUP ADDRESSED TO THE PERMANENT REPRESENTATIVE OF
CHILE TO THE UNITED NATIONS

I have the honour to inform Your Excellency's Government that a session of the Ad Hoc Working Group on the Situation of Human Rights in Chile will be held in Geneva from 7 January to 1 February 1976 for the purpose of preparing the report of the Working Group to the thirty-third session of the Commission on Human Rights, as provided for under paragraph 6 of resolution 3 (XXXII) adopted by the Commission on Human Rights on 19 February 1976.

The Working Group is desirous to obtain all possible co-operation of the Chilean Government in performing its tasks and would appreciate receiving any relevant written or oral information which Your Excellency's Government may wish to present for its consideration bearing in mind the Group's terms of reference. The Group will be ready to meet for this purpose with the representatives of Your Excellency's Government during its January 1977 session.

I would appreciate it if Your Excellency's Government could inform me of its intentions in this regard, c/o Division of Human Rights, Palais des Nations, Geneva.

Accept, Sir, etc.

(Signed) Ghulam Ali Allana
Chairman
Ad Hoc Working Group on Chile

Annex III

LETTER DATED 6 JANUARY 1977 FROM THE MINISTER FOR FOREIGN AFFAIRS
OF CHILE TO THE CHAIRMAN OF THE AD HOC WORKING GROUP a/

In reply to your note dated 7 December 1976, I am pleased to be able to inform you and, through you, the Ad Hoc Working Group of the steps taken by the Chilean Government under its traditional policy of respect for man and his inalienable rights and in accordance with the spirit and letter of the international undertakings entered into by my country.

1. I should like to draw your attention to the fact that the situation of human rights in Chile during 1976 is described in the documents submitted by the Chilean delegation in connexion with item 12 of the agenda for the thirty-first session of the General Assembly (A/C.3/31/4 and A/C.3/31/6 and Add.1).

2. In addition, in the course of the year, the Secretary-General and the Division of Human Rights were furnished with appropriate information concerning the measures which were taken and the developments which occurred in Chile during 1976.

3. Notwithstanding the aforementioned information, we should like to outline to the Working Group the situation of human rights in Chile as at 31 December 1976.

A. On 17 November 1976, the Government of Chile released all persons detained under the Law relating to the State of Siege with the exception of 16 persons whose release was contingent upon the availability of countries prepared to receive them, in the light of the danger which they posed to internal security and their repeatedly stated aim to attempt to overthrow the Government of Chile by means of rebellion and armed struggle; this is not counting the two cases referred to further on. The following is the list of these 16 persons:

Luz de las Nieves Ayress Moreno
Hernán Brein
Carlos Enrique Bruit
Patricio Bustos
José Cademartori
Gladys Díaz
Ricardo Frodden
Roberto Iturra
Alfredo Joignant
José Miguel Moya
Tito Palestro
Patricio Romano
Victor Toro
Cristián van Yurich
Daniel Vergara
Jaime Zurita

a/ Transmitted under cover of a note verbale from the Permanent Mission of Chile to the United Nations Office at Geneva dated 10 January 1977.

I am glad to be able to inform you that these 16 persons have been granted visas by various countries and, consequently, have now been released.

Special reference should be made to the situation of the two senior Chilean Communist Party leaders, Mr. Luis Corvalán and Mr. Jorge Montes. Luis Corvalán is now at liberty in the Soviet Union, following the agreement of the Government of that country to release the Soviet intellectual, Mr. Vladimir Bukovsky. A set of all the articles in the press containing the official statements of the Government of Chile and the reports of the news agencies is annexed to this letter.

As a result of the foregoing, only one person is now still being detained in Chile under the Law relating to the State of Siege; he is Jorge Montes.

The Chilean Government has publicly announced its intention to release Jorge Montes. To this end, it has urged the adoption of a procedure similar to that successfully followed in the case of Luis Corvalán for the purpose of securing the release of the political prisoner Mr. Hubert Matos; so far, however, despite the numerous international organizations which have interceded, this suggestion has not met with a favourable response, even in principle, from the Government of Cuba. The Government of Chile hopes that the international organizations in the United Nations system will use their good offices to see that this plan of the Government of Chile can be put into effect.

B. The Government of Chile considers it necessary to remind the Working Group that both Mr. Corvalán and the other 16 persons whose names are given above have never concealed their belligerent attitude towards the Government of Chile and their aim of disturbing and hindering the political evolution of the Republic on the basis of national reconciliation and respect for Chile's traditional political and cultural ideals and of replacing it by armed struggle in order to impose on the country an ultra-leftist Government dependent on international communism. This is confirmed by the official reactions of the Soviet press and by statements made by Mr. Corvalán, as reported by the wire services. Also attached to this letter is a photocopy of the most recent reports to appear in the Chilean press.

The Government of Chile wishes to make these comments to the Working Group because it has no doubt that the persons concerned will seek to appear before the Working Group as witnesses in order to give it false information serving their own political purposes. I trust that you and the Working Group, having regard to the information provided above, will not allow your work to be used for propaganda purposes against my country.

In this connexion, it may suffice to point out the single fact that His Excellency the President of the Republic took the decision to release these persons in the certain knowledge that they would use their freedom abroad to seek to impair the stability of Chile's institutions and to join the propaganda campaign against Chile.

Notwithstanding the foregoing and taking into account, as he was bound to do, the permanent interests of the country, as expressed in its tradition of humanism and high civic values, the President preferred to grant them their freedom, believing that, in the long run, the truth would prevail.

C. As a result of the release of the above-mentioned persons and the fact that, from 17 December to the present day, no further persons have been detained by reason of the state of siege, the places of detention have been closed, and Jorge Montes is the only remaining person held.

Furthermore, the International Committee of the Red Cross, in the light of the situation in Chile, has decided to transfer the staff which it had previously maintained in Chile to deal with the situation of the prisoners to other areas of the world where, in its view, their presence is more needed. The text of the relevant announcement is attached.

In addition, the Chilean Church has publicly expressed its satisfaction at the measures taken by the Supreme Government, and eminent leaders noted for their critical views have not hesitated to state publicly "Even the most bitter enemies of the Government of Chile cannot fail to acknowledge the value and importance of the measures taken by the Supreme Government in support of permanent human values".

D. The Government of Chile has been made aware by press reports that, in the face of the measures to which we have referred, leaders of the former Marxist Government of Chile who orchestrate the propaganda campaign have sought to belittle the effects of the policy followed by the Government of Chile, stating that there are still thousands of persons imprisoned in Chilean goals for ideological reasons.

The Government of Chile wishes to emphasize to the Working Group as strongly as possible that this assertion is totally false. What is more, in further pursuance of the Government's policy of clemency, the number of persons currently deprived of liberty by decision of the military courts has been reduced to 379.

All of these persons, whose names the Chilean Government can supply to the Working Group if the latter so requires, have been tried under Chilean law and are serving their sentences in regular institutions of detention under the supervision of the judiciary and the Minister of Justice, in accordance with long-standing provisions of Chilean legislation.

The great majority of these persons have been sentenced for offences against the Arms Control Law introduced during the period of office of the previous Government, which specifically placed the matter under the jurisdiction of the military courts.

Furthermore, 90 persons are at present standing trial before the military courts for different offences which, as we have so often informed the Working Group, are covered by Chilean legislation. All of these persons enjoy the trial safeguards laid down by Chilean law - right of defence, appeals procedure, right to file a complaint with the Supreme Court, etc.

The Chilean Government is also prepared, at the request of the Working Group, to furnish it with a list of such persons standing trial.

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Anything beyond what has been said here is a false assertion whose motives are easy to imagine.

E. The Government of Chile hopes that the Working Group will give due consideration to the actual situation now prevailing in Chile and will proceed in an objective manner in submitting its report to the Commission on Human Rights.

For its part, the Government of Chile has instructed its delegation at Geneva to contact the Working Group and provide any information which may be requested of it.

Accept, Sir, etc.

(Signed)

PATRICIO CARVAJAL PRADO
Minister for Foreign Affairs

Annex IV

CHRONOLOGICAL LIST OF WRITTEN COMMUNICATIONS RECEIVED FROM THE
GOVERNMENT OF CHILE SINCE THE ADOPTION OF THE GROUP'S REPORT
TO THE GENERAL ASSEMBLY (A/31/253)

Note verbale dated 14 September 1976 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, communicating the names of 204 persons who had been released from detention on 11 September 1976.

Note verbale dated 14 September 1976 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, informing him that Mr. Martin Publete Puyol, on whose whereabouts the Group sought information, had been released on 11 September 1976.

Note verbale dated 14 September 1976 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, submitting a copy of the text of a statement delivered by the President of the Republic of Chile on 11 September 1976 and transmitting the text of Constitutional Acts Nos. 2, 3 and 4.

Note verbale dated 14 September 1976 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, transmitting information regarding judicial proceedings in the case relating to the lawyers Jaime Castillo and Eugenio Velasco, a number of press articles referring to this case and to matters relating to the economic situation and to the release and expulsion of a number of detained persons.

Note verbale dated 15 September 1976 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, transmitting a photo-copy of the Official Gazette (Diario Oficial) of 30 August 1976 containing the regulations of the Council of State as published by the Government of Chile.

Note verbale dated 11 October 1976 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General, transmitting a letter from the Ministry of Foreign Affairs of Chile dated 20 September 1976 relating to the application by the Government of Chile of Convention No. 111 concerning Discrimination in respect of Employment and Occupation adopted by the General Conference of the International Labour Organisation at its forty-second session held at Geneva on 25 June 1958. This communication was transmitted by the Secretary-General to the International Labour Organisation.

Note verbale dated 19 October 1976 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, informing him that as of 21 September 1976 the Government of Chile decided that it will grant passports to, and renew the passports of, Chilean citizens living abroad without any restrictions.

Note verbale dated 3 November 1976 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, informing him that on 27 October 1976 the Government of Chile granted safe conduct to leave the country to Maria Sara Montes Oyarzun, who had taken asylum in the Embassy of Venezuela in Santiago, and that Maria Sara Montes Oyarzun was not under detention previously nor were there any criminal proceedings against her.

Note verbale dated 17 November 1976 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, concerning an official declaration of the Government of Chile in connexion with releases of detained persons. At the request of the Permanent Representative of Chile to the United Nations, that information was circulated in document A/C.3/31/11.

Letter dated 3 December 1976 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General, submitting information in connexion with judicial proceedings in the case of Marta Lidia Ugarte Roman, reported as missing in the Group's report to the General Assembly, and investigations concerning Luis Eduardo Charme Barroso, whose name was mentioned by a speaker in the discussion in the Third Committee of the General Assembly.

Note verbale dated 6 December 1976 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, transmitting information regarding 16 persons who had been released and expelled from the country.

Note verbale dated 21 December 1976 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, transmitting an official declaration of the Government issued on 18 December 1976 describing the circumstances of the release of Mr. Louis Corvalán.

Note verbale dated 28 December 1976 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, transmitting a copy of the full text of the statement by the representative of Chile in the Third Committee on 11 December 1976, in the course of the consideration of the item "Question of human rights in Chile" by the General Assembly.

Note verbale dated 28 December 1976 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, transmitting a photo-copy of an article in the Chilean newspaper El Mercurio of 11 November 1976, containing information concerning the presentation by the Ambassador of Chile of his credentials to the President of the Republic of France.

Note verbale dated 28 December 1976 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, transmitting a copy of an article published in the International Herald Tribune of 22 December 1976 concerning a statement by the President of the International Committee of the Red Cross.

- Note verbale dated 5 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, stating that the Government of Chile had decided not to apply the relevant decrees relating to expulsion in the case of 21 persons whose names appeared in a list attached to the same note.
- Note verbale dated 5 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, informing him that a number of persons who had sought asylum in foreign embassies in Santiago and who had since left the country would be permitted to return to Chile.
- Note verbale dated 6 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, transmitting information relating to the economic and social situation in Chile.
- Note verbale dated 7 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, transmitting an article published in the Chilean magazine Qué Pasa of 23 September 1976 containing information relating to the employment situation in Chile.
- Note verbale dated 7 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, transmitting a photo-copy of a page of the Chilean magazine Ercilla of 29 December 1976 containing a letter addressed to the Editor of that magazine, commenting on the recent releases of detained persons.
- Note verbale dated 10 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Chairman of the Ad Hoc Working Group, transmitting recent information relating to the release of detainees, the status of political prisoners and other aspects of human rights in Chile.
- Note verbale dated 10 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, transmitting a number of press clippings from the newspaper El Mercurio relating to a statement by the President of the International Committee of the Red Cross, information regarding the activity of Comisión dos Indultos in implementation of decree-law No.504, and a statement by the Minister of the Interior of Chile.
- Note verbale dated 10 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, transmitting information relating to a communication sent to the Government of Chile by the Delegation of the International Red Cross.
- Note verbale dated 11 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, informing him that under decree No. 2345 of 17 November 1976, 198 persons who had been banished to various parts of the country were free to return.

Note verbale dated 12 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, transmitting a list of the names of persons released on 17 and 18 November 1976.

Note **verbale** dated 13 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, reproducing the text of a sworn statement dated 4 January 1977 "made by Mr. George Francisco Roessler Cornejo, husband of the journalist **Gladys** Díaz Arrijo, who was recently released, to Mr. Juan Astaburuaga, Notary Public, concerning certain notions which have been spread about concerning him".

Note verbale dated 13 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Secretary-General, transmitting the full text of the statement of Ambassador Diez made before the Third Committee of the General Assembly on 23 November 1976.

Note verbale dated 27 January 1977 from the Permanent Mission of Chile to the United Nations Office at Geneva addressed to the Chairman of the Ad Hoc Working Group, transmitting information with regard to the issuing of passports for Chilean citizens abroad.

Annex V

STATEMENTS BY DETAINED PERSONS WHO HAVE RECENTLY BEEN RELEASED

The statements or parts of statements reproduced below have been chosen as representative of the 150 statements signed by persons released in Chile during the last four months of 1976. Data concerning the identity of the persons making them have been omitted in accordance with the agreement entered into by the Working Group regarding the confidential nature of the statements.

Statement 1

I was arrested on ... January 1975, at about 10 p.m. while I was at home with my wife, my sister-in-law and my little boy only six days old. We heard loud knocking on the door and when we opened it about eight persons broke in violently, all in plain clothes and armed with submachineguns. When I insisted on their identifying themselves, they said that they belonged to the Investigation Service. They searched my house, though they had no warrant to do so. They told me that I should have to go and make a statement but that I should return without delay. Meanwhile my wife and my sister-in-law had been locked up, one in the bathroom and the other in the kitchen. They took me out of the house and put me into one of their vehicles, of which there were about four. None of these vehicles had anything to show that it belonged to the Investigation Service; all were ordinary vehicles.

Shortly after I was blindfolded with adhesive tape. During the journey the people who had seized me, who included a woman, said that they belonged to DINA; their very words, threatening and mocking, were "We are the sinister DINA". They also said that if I did not collaborate with them, they would avenge themselves on my wife and my little boy six days old. We came to a place I did not know, though I found out later that it was the Villa Grimaldi. They took me out of the car, my eyes still covered with tape, and took down my personal particulars. They changed the tape for a blindfold and I was led in a shower of blows and kicks to part of the Villa called the Casas Corvi. These were cells measuring not more than 1.20 m x 1.20 m. In the cell where they put me there were already four other people. There was barely room to stand. The following morning I was taken out for interrogation. They threatened to carry off my wife and child since I insisted that I had nothing to tell them. They pushed me against the wall and began to strike and kick me, particularly in the stomach and the genital region. Then they told me that they would adopt another system of interrogation. This went on for about an hour. At about 2 p.m. I was again taken out for interrogation. They said that this time they would use a different system of interrogation, "which was going to soften me up". Before we went into the torture room, they struck me and kicked me and threatened me again about my wife and child. Here they unbandaged my eyes and I could see my captors, there were four of them, all with dark glasses, except the one who said he was called "Big Romo". I was taken into the torture room and here I was again blindfolded. They made me undress, then they put me on the "gridiron", that is to say on the lower part of the bunk, which had some damp sacks on it. They tied my hands and feet and gagged me. For nearly three hours they applied electricity to various parts of my body, particularly the genitals, the chest and the soles of the feet.

Between ... and ... January, they brought Miguel Angel Sandoval Rodríguez to my cell in the Casas Corvil. He has now disappeared. He was in a bad physical state, for he had been badly beaten. He said to me that he wished we could soon get out of it and go to Cuatro Alamos. On Sunday, ... January, they took us all out to lunch on the patio of the villa and allowed us to take off our blindfolds. This enabled me to see several people including once more Miguel Angel Sandoval R. and I recognized Claudio Thauby Pacheco, who has since disappeared. He was in a very bad state and could not walk unaided because his sense of balance had been seriously affected by the torture. Several of us helped him to go to the bathroom. On Tuesday, ... January I was transferred to Cuatro Alamos, where I was kept in solitary confinement until ... January, when I went to Tres Alamos, where I was no longer held in solitary confinement. While I was in the Villa Grimaldi they made me sign a statement, which was passed to me by "Big Romo", and which I could not read.

Hygiene at the Villa was quite bad, for there was no drinking water supply. A time-table was drawn up for the bathroom in the morning and in the evening. It hardly left us time to relieve nature.

The food, while I was there, was quite meagre: in the morning a piece of bread, with a mug of coffee; at lunch time, for example, onion soup, which was given again in the evening about 6 p.m.

Water was a problem, for, being locked up, we depended on the goodwill or ill-will of the guard.

From ... January to ... February I was at Tres Alamos. On that date I was transferred to Ritoque, where I remained until ... October 1975. I was then transferred to Puchuncaví, where I remained until ... November 1976.

Statement 2

I was arrested at my home on ... November 1975 by five armed civilians, who later said that they belonged to DINAs. They produced no warrant for arrest or for searching the house, but they searched it nevertheless.

They put me into a vehicle, put adhesive tape over my eyes and thus we arrived at the place known as the Villa Grimaldi. The interrogation started at once. During the interrogation they began to shower blows and kicks on me. On one occasion I was struck with a stick and threatened with the arrest of my mother if I did not co-operate.

I was interrogated three times and obliged to sign a statement blindfold.

I remained eight days at the Villa Grimaldi.

During my stay I witnessed the torturing and death of Luis Gangas Torres, who arrived under arrest at the Villa in the early morning on 16 or 17 November 1975.

Luis Gangas was kept under arrest with three brothers and his mother.

When they arrived at the Villa I was in a room that was on a patio, where everything could be heard.

When they struck them, I could hear their cries and the entreaties of one of them not to strike their mother.

Luis Gangas seemed to have been tortured by electricity on a metal bed because they took him into the courtyard to walk and said to him "Go on, go on, you'll get over it". The person who was chief of the Villa at the time and who was known as "the Corn-cob" called for them to bring hot oil to pour over Luis Gangas.

That night there was no sleep at the Villa, with the cries of the tortured and the cries and moaning of the victims.

Later I heard that Luis Gangas and other persons were accused of having taken part in a clash at Rinachada de Maipo and that they were shot dead by the Security Services, though I am certain that this is not true.

During my stay at the Villa, I also heard that Jorge Fuentes, known as El Trosko, was under arrest at La Torre. He has never been heard of since.

I left the Villa Grimaldi for Cuatro Alamos, where I was kept in solitary confinement from ... November to ... December 1975.

During my stay at Tres Alamos camp, I witnessed the collective punishment given to 56 comrades. They were singing as they said goodbye to a person who was being expelled from the country. Major Conrado Pacheco Cárden and other carabineers struck them with a blackjack, sent them on forced labour, barefoot, and then locked them up in a cell.

Statement 3

I was arrested on ... January 1975 at my home situated at Quilpué by seven civilians who arrived in two cars; they did not disclose their identity. They searched the house without producing any warrant and left everything in disorder without giving any explanation of what they were looking for. After half an hour, they took me out of my house and I was transferred in one of the cars, my eyes closed with adhesive tape, to Maipo camp. On reaching this place, I was first interrogated verbally; later they made me undress and lie on a metal bed, to which they tied my arms and legs, and they began to apply electricity to the whole of my body; then they began to concentrate the discharge of electricity on my breasts and near my ovaries, and also in the vagina and womb. This went on for about six hours. A few hours later they again began their interrogation, accompanied by blows, which went on till I made a statement.

The following day they interrogated me again because they could not find my companion ... I remained there four days, with food once a day, without being able to speak and without being able to get up from the bed where they kept me.

On ... January 1975, I was transferred to the Villa Grimaldi, by civilians in a refrigerated van with twenty other arrested persons. When we reached the place, I was taken away with three other arrested women and put in a punishment cell the size of a telephone booth, 2 m high, 80 cm deep and 1.20 m wide, without ventilation and in complete darkness. We remained four days in this place without being able to wash; we were only taken twice to the toilet without even being able to wash our hands. Later we were transferred to a large room with the other arrested women. I was taken from this place twice for interrogation. While we were at the Villa Grimaldi most of the women were constantly harassed; there were indecent assaults, which consisted in caresses, the tearing of dresses and so on. After a further eleven days in this uncertainty I was transferred to Cuatro Alamos, where I was kept 12 days incommunicado.

On ... February 1975 I was transferred to Tres Alamos, where I remained until 10 September 1976. I stayed with ten persons who have since disappeared: Sonia Ríos, Fabián Ibarro, Horacio Caravantes, Gabriel García, Abel Vilches, Mario Calderon, María I Gutierrez, Elías Villan Q. Most of them were with me in Maipo camp and the rest at the Villa Grimaldi. The last time I saw them they were all in a satisfactory state. I am making this statement on behalf of the whole group before the third court of San Miguel.

At present I have trouble in the spine and I have to undergo a medical examination because my heart stopped twice while they were applying electricity.

Statement 4

On ... October 1975, ... was attending classes in the eastern section of the University of Chile. She was called out and accosted by two civilians, who said that they were agents of the Security, that they had to take her away so that she could make statements and that they would soon bring her back. They produced no warrant for arrest and they did not say where they were taking her.

They put her in a small van, blindfolded her and took her to the Villa Grimaldi, where she remained 15 days. Owing to the great emotional stress, she lost part of her memory at that time and she remembers only that she was sitting in a chair, and that she was being struck on the face; she cannot today remember having been harassed in other ways.

During the following days she was interrogated several times, with insults, and she had to undress for each interrogation. While she was at the Villa, she saw Ignacio Osses arrive, and also Jorge Fuentes. The latter asked for disinfectant to treat scabies.

The persons she saw have never been heard of since.

She was transferred from the Villa Grimaldi to Cuatro Alamos camp, where she was kept incommunicado for four days.

During the whole of this period, from her detention to her transfer to Tres Alamos, where she was allowed communication, her family was never told where she was.

[Signed by the person whose detention
is described]

Statement 5

I was arrested on ... August 1975 by SIM in Valparaíso, in the street, without witnesses. From there I was taken in a small van to Maipo camp, my eyes covered with tape. There I was interrogated, being struck all over the body, and this treatment continued for two days. The second day I was transferred in a small van of DINA to the Villa Grimaldi. As soon as I arrived, they took off all my clothes and stretched me out on a metal bed, where they began to apply electricity all over my body. After 10 minutes of this treatment they began the interrogation by asking for names and addresses. Since I did not reply, the treatment with blows and electricity was continued.

Later I was taken out to the patio. They hung me from a tree, tied by the wrists with a cord, and they struck me and threatened to bring my family there and give them the same treatment as me. This went on for about an hour. Later I was taken down and they let me rest for about six hours with my hands tied and my eyes blindfold, for they never removed the blindfold. During the night I was taken out again, and this happened every night during the four days that I was there.

Later I was transferred to Cuatro Alamos, where I stayed three days. I suffered a great deal of pain in the body and wrists.

The fourth day I was taken back to the Villa Grimaldi in a small van, and as soon as I arrived they began to hit me and threatened to blind me if I did not collaborate: they showed me a person under detention in a terrible state. I stayed there eight days, the conditions being the same as the first time (blows and electric shocks).

Later I was taken back to Cuatro Alamos, where I stayed six days; afterwards I was allowed communication; I remained there until ... May 1976.

When I left I found out that I was being tried for desertion. This happened in 1975 when I left my military service, for they had informed me that there was an order for my arrest. For fear that I should be liquidated I bolted.

The trial is going on.

Later, on ... September 1976, I was again arrested by DINA in a friend's house. This time they took me straight to Cuatro Alamos. I was interrogated under blows and I came out with a dislocated knee. I stayed there two days and then I was released.

On ... September 1976, I was told that I was set free and I went out at 4 p.m. It should be noted that this last arrest had nothing to do with my trial. I do not yet know the reason for it.

Statement 6

On ... October 1975 at 7.15 p.m. I was arrested in the street, at the junction of Calles Maule and San Diego, by agents of DINA who said they were police officers but did not show any credentials. There were seven or eight of them, including a young woman. They were in two Fiat 125 cars. One of the agents approached with a pistol which he held against my ribs, saying: 'Police. Take your hands out of your pockets, you son-of-a-bitch or I'll shoot you right here'. They forced me to get into one of the cars, put scotch tape over my eyes, examined my personal belongings and ordered me to identify myself ... then they began to hit me on the face, the stomach and the testicles, while questioning me about myself and my political activities. I was taken to the Villa Grimaldi, which I was able to identify because of the route followed and the contacts I had there with other detainees. The building was obviously near an aerodrome because planes were continually passing overhead.

As soon as we got there I was taken to a room with fibreboard divisions.

My eyes were blindfolded with some cloth. I must point out that I suffer from hypermetropia and they had taken away my spectacles and all my personal effects. In that room I was savagely beaten until I fainted. I must have been unconscious for about an hour and a half. I was then forced to undress and was taken to the parrilla (metal bed-frame), and tied down on it with my legs apart. They put electrodes on my thighs, in the genital area, and on my stomach, chest and neck. They also passed a cable over my whole body, the temples and the lips. All this took about one to one and a half hours and in between I was kicked and punched. Afterwards I was taken to another room where there were a large number of people who were blindfold and had been ill-treated. From there I was taken to the home of Ivan Nelson Olivares Coronel, whom they had questioned me about because of something said by another detainee who had identified me earlier. When we arrived at Calle General Gana 621, in the Matadero district (where I was taken in a Fiat 125, bound, handcuffed and with scotch tape over my eyes, during curfew hours), they took the tape off my eyes and a woman immediately covered me with a gun. Other vehicles (trucks and cars) had also been arriving at the same building. Some people went into the house while others stationed themselves at different points in the street. They numbered 20 at the most, and were all armed. They knocked at the door and when it was opened they rushed in, pushing the inhabitants inside. A few minutes later I heard a submachine gun firing and a truck stopped in front of the neighbouring house. A body covered in a black cape (poncho) was immediately brought out. The parents were hit and pushed back into the house, and the premises were searched.

They put scotch tape over my eyes again and took me to another house. This was also searched and a person, Alejandro José Nuñez Soto - was brought out. His mother was jeered at and insulted. He was made to sit by me and was hit. He was then handcuffed and his eyes covered with scotch tape. We were taken back to the Villa Grimaldi, where we were separated and the new arrival was tortured until the following day. In the mornings they used to take us to the toilet in line, blindfold. We were only allowed to stay there for a couple of minutes.

About 10 a.m. the next day, I was again put on the parrilla for approximately an hour. When I was taken back to my room, they gave me an identification number (...). I stayed there for about 10 days during which they tortured me once again on the parrilla. There were a great many people at the Villa Grimaldi at the time, with about 40 men in one room. Some of the people were in very bad physical

condition and were in constant fear of being taken back to the torture rooms. While I was at the Villa Grimaldi, Ignacio Ossa (a teacher) died there. I had talked to him myself. I now have marks on my hands, temples and arms, I get cramps and have stabbing pains in one of my testicles.

Towards the end of my detention there I was photographed, my particulars were recorded and I was taken to the Cuatro Alamos camp. I had to make a statement, about seven or eight pages long, and was made to sign it without being able to read it first. I spent nearly a month in Cuatro Alamos. My personal belongings were not returned to me except for the frame of my spectacles, my watch and my identity card. After being held incommunicado a month, I was transferred to the Tres Alamos camp where I remained for about ten months without any charge being brought against me. On ... January 1976, I was punished for a day and a half by being put into a small room in the basement, ill-treated and given nothing to eat. I was not even allowed to go to the toilet. This punishment was simply because a group of ten people had been in a room and had not heard an order to get into line. They were accused of holding a political meeting and the Camp Commandant threatened to hand them over to DINA. I was released on ... September 1976.

Statement 7

I was arrested on ... January 1975 at 10 p.m. in my home. The persons who arrested me were men dressed in civilian clothing and one woman, all armed with submachine guns and pistols. They showed papers identifying themselves as being in the Investigation Service, but these were false as I later found out that they were DINA agents. They questioned me in my home about a certain person, and threatened that I would have the same fate as my brother, who has been missing since ... September 1974, when he was detained by DINA. His name is Then they took me out of the house and made me get into the rear of a Citroen van where there were about eight other people who had also been arrested; one of them - a man - whom I still do not know, was lying face down on the floor of the truck. They covered my eyes with scotch tape, and the truck set off to a place which I later identified as the Villa Grimaldi. They immediately took down my particulars, and then covered my eyes with scotch tape and took me to a room where there were other people who told me where I was, and the kind of treatment I would be given there, etc. On the Thursday afternoon, i.e. the second day after arriving there, they took me away for questioning, made me undress and put me on a bed-frame where they gave me electric shocks, interrogating me at the same time. Afterwards they made me sign a statement, in seven copies, but I know nothing about its contents. The next night they questioned me again for two hours from 3 to 5 a.m. Some of the questions they asked me concerned my missing brother. This kind of treatment was repeated twice; each time they used physical violence, hitting me and punching me on the ears. They did not take me out again for further questioning, but kept me for 14 days in the Villa Grimaldi. While I was there we had to get up at 5 a.m. Nearly every day, through the bandage over my eyes, I was able to watch the men being taken blindfold to the toilet, each one with his hand on the shoulder of the one in front and the guard hurrying them along. I saw a number of people there whom I identified: Miguel Angel Sandoval, Patricio Urbina Chamorro, Julio Flores Perez and Alfredo Garcia Vega, the husband of Sonia Rios, who was in my room. All these people are missing. While I was in the Villa Grimaldi, like all the others I was continually being punished for any little thing, even talking to someone in the same room. The food was good, and they used to give it to us just when they were torturing someone next door. Men and women were tortured in neighbouring rooms and at night. They were savagely beaten and hung up. The detainees included small children, one of them the daughter of Helen Zarour who is now in France. She was arrested with her little girl of 18 months old and was not allowed to give her any food until the following day. The little girl later had otitis. She was detained about seven ... with the child.

One ... January, they took me away from the Villa Grimaldi to Cuatro Alamos where they removed the blindfold from my eyes and left me in a room with five other women. I stayed there until ... February. The food was bad, we were given very little, and there was always the danger of being taken back to the Villa Grimaldi. This did not happen to me, but it did happen to other people at Cuatro Alamos. Women with babies were also held incommunicado, and in room No. 7 I saw María Isabel Gutiérrez Martínez, who was later allowed to see visitors (libre plática), but is now missing (she was arrested in Valparaíso).

I was allowed to receive visitors on the date indicated above. I was with 150 women; every room had two bunks in it, each one with three tiers. There were 90 bunks in all and the other women had to sleep on the floor. Three of the women were pregnant. The food was bad, consisting mainly of starchy food with hardly any protein, and no fruit was given. The regulations were strict, and we were punished by being forbidden to see visitors. Some of the women there had been arrested after being in the Casa Correccional, while others had been detained elsewhere.

In the middle of the year we were transferred to Pirque, where the physical conditions were not as bad but the regulations were much stricter. They stopped members of the same family who were detained from seeing one another; many of the people had their husband or wife or other member of the family also in Pirque and there were newborn babies as well. The camp was run in a highly repressive way, one of the punishments, for example, being solitary confinement. We were transferred to Tres Alamos in October 1975, but the system was just as repressive until the Camp Commandant was replaced. After that it improved; punishments virtually stopped, and we were treated in a more considerate way. Up to the 10th of this month, there was still one woman there with a child who had been born during her imprisonment. Her name was Rosa Pérez Barrios, and her son Miguel was just over a year old.

New detainees continued to arrive although others were released. Forty-three of us were released on ... September and only 13 remained in the camp. Rosa Pérez was one of those released.

All these charges are known to Mr. Orfila as we made them to him in person when he visited the camp.

Statement 8

I was detained on ... September 1976 at my home in the town of Valparaíso, at about 4 p.m. The persons who arrested me did not identify themselves or show a warrant of arrest. I was immediately taken to the premises of the Investigation Service in that town. I stayed there until Monday, ... September, when I was transferred to Cuatro Alamos in Santiago. At the Investigation Service I was questioned by agents of DINA. They asked me how I had obtained some pamphlets that were in my possession and who had sent them to me, naming people I did not know, including one person who was working in _____. They also asked me if I was saving money to buy a printing press, etc. They seemed to attach great importance to the fact that the pamphlets had been sent from Santiago. During the first interrogation I was hit and given electric shocks, but during the second I was only threatened. They kept connecting me with _____, whom I know personally, who was arrested the same day in _____.

In Cuatro Alamos I was not questioned, and on ... September I was taken to Tres Alamos and allowed communications.

The house I live in in Valparaíso was searched when I was arrested, although no search warrant was shown, and my family was not notified of my arrest within the statutory period of 48 hours.

Statement 9

I was arrested on ... September 1976 at my home by four people in civilian clothing who identified themselves orally and by showing credentials as members of DINA. I was taken away in a new red Chevrolet truck to 6 Oriente, between 3 and 4 Norte in Talca, and was blindfolded while being transferred. I was held incommunicado about 36 hours and kept blindfold during that time. I was punched on the ears, face, stomach and ribs, and given electric shocks all over my body. Two or three people held me and pushed my head into a receptacle containing water. I was hypnotized and given ether until I lost consciousness, I also had a plastic bag put over my head, which half-suffocated me. During all this ill-treatment, I was blindfold and my hands were tied. I was subsequently transferred to Cuatro Alamos and held incommunicado for three days. I was examined by two doctors. On ... September 1976 I was taken to Tres Alamos.

Statement 10

He was arrested on ... August 1976 in the street in Concepción by three persons in civilian clothing who took him to a cream-coloured Fiat 1500 car. He was blindfolded and taken to El Morro, where he stayed for eight days, four of them incommunicado. He was given electric shocks on the parrilla, he was hung by his feet and his head was pushed into a metal drum full of water. Afterwards he was transferred to Cuatro Alamos where he stayed for two days. There he was neither questioned nor beaten. On Saturday, ... August 1976, he was taken at night to Tres Alamos.

From ... September to ... September 1976, he was hospitalized in the National Health Service hospital for infectious diseases.

[Signed by the person whose detention
is described]

Annex VI

DECREES (DECRETOS EXENTOS) NOS. 2343 AND 2344
OF 17 NOVEMBER 1976 (EXCERPTS)

Decree No. 2343 of 17 November 1976

The operative part of decree No. 2343 reads as follows:

"Sole article.- The detention orders presently in force affecting the persons listed below cease to have effect, and the individuals concerned shall be released from the camp of detention of Tres Alamos.

... [Here follows a list of 115 names]

Women

... [Here follows a list of 19 names]"

Decree No. 2344 of 17 November 1976

The operative part of decree No. 2344 reads as follows:

"Sole article.- The detention orders presently in force affecting the persons listed below cease to have effect, and the individuals concerned shall be released from the camp of detention of Puchuncavi.

... [Here follows a list of 168 names]"

Annex VII

FORTY-SIX CASES OF PEOPLE WHO DISAPPEARED IN THE FIRST HALF OF 1976,
SUBMITTED BY THE VICARIA DE LA SOLIDARIDAD TO THE
CHILEAN SUPREME COURT ON 20 AUGUST 1976

Note. In this list the following details are given, in this order: full name;
age; identity card number; date of arrest; special circumstances.

1. BOETTIGER VERA, OCTAVIO JULIO

Age 28

17 January 1976

Arrested on the corner of Providencia with Antonio Varas.

His arrest was witnessed by Jaime Solari Saavedra, at present at Puchuncaví Camp and allowed communication, as evidenced by the record of case No. 43-300-1 in the First Criminal Court of Santiago; his mother saw him at the gates of Tres Alamos Camp as he was being taken away in a DINA van.

2. CANCINO ARMIJO, ADAN DEL CARMEN

Age 30

5,537,810 Santiago

13 January 1976

Arrested in the mass round-up carried out by the constabulary and the military at La Pincoya, Patria Nueva and El Rodeo Camps.

All the detainees were removed to a place nearby called "Las Siete Canchas".

3. GONZALEZ MUNOZ, JORGE LUIS

Age 42

6 January 1976

Arrested at his home during the curfew by a group of five agents in plain-clothes carrying sub-machine guns and travelling in vehicles similar to those used by the Intelligence Service.

4. HERNANDEZ ZAZPE, JUAN HUMBERTO

Age 24

He was living in Mendoza, Argentina, where he was working with Samuel Tamayo Martínez. Both were arrested in Mendoza province, Argentina, early in April this year. Relatives of Hernández and Tamayo have received information that they were moved to Chile at the disposal of the security services, as confirmed by the particulars of the habeas corpus application (recurso de amparo) No. 460/76, and the complaint presented to the Eleventh Criminal Court of Santiago; in February this year his house was searched by security agents.

5. MERINO VARAS, ULISES

Age 31

5,110,863 Santiago

2 February 1976

Arrested as he alighted from a public minibus on his way to work, in the Municipality of La Granja.

6. WEIBEL NAVARRETE, JOSE ARTURO

Age 33

29 March 1976

Arrested by DINA agents on a public bus, registration number SL-45, 1976, on the Circunvalación Américo Vespucci route, No. 9046, in the presence of his wife. On the same day his house was searched a few hours after his arrest, when the neighbours saw Weibel Navarrete taken away blindfolded and handcuffed. This was witnessed by Mónica Pance Cariz, Mónica Villalobos Olivares and Julio Berríos Angel. The statement of the driver of the bus concerned, which confirms the facts given above is contained in the record of case No. 5832-3 in the Eleventh Criminal Court of Santiago.

7. EUGENIO EUGENIO, BASILIO

Age 44

29 April 1976

Arrested by two policemen as he was getting off the public minibus in which he was returning to his cobbler's workshop. Norma Delgado Ruiz, with whom he was living, witnessed this and saw Eugenio Eugenio put into a black motor vehicle.

8. MENA ALVARADO, MALVIA ROSA

Age 21

29 April 1976

Arrested with her husband, Luis Emilio Recabarren González, her brother-in-law Manuel Guillermo Recabarren González and her small son, only two and a half years old, who was found abandoned in the street. They were arrested in the presence of several neighbours in the immediate vicinity of their home, right on the street, by several policemen carrying sub-machine guns, and were put into a Citroen 2CV. The following day her father-in-law, Manuel Segundo Recabarren Rojas, was arrested. All the above named persons have been missing since the date of their arrest. Malvia Rosa was five months pregnant at the time of her arrest.

9. TAMAYO MARTINEZ, MANUEL JESUS

Age 24

5,543,248 Santiago

He was living in Mendoza, Argentina, where he was working with Juan Hernández Zazpe. Both were arrested in Mendoza province, Argentina, and according to information received by relatives were moved to Chile at the disposal of the security services. These particulars are given in the record of case No. 93,977 in the Sixth Criminal Court of Santiago.

10. RECABARREN ROJAS, MANUEL SEGUNDO

Age 50

1,464,283 Santiago

30 April 1976

His sons Manuel Guillermo and Luis Emilio Recabarren González and his daughter-in-law Nalvia Rosa Alvarado were arrested on 29 April 1976, and all of them are missing.

11. RECABARREN GONZALEZ, MANUEL GUILLERMO

Age 24

29 April 1976

Was arrested in the street in the presence of many neighbours with his brother Luis Emilio and his sister-in-law Nalvia Rosa Alvarado. The following day his father Manuel Recabarren Rojas, was arrested. All have been missing since their arrest.

12. RECABARREN GONZALEZ, LUIS EMILIO

Age 29

5,473,525 Santiago

29 April 1976

Arrested in the immediate vicinity of his home with his wife Nalvia Mena Alvarado, his small son aged two and a half and his brother Manuel Guillermo. His son was later found abandoned in the street; the rest are still missing after being arrested by policemen carrying sub-machine guns and being put into a Citroen 2CV. The following day his father, Manuel Segundo Recabarren Rojas, was arrested and is also missing.

13. MUJICA MATURANA, MOISES EDUARDO

Age 30

4,481,267 Santiago.

29 April 1976

Arrested at the corner of Calle Mapocho and Calle Hernán Domeyco at about 8 a.m. as he was going to catch a bus. The arrest was witnessed by his wife, Marina Irarrázaval Alarcón, and was made by policemen travelling in a light blue "Chevy" car into which Mujica Maturana was pushed with violence.

14. DIAZ SILVA, LENIN ADAN

Age 32

5,206,451 Santiago

9 May 1976

Arrested by police at his home at 993, Gaspar de Orence, Quinta Normal.

15. REKAS URRRA, ELIZABETH DE LAS MERCEDES

5,849,187 Santiago

26 May 1976

Her brother Andrés was arrested two days earlier by DINA agents, taken to Villa Grimaldi and threatened with not being freed until his sister had been arrested; that is how they managed to arrest Elizabeth. On the afternoon of 26 May, while held at the DINA premises in question, he heard the voice of his sister, who was arriving there after being arrested, as well as the sound of the engine of the Citroen 2CV in which she was travelling with her husband, Antonio Elizondo Ormaechea, who has also been missing since his arrest. There are obvious signs of a search having been made of the couple's flat. Late on 26 May Andrés was set free. To date, the Citroen 2CV has not been found. A fellow student of Elizabeth's husband, Juan Maino Canales, was arrested, presumably in the couple's flat, where he was working on a thesis. He too is missing. All these particulars are given in the record of case No. 94,167 in the Sixth Criminal Court of Santiago. The Fifth Criminal Court is investigating the theft of the Citroen 2CV. Elizabeth is pregnant.

16. ELIZONDO ORMAECHEA, ANTONIO

Age 29

4,469,491 Santiago

26 May 1976

His wife, Elizabeth Rekas Urra, was also arrested and is also missing. The record of case No. 94,167 in the Sixth Criminal Court of Santiago contains a statement made by Andrés Rekas Urra to the court, saying that he had been arrested by DINA two days earlier and taken to Villa Grimaldi, where he had heard the voice of his sister Elizabeth and the sound of the engine of the Citroen 2CV in which Antonio Elizondo was travelling, and the theft of which is at present being investigated by the Fifth Criminal Court of Santiago. The couple's flat shows obvious signs of having been searched. Elizondo was writing his thesis with Juan Maino Canales, who always worked at the flat. Maino Canales was arrested, presumably in the flat, and is missing.

17. LARA ROJAS, FERNANDO ANTONIO

Age 26

163,811, Talca

7 May 1976

Arrested on the public highway. In 1975 his home in Talca had been searched by DINA agents who were looking for him to arrest him.

18. ALVAREZ VASCONCELLOS, TOMAS

Age 54

2,308,363 Santiago

23 June 1976

Arrested on the public highway.

19. VALDIVIA GONZALEZ, OSCAR DANTE

Age 27

5,787,715 Santiago

26 May 1976

Arrested at his home in Calle Almirante Barroso, Santiago, by six DINA police, who later went to his mother's home in Quilicura and proceeded to search it. Immediately afterwards they went to the home of Valdivia's sister Ingrid at La Palmilla and searched that too. When they went to search his mother's home, the neighbours saw Valdivia put in a red two-cabin van with the "Chilectra" sign on it and with the ladders used on such vehicles.

20. PAREDES PEREZ, ERNESTO ENRIQUE

Age 32

15 May 1976

Arrested on the public highway while returning home from work.

21. NUNEZ ROJAS, LUIS HERNAN

Age 24

6,240,343 Santiago

26 May 1976

Arrested on the public highway after attending classes at the Philosophy Faculty of the University of Chile.

22. ESPINOZA FERNANDEZ, ELIANA MARINA

Age 44

3,649,311 Santiago

12 May 1976

Arrested on the public highway.

23. ESCOBAR CEPEDA, ELISA DEL CARMEN

Age 42

9 May 1976

Arrested on the public highway; relatives of Lenin Díaz Silva saw her arrive the same day at the latter's home accompanied by an unknown person dressed in civilian clothes who emerged with both of them and left for an unknown destination, as recorded in case No. 16,455 of the Ninth Criminal Court; Díaz Silva has also disappeared.

24. OVALLE NARVAEZ, MIGUEL HERNAN

Age 22

6,023,053 Santiago

27 June 1976

Arrested on the public highway on the way from his own home to his mother's home only two blocks away. On 6 July two persons in civilian clothing arrived at his mother's home and searched the house for weapons.

25. ORELLANA CATALAN, JUAN RENE

Age 34

4,037,100 Santiago

8 June 1976

Arrested on the public highway immediately after leaving home.

26. GUARATEGUA QUINTERO, ORLANDO PATRICIO

Age 23

6,064,303 Santiago

25 June 1976

Arrested on the public highway between his grandmother's home and his own home; later, during the night, his house was broken into by five plain-clothes policemen armed with sub-machine guns.

27. MATURANA GONZALES, LUIS EMILIO

Age 26

5,192,381 Santiago

8 June 1976

Arrested on the public highway immediately after leaving home for work at Primary School No. 3.

28. PARDO PEDEMONTE, SERGIO RAUL

Age 25

5,392,668 Santiago

16 June 1976

On 15 June 1976 he tried to take asylum with other persons in the former Bulgarian Embassy, but the entire group was arrested and transferred to Tres Alamos; they were freed the following day, but shortly afterwards Pardo Pedemonte was rearrested on the public highway and put into a Fiat 125 vehicle.

29. CONTRERAS ROJAS, HECTOR MANUEL

Age 39

3,878,398 Santiago

28 June 1976

Arrested on the public highway as he was leaving home at the corner of Calle Pedro Donzo and Calle Colina, Venezuela district, to go to the local pharmacy; on 1 July 1976 two persons in civilian clothes came to his house to obtain some items of his. They were both armed and travelled in a black "Chevy" car without a licence plate.

30. MORALES RAMIREZ, MIGUEL LUIS

Age 31

5,083,545 Santiago

3 May 1976

Arrested on the public highway at the corner of Catedral and Teatinos as he was following his usual occupation at a peanut stall; Edmundo Martínez Yáñez was arrested with him and the two were taken blindfold to an unknown destination, where Martínez Yáñez was released two days later, as recorded in the particulars of habeas corpus application No. 377-76 in the Santiago Court of Appeal.

31. DIAZ LOPEZ, VICTOR MANUEL

Age 56

1,001,421 Santiago

12 May 1976

Arrested in a DINA round-up at 979, Calle Bello Horizonte, Municipality of Las Condes; according to information published in the newspaper El Mercurio of 23 July, "a senior official of the Military Government of Chile confirmed in a telephone conversation with the Mayor of Bologna, Italy, that Victor Díaz had been arrested".

32. ZAMORANO DONOSO, MARIO

Age 45

2,596,100 Santiago

4 May 1976

Arrested by DINA agents at a house at 1537 Calle Conferencia. Many other persons who visited this house between 29 April and 8 May 1976 were also arrested.

33. CERDA CUEVAS, CESAR DOMINGO

Age 53

1,514,352 Santiago

19 May 1976

Arrested on the public highway immediately after leaving home.

34. DONAIRE CORTEZ, ULDARICO

Age 51

2,095,711 Santiago

5 May 1976

Arrested on the public highway.

35. DONATO AVENDAÑO, JAIME PATRICIO

Age 43

3,317,762 Santiago

4 May 1976

Arrested on reaching home at 1537, Calle Conferencia, which was occupied by DINA personnel; everybody visiting this house between 29 April and 8 May was also arrested; these facts are recorded in habeas corpus application No. 348-76 in the Santiago Court of Appeal, according to statements by witnesses which are on file.

36. CORNEJO CAMPOS, RAUL GUILLERMO

Age 29

16 June 1976

On 15 June he tried to take asylum with other persons in the former Bulgarian Embassy, but they were all arrested and transferred to Tres Alamos Camp. They were released the following day but he himself was rearrested shortly after his release as he was making his way home.

37. NUNEZ BENAVIDES, RODOLFO MARCIAL

Age 55

65,815 San Miguel

18 May 1976

Arrested on the public highway at the corner of Departamental and Ochagavía as he was driving home from work in his car, accompanied by his son Rodolfo Francisco; they were intercepted by a small white Peugeot van from which various persons dressed in civilian clothing alighted, dragged young Rodolfo Francisco from the car, arrested Nuñez Benavides and took him away in his own car; a few moments later his home was broken into by four plain-clothes policemen.

38. MUNOZ POUTAYS, JORGE ONOFRE

Age 42

2,595,417 Santiago

4 May 1976

Arrested at a house at 1537, Calle Conferencia which was occupied by DINA personnel, who stayed in the house from 29 April to 8 May, arresting everybody who arrived.

39. ARAYA ZULETA, BERNARDO

Age 67

2,189,374 Santiago

2 April 1976

Arrested at his home in the town of Quinteros with his wife María Olga Flores Barraza, who has also disappeared, his grandchildren Vladimir Henríquez Araya (aged 15), Ninoska Henríquez Araya (aged 9) and Eduardo Araya Rojas (aged 9), and his brother-in-law Juan Flores Barraza (aged 59); the arrest was carried out by DINA agents, who took the whole group to Santiago blindfolded on the floors of the vehicles they were using; the next day, the youngsters and Juan Flores Barraza were released and abandoned in a Santiago street. All these events are on file, in the case now before the Eleventh Criminal Court of Santiago.

40. FLORES BARRAZA, MARIA OLGA

Age 61

2,178,098 Santiago

2 April 1976

Arrested at her home in the town of Quinteros with her husband Bernardo Araya Zuleta, who has also disappeared, her grandchildren Vladimir Henríquez Araya (aged 15), Ninoska Henríquez Araya (aged 9) and Eduardo Araya Rojas (aged 9), and her brother Juan Flores Barraza (aged 59); the arrest was carried out by DINA agents, who took the whole group to Santiago blindfolded on the floors of the vehicles they were using; the next day, the youngsters and Juan Flores Barraza were released and abandoned in a Santiago street. All these events are on file in the case before the Eleventh Criminal Court of Santiago.

41. FUENZALIDA LOYOIA, SERGIO MANUEL

Age 55

1,722,277 Santiago

28 June 1976

Arrested on leaving home; two days before, security agents had broken into his former home in the apparent belief that he was still living there.

42. AVELLO AVELLO, OSCAR EDUARDO

Age 22

69,229 Rengo

24 June 1976

Arrested at his home in the presence of numerous witnesses, who saw him bundled into a vehicle; a few hours later, his captors returned and took some things from the house, which they subsequently returned - on 1 July - to the house of a relative of Avello Avello.

43. HINOJOSA ARAOS, JOSE SANTOS

Age 43

26 June 1976

Arrested at his home by six agents armed with sub-machine guns and pistols.

44. MEDINA HERNANDEZ, RODRIGO

Age 18

46,342 Providencia

27 May 1976

Arrested in the street immediately after leaving home.

45. CONCHA BASCUNAN, MARCELO

Age 30

4,945,518 Santiago

10 May 1976

Arrested on the public highway between his home and his office.

46. MAINO CANALES, JUAN BOSCO

Age 27

6,053,723 Santiago

26 May 1976

At the time of his arrest, he was working on his diploma thesis with Antonio Elizondo Ormaechea (who was also arrested the same day with his wife, Elizabeth Rekas Urra, both of whom have also disappeared); this was the reason why he was working permanently in this couple's flat. The flat shows clear signs of having been broken into. Two days previously, Andrés Rekas Urra was arrested by DINA agents and, according to the records of the case No. 94167 in the Sixth Criminal Court of Santiago, taken to the DINA place of detention known as "Villa Grimaldi", where he was questioned about Maino Canales.

Annex VIII

LIST OF SOME MISSING PERSONS

In the course of its inquiry during 1976 the Ad Hoc Working Group received from various sources information concerning persons who were reported to have been detained by Chilean authorities and who subsequently disappeared. Although the Group itself has not had the opportunity to investigate each case, the following constitutes a list of the most reliably attested cases of persons who have disappeared during 1976.

<u>Name</u>	<u>Date of disappearance</u>
BOETTGER VERA OCTAVIO JULIO ^{a/ b/}	17 January 1976
CANCINO ARMIJO ADAN DEL CARMEN ^{a/}	13 January 1976
GONZALEZ MUÑOZ JORGE LUIS ^{a/ c/}	6 January 1976
MERINO VARAS ULISES JORGE ^{a/ d/}	2 February 1976
WEIBEL NAVARRETE JOSE ARTURO ^{a/ e/}	29 March 1976
ARAYA ZULETA BERNARDO ^{a/ f/}	2 April 1976
CORTES ALRUIZ JUAN ELIAS	29 April 1976
ENRIQUEZ ESPINOZA EDGARDO	10 April 1976
ESCOBAR CEPEDA ELISA DEL CARMEN ^{a/}	10 April 1976
EUGENIO EUGENIO BASILIO ^{a/}	29 April 1976
FLORES BARRAZA MARIA OLGA ^{a/ f/}	2 April 1976
HERNANDEZ ZAZPE JUAN HUMBERTO ^{a/ c/}	3 April 1976
MENA ALVARADO NALVIA ROSA ^{a/ g/}	29 April 1976
MUJICA MATURANA MOISES EDUARDO ^{a/}	29 April 1976
RECABARREN GONZALEZ LUIS EMILIO ^{a/ g/}	29 April 1976
RECABARREN GONZALEZ MANUEL GUILLERMO ^{a/ g/}	29 April 1976
RECABARREN ROJAS MANUEL SEGUNDO ^{a/ g/}	30 April 1976
TAMAYO MARTINEZ MANUEL JESUS ^{a/}	4 April 1976
ALVARADO GONZALEZ MAURICIO ^{a/}	19 May 1976
CERDA CUEVAS CESAR DOMINGO ^{a/}	19 May 1976
CONCHA BASCUNAN MARCELO RENAN ^{a/}	10 May 1976
DIAZ LOPEZ VICTOR MANUEL ^{a/ h/}	10 May 1976
DIAZ SILVA LENIN ADAN ^{a/ c/}	9 May 1976
DONAIRE CORTES ULDARICO ^{a/}	5 May 1976
DONATO AVENDAÑO JAIME PATRICIO ^{a/}	4 May 1976
ELIZONDO ORMAECHEA ANTONIO ^{a/}	26 May 1976
ESPINOZA FERNANDEZ ELIANA MARINA ^{a/}	12 May 1976
GUERRERO CARRILLO ANGEL GABRIEL	25 May 1976
LARA ROJAS FERNANDO ANTONIO ^{a/}	7 May 1976
MAINO CANALES JUAN BOSCO ^{a/}	26 May 1976
MEDINA HERNANDEZ RODRIGO ALEJANDRO ^{a/}	28 May 1976
MORALES RAMIREZ MIGUEL LUIS ^{a/}	3 May 1976
MUÑOZ POUTAYS JORGE ONOFREA ^{a/ i/}	5 May 1976
NUÑEZ BENAVIDES RODOLFO MARCIAL ^{a/}	18 May 1976
NUÑEZ ROJAS LUIS HERNAN ^{a/}	23 May 1976

<u>Name</u>	<u>Date of disappearance</u>
PAREDES PEREZ ERNESTO ENRIQUE ^{a/}	15 May 1976
REKAS URRRA ELIZABETH DE LAS MERCEDES ^{a/}	26 May 1976
VALDIVIA GONZALES OSCAR DANTE ^{a/}	27 May 1976
ZAMORANO DONOSO MARIO JAIME ^{a/ i/}	3 May 1976
ACUÑA ACUÑA CARMELA ^{a/}	23 June 1976
ALVAREZ VASCONCELLO TOMAS ^{a/}	25 June 1976
AVELLO AVELLO OSCAR EDUARDO ^{a/}	24 June 1976
CASTILLO ASCENCIO PEDRO SEGUNDO ^{a/}	3 June 1976
CONTRERAS ROJAS HECTOR	28 June 1976
CORNEJO CAMPOS RAUL GUILLERMO ^{a/ j/}	16 June 1976
FLORES CASTILLO CAROL FEDOR ^{a/}	10 June 1976
FUENZALIDA LOYOLA SERGIO MANUEL ^{a/ c/}	28 June 1976
GARATEGUA QUINTEROS ORLANDO PATRICIO ^{a/ c/}	25 June 1976
HINOJOSA ARAOS JOSE SANTOS ^{a/}	26 June 1976
MATURANA GONZALEZ LUIS EMILIO ^{a/}	8 June 1976
OLIVARES GUERRA ZOILO GALVARINO	22 June 1976
ORELLANA CATALAN JUAN RENE ^{a/}	7 June 1976
OVALLE NARVAEZ MIGUEL HERNAN ^{a/}	27 June 1976
PARDO PEDEMONTTE SERGIO RAUL ^{a/}	16 June 1976
CANTEROS PRADO EDUARDO ^{a/}	23 July 1976
CANTEROS TORRES CLARA ELENA ^{a/}	23 July 1976
GALINDO RAMIREZ MARIA	22 July 1976
GALVEZ RIVADENEIRA GUILLERMO ^{a/}	28 July 1976
GIANELLY COMPANY JUAN ANTONIO ^{a/ c/}	26 July 1976
LOPEZ SUAREZ NICOLAS ALBERTO ^{a/}	30 July 1976
MARTINEZ QUIJON GUILLERMO ALBINO ^{a/}	21 July 1976
MIRANDA GODOY DARIO FRANCISCO ^{a/}	30 July 1976
MONTOYA VILCHES RAUL GILBERTO ^{a/}	21 July 1976
MORA GARCES JUAN HECTOR ^{a/}	22 July 1976
QUINONES IBACETA JUAN LUIS ^{a/}	23 July 1976
RODRIGUEZ URZUA ALEJANDRO ^{a/}	27 July 1976
SOLOVERA GALLARDO JORGE ^{a/}	30 July 1976
TURIEL PALOMERA MARIANO LEON ^{a/ k/}	15 July 1976
TOLOSA VASQUEZ JOSE VICENTE ^{a/}	15 July 1976
TORO BRAVO NICOMEDES SEGUNDO ^{a/}	28 July 1976
VALLADARES CAROCA JULIO DEL TRANSITO	2 July 1976
ATENCIO CORTES VICENTE ^{a/ l/}	11 August 1976
CARDENAS VALDERRAMA VICTOR MODESTO	26 August 1976
CASTILLO TAPIA GABRIEL JOSE ^{a/}	5 August 1976
CASTRO SARAVIA JULIO ENCARNACION ^{a/ m/}	5 August 1976
CORVALAN VALENCIA JOSE ENRIQUE ^{a/}	9 August 1976
FLORES GARRIDO JOSE EDILIO ^{a/}	12 August 1976
GODOY LAGARRIGUE CARLOS ENRIQUE ^{a/ n/}	4 August 1976
HERNANDEZ CONCHA EDUARDO ENRIQUE ^{a/ o/}	3 August 1976
HERRERA BENITEZ ALICIA ^{a/}	4 August 1976
INSUNZA BASCUNAN IVAN ^{a/ o/}	4 August 1976
JERIA SILVA ENRIQUE	August 1976
JUICA VEGA MARIO JESUS ^{a/ p/}	9 August 1976
MAURERIA VASQUEZ MARIO OSVALDO ^{a/ q/}	8 August 1976

<u>Name</u>	<u>Date of disappearance</u>
MORALES MAZUELA VICTOR HUGO ^{a/}	9 August 1976
MORALES MORALES ROSA ELENA	18 August 1976
NAZAL QUIROZ MIGUEL	11 August 1976
PALMA ROBLEDO DANIEL FRANCISCO ^{a/}	4 August 1976
PARRA FARIAS ALFREDO ANTONIO	August 1976
RAMOS RAMIREZ OSCAR ORLANDO ^{a/}	6 August 1976
RAMOS VIVANCO OSCAR EDUARDO ^{a/ c/}	6 August 1976
RETAMAL SEPULVEDA JULIA DEL ROSARIO	15 August 1976
SALGADO SALINAS JORGE	9 August 1976
SANTANDER MIRANDA JOSE EDUARDO ^{a/}	6 August 1976
SILVA BUSTOS PEDRO EDUARDO ^{a/ c/}	9 August 1976
VARGAS LEIVA MANUEL DE LA CRUZ	7 August 1976
VEGA VEGA JULIO ROBERTO ^{r/}	16 August 1976
VILLARROEL ZARATE JUAN AURELIO	17 August 1976
VIZCARRA COFRE CARLOS MARIO ^{a/ s/}	11 August 1976
VIVANCO HERRERA NICOLAS HUGO	10 August 1976
VIVANCO VEGA HUGO ERNESTO ^{a/}	4 August 1976
ARAYA CASTILLO ALFONSO	9 September 1976
GONZALEZ ORTIZ FRANCISCO JAVIER	9 September 1976
RIQUELME PINO ANIBAL RAIMUNDO	29 September 1976
VALDENEGRO CARRASCO LILA LUDOVINA	29 September 1976
CASTILLO CERNA GABRIEL	11 October 1976
ARAYA CABRERA SANTIAGO	29 November 1976
CACERES GONZALEZ JORDE DIMITROF	17 November 1976
CONTRERAS MALUJE CARLOS HUMBERTO	3 November 1976
BERRIOS CATALDO LINCOYAN	15 December 1976
CEPEDA MARINKOVIC HORACIO	15 December 1976
DURAN GONZALEZ CARLOS PATRICIO	18 December 1976
GONZALEZ ORTIZ FRANCISCO	9 December 1976
NAVARRO ALLENDE FERNANDO	13 December 1976
ORTIZ LETELIER JUAN FERNANDO	15 December 1976
PEREIRA PLAZA REINALDA DEL CARMEN	15 December 1976
PINTO ARROYO EDRAS	20 December 1976
PIZARRO MOLINA WALDO ULISES	15 December 1976
PORTILLA PORTILLA ARMANDO	9 December 1976
VELIZ RAMIREZ HECTOR	15 December 1976

a/ See previous report (A/31/253, annex XIX)

b/ See above para. 137(b)

c/ Included in the list submitted by the Government of Chile (A/C.3/31/6/Add.1, annex 26) of "Persons whose identities have not yet been established at the Bureau of Identifications".

d/ According to the Government of Chile he is not in detention, and there is no warrant of arrest against him (A/C.3/31/6, chap. IV, D, 5). See also previous report (A/31/253, para. 281).

e/ According to the Government of Chile there is no record indicating that he is or has been detained (A/C.3/31/6, chap. IV, D). See also previous report (A/31/253, paras. 256-258).

f/ The Government of Chile has stated that the Alien Status Department, Section for the International Control of Frontiers, reported that Mr. Araya Zuleta and Mrs. Flores Barraza are recorded as having left Chile for Argentina on 7 April 1976 by way of the Caracoles post (A/C.3/31/6, chap. IV, D, 5). The Government annexed copies of the certificates of the International Frontier Section, dated 20 August 1976 (A/C.3/31/6/Add.1, annex 19). See also previous report (A/31/253, para. 283).

g/ The Government of Chile has stated that Luis Emilio and Manuel Recabarren González, Manuel Recabarren Rojas and Navia Rosa Mena Alvarado are all members of the Communist Party; that no warrant of arrest against them exists or has existed and that the Government has initiated steps to locate them (A/C.3/31/6, chap. IV, D, 5). See also previous report (A/31/253, para. 284).

h/ The Government of Chile has stated that there is a warrant of arrest pending against him for terrorist activities and that the Government will continue its efforts to locate him (A/C.3/31/6, chap. IV, D, 4, b); see, however, para. 171 above. See also previous report (A/31/253, paras. 259-261).

i/ The Government of Chile transmitted a copy of a certificate of the International Frontier Section, dated 20 August 1976, according to which Mr. Muñoz Poutays and Mr. Zamorano Donoso left Chile on 13 May 1976 from Pudahuel to Argentina (A/C.3/31/6/Add.1, annex 19); see, however, para. 170 above. See also previous report (A/31/253, paras. 173-179).

j/ According to the information received from the Government of Chile (A/C.3/31/6/Add.1, annex 26), he was released on 16 June 1976 pursuant to decree No. 2155. The Group has received recent information from reliable sources to the effect that he is still missing.

k/ According to the information received from the Government of Chile (A/C.3/31/6/Add.1, annex 26), he was released on 12 July 1976 pursuant to decree No. 1807. The Group has received recent information from reliable sources to the effect that he is still missing.

l/ According to the information received from the Government of Chile (A/C.3/31/6/Add.1, annex 26), a person named Pedro Atencio Cortés was released on 11 September 1976 pursuant to decree No. 2224. The Group notes that its previous report (A/31/253, annex XIX) listed a person named Vicente Atencio Cortés and that according to recent information from reliable sources, he is still missing. The Group also heard testimony from a person who saw "Atencio Cortés" in a place of detention (see above, para. 158).

m/ According to the information received from the Government of Chile (A/C.3/31/6/Add.1, annex 26), he was released on 8 August 1976 pursuant to decree No. 2193. The Group has received recent information from reliable sources to the effect that he is still missing.

n/ The Government of Chile has stated that there is no record indicating that he is or has been detained (A/C.3/31/6, chap. IV, D, 4, c). See also previous report (A/31/253, paras. 262-270).

o/ The Government of Chile has stated that efforts have been made to locate him but without success and that he has probably travelled illegally to Argentina (A/C.3/31/6, chap. IV, D, 4, d).

p/ See annex IX, "List of persons still missing who have been seen in places of detention...".

q/ According to the information received from the Government of Chile (A/C.3/31/6/Add.1, annex 26), he was released on 15 June 1976 pursuant to decree No. 2115. The Group has received recent information from reliable sources to the effect that he was arrested on 8 August 1976 and is still missing.

r/ See note p/above.

s/ Ibid.

Annex IX

LIST OF PERSONS STILL MISSING WHO HAVE BEEN SEEN IN PLACES OF
DETENTION BY SOME OF THE PERSONS RELEASED DURING THE LAST TWO
MONTHS OF 1976

<u>Name</u>	<u>Date of arrest</u>
AEDO CARRASCO FRANCISCO a/	9 September 1974
ANDRONICO ANTEQUERA JORGE ELIAS a/	3 October 1974
ANDRONICO ANTEQUERA JUAN CARLOS a/	7 October 1974
ARANDA ROMERO ROBERTO ENRIQUE	23 August 1974
AVALOS DAVIDSON ALEJANDRO	20 November 1975
BARRIA ARANEDA ARTURO a/	28 August 1974
BOETTIGER VERA OCTAVIO	17 January 1976
BRUCE CATALAN ALAN ROBERTO	2 February 1975
CARAVANTES OLIVARES HORACIO NEFTALI	21 January 1975
CERDA APARICIO PATRICIO HUMBERTO	10 February 1975
CHANFREAU OYARCE ALFONSO a/	31 July 1974
CONTRERAS HERNANDEZ CLAUDIO a/	8 January 1975
CORTES JOO MANUEL EDGARDO a/	14 February 1975
ELGUETA PINTO MARTIN a/	17 July 1974
ESPINOZA POZO MODESTO SEGUNDO a/	22 August 1974
FLORES PEREZ JULIO FIDEL a/	10 January 1975
FUENTES ALARCON JORGE ISAAC	July 1975
GAJARDO WOLFF CARLOS ALFREDO a/	20 September 1975
GALLARDO AGUERO NESTOR a/	September 1974
GARCIA VEGA GABRIEL ALFREDO a/	18 January 1975
GUERRERO GUTIERREZ CARLOS EDUARDO	31 December 1974
GUTIERREZ MARTINEZ MARCIA ISABEL	24 January 1975
JUICA VEGA MARIO	9 August 1976
LAGOS MARIN SERGIO	7 February 1975
MANCILLA RAMIREZ ADOLFO ARIEL	25 November 1974
MIRANDA LOBOS EDUARDO FRANCISCO	8 October 1974
MOLINA MOGOLLINES JUAN RENE a/	29 January 1975
MONTI CORDERO EUGENIO IVAN	13 February 1975
ORTIZ MORAGA JORGE EDUARDO a/	12 December 1974
PERELMAN IDE JUAN CARLOS a/	19 January 1975
RIOS PACHECO SONIA	17 January 1975
RIOS VIDELA HUGO DANIEL a/	14 February 1975
RIOSECO ESPINOZA CARLOS	9 January 1975
ROBOTHAM BRAVO JAIME EUGENIO a/	31 December 1975
ROJAS CASTANEDA ALFREDO	27 February 1975
SALINAS ARGOMEDO ARIEL MARTIN a/	25 September 1974
SANDOVAL RODRIGUEZ MIGUEL ANGEL a/	7 January 1975
SANTIS QUIJADA CEFERINO	12 September 1973
SILBERMAN GUROVICH DAVID	4 October 1974

a/ On the "list of 119".

<u>Name</u>	<u>Date of arrest</u>
TELLO GARRIDO TEOBALDO ANTONIO <u>a/</u>	22 August 1974
THAUBY PACHECO CLAUDIO FRANCISCO	31 December 1974
UGAZ MORALES RODRIGO <u>a/</u>	7 February 1975
URBINA CHAMORRO GILBERTO <u>a/</u>	6 January 1975
VILCHES FIGUEROA ABEL ALFREDO	27 January 1975
VILLAR ORIJON ELIAS	27 January 1975
ZUÑIGA TAPIA HECTOR <u>a/</u>	16 September 1974

Other cases:

Luis Vidal, Luis Norambuena Fernandois, Luis Gómez, seen in September 1973 in Tejas Verdes before being declared dead under the Law on Escape (Ley de Fuga);

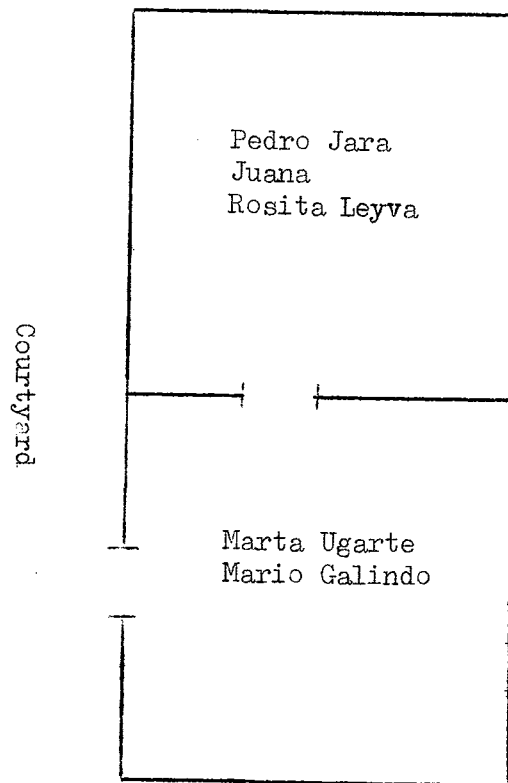
Luis Gargas Torres, seen in the Villa Grimaldi before being declared killed in a public confrontation in November 1975.

a/ On the "list of 119".

Annex X

INFORMATION CONCERNING THE CASE OF MARTA UGARTE

Sketch of the room in which I was detained, together with Marta Ugarte and the other persons referred to in my statement, the day before my release, i.e., 24 August 1976.



25/1/77

(Signed)
PEDRO R. JARA ALEGRIA

Annex XI

THE CASE OF CARMELO SORIA ESPINOSA: STATEMENT BY
DR. LAURA GONZALEZ-VERA MARCHANT DE SORIA CONCERNING
THE DISAPPEARANCE AND DEATH OF HER HUSBAND

Carmelo Soria Espinosa was a Spanish citizen, accepted as having Chilean nationality under the dual nationality decree. He was born in Madrid on 5 November 1921 and married to Laura Gonzalez-Vera Marchant, a medical surgeon. He had three children: Laura, aged 18; Carmen, aged 16, and Luis, aged 11. He had been an official of the United Nations system since 1960 (FAO 1960-1969, Latin American Demographic Centre (CELADE) 1969-1971 and from May 1973 to 14 July 1976). From 1969 onwards, he was an internationally recruited official. Between 1971 and 1973, he worked first in the Training and Research Institute for Agrarian Reform (ICIRA) as Chief of Publications, and later (up to September 1972) in QUIMANTU (the national publishing company) as co-ordinator of the editorial section.

On 14 July 1976, shortly before 1 p.m., I went to fetch my husband from his office, and we lunched together at home. During the meal, he showed me a US\$ 100 bill which he had in his cheque book ... He left for the office at 1.50 p.m. That was the last time I saw him alive.

At about 5.10 p.m. he left his office at 61 Huelen Street. The printing staff informed me that my husband had said that he was going home because he had a severe migraine headache.

At 5.20 p.m., he was seen by Mrs. Eliana Garrido de Cruz, the wife of our friend Carlos Cruz Arjona. This lady was travelling home by taxi ... the taxi stopped at the lights and ... she saw my husband's car pass the end of Amapolas Street (half a block before the Avenida Tobalaba). In other words, he was returning home by his usual route.

At about 8 p.m., when my husband had still not arrived, I called the home of ... an ECLIA official ... [and] I called one of my husband's secretaries to ask whether, at the moment of leaving his work, he might not have met some friend and left with him. She replied that he had not. This surprised me very much, because my husband always telephoned me to tell me of any change in his usual time-table, so that I should not be alarmed.

I rang the city accident services without being able to obtain any news of him. In almost 20 years of marriage, my husband had never slept away from home, except when he was on a journey. That night he did not return.

On 15 July, I called [a number of persons] and then went personally to the Posta Central (the chief emergency medical service of the city). Nothing was known there either.

I notified the Spanish Consulate of his disappearance and then went to ECLIA, and from there, accompanied by Mr. Vaz (Chief of the Security Unit), to the 24th Precinct Station in Vitacura, to report the "presumed misadventure"....

... Mr. Elizaga (the Acting Director of the Centre) ... informed me that ... the car had been found overturned and under water in the Canal del Carmen, in the La Pirámide district. ... [my daughters] were informed that the first news of the car had been received at 11.20 a.m. from the La Pirámide police station.

Neither the Homicide Squad nor the Traffic Accidents Technical Service was represented at the scene of the incident.

On 16 July, at about 10.00 a.m., my daughters, accompanied by CELADE and ECLA Officials, went to the Canal, hoping that it would be completely drained. It should be noted that this was the only day on which it was possible to see the car in its entirety and that nothing was taken from its interior. My daughters were told to remain near to the car, probably to prevent them from seeing their father's body in the water downstream. (This was also the day on which the private expert investigation was carried out that gave details of the fall of the car from the bank and of the conditions in which the car was found ...)

Mr. Vaz was given a folded paper, taken from the jacket, which was an anonymous letter accusing me of adultery. I should point out that it is physically inexplicable that three bodies of different densities, in this case the jacket, the corpse and the back seat of the motor car, should be carried away by the waters of a canal and arrive at the same point. The distance between the bridge downstream and the place where the corpse, the seat and the jacket were found can be covered in four minutes at normal walking pace. Apart from the objects found on the bank, there were missing: a raincoat, a Longines wrist-watch, a Parker pen and pencil set and an automatic pencil and a US\$ 100 bill.

At about 3.00 p.m., I decided to go to the Institute of Forensic Medicine to learn the result of the autopsy (the corpse having been removed from the canal bed at 11.40 a.m.) ...

...

... I saw Dr. Tovar, Professor of Forensic Medicine, who ... informed me that the body had arrived without any information concerning it. He was very interested in the details I gave him and went off to communicate them to Dr. Vázquez Fernández, who was then carrying out the autopsy.

I waited and had the following conversation with him:

"Dr. Vázquez Fernández: You know, Doctor, that I had no background information. The injuries are very unusual. The cause of death was a cervical contusion, so brutal that it severed the medulla.

Dr. Gonzalez-Vera: They told me that my husband had a left frontal parietal fracture revealing the encephalic mass.

Dr. Vázquez Fernández: No, Doctor, he has only a diffuse sub-arachnoid haemorrhage. He has an ecchymotic mask and, taking the two lesions together, one is inclined to think of strangulation by a person of heavy build. In addition, he has a contributory lesion, a contusion of the thorax.

Dr. Gonzalez-Vera: How long did the body remain in the water?

Dr. Vázquez Fernández: It was in the water for more than 10 hours.

Dr. Gonzalez-Vera: So my husband was technically dead on entering the water?

Dr. Vázquez Fernández: Yes.

Dr. Gonzalez-Vera: Were the alcohol-content test and other tests carried out?

Dr. Vázquez Fernández: Yes, Doctor."

The transcription is not based on shorthand, but there is no error of substance, the matters referred to being of great gravity.

....

On 17 July, I had an interview with the Minister of Justice at his home and informed him that, in view of all the information on the case and the above-mentioned conversation with Dr. Vázquez Fernández, I could only conclude that the kidnapping and murder of my husband were the work of DINA. I expressed my astonishment at the absence of the Homicide Squad on 15 July. When the car was searched on that date, the corpse was not in it, but that could not have been assumed in advance. The Traffic Accident Technical Service had also been absent. He told me that those acts of negligence might be explained by the fact that the incidents had occurred in a suburban area.

...

On 20 July, ... I went to the Institute of Forensic Medicine to remove my husband's remains. In the presence of Dr. de la Lastra, an ECLA doctor, and Mr. Kassís, an official of CELADE, we had the conversation which I summarize below:

"Doctor Vargas Fernández: The exact time of death is an autopsy secret.

Doctor González-Vera: The period of immersion was more than 10 hours.
What is the maximum limit?

Doctor Vargas Fernández: A maximum of 12 hours.

Doctor González-Vera: Doctor, I am giving you my husband's scarf which was found on the bank and which contains blood stains. My husband's blood-group is Rh (-)B."

(I should point out that shortly afterwards, a scandal broke out concerning the falsification of alcohol tests in the Institute of Forensic Medicine and it became necessary to appoint a judge as special investigator. The investigation continued during August and September).

On 24 July, the car was removed from the Canal by staff of the ECLA Automobile Insurance Group. ... There had still been no expert examination of the vehicle by the police (it had remained continually under water since 16 July).

...

In the interim, the international officials of CELADE had engaged a lawyer, Mr. Alfredo Etcheverry, whose office is at No. 162 Bandera Street, to bring, on my behalf, a complaint against third parties unknown for the homicide of my spouse Carmelo Soria.

During the week of 19-25 July, I was visited at home by the Homicide Squad. They took down my statement, but the transcription of the statement was not shown to me, nor did I sign any document. I am informed by lawyers that the regulations for investigations require both. On that occasion, they asked me for a list of persons who knew my husband and could give evidence concerning his habits and personality. The list [of 10 persons] was as follows: ...

...

On the basis of the evidence taken down in this way and without any expert examination of the car having been made, General Ernesto Baeza Michaelson stated, as reported in the 29 July issue of El Mercurio of Santiago: "It was a deplorable accident; all the investigations carried out by the service lead to this conclusion. It is known that Carmelo Soria had been suffering from emotional strain, a situation of real shock. He had been drinking that evening and drove badly". El Mercurio continued: "The Director of the Investigation Department added that the Spaniard had found himself in an unfortunate situation that affected his work and his stability. The case has been closed by the Investigation Department as an accidental death". The same unsigned article, contained the following comment: "a half-empty bottle of pisco and the results of the second autopsy ... made it clear that his death was an accidental one. The final proofs were found in the CELADE office in Huelén Street: Soria was being subjected to emotional blackmail; he was receiving telephone calls and letters telling him that somebody had interfered in his conjugal happiness."

I wish to point out that:

1. Only one autopsy was carried out on the body of Carmelo Soria, on 16 July 1976. (The autopsy report is annexed.)
2. No bottle of pisco was found near the corpse on 16 July nor removed from the car (presence on the spot of United Nations officials and family members).
3. Up to 29 July, no member of the Homicide Squad had either questioned any CELADE official or had had physical access to the premises of CELADE. This occurred only some days later in the presence of Mr. Enrique Iglesias, Executive Secretary of ECLA.

On 3 August, we presented ourselves in the Third Criminal Court to request that a date be set for us to make depositions. It was not possible to arrange such an appointment, because the judge had received no evidence from the Homicide Squad or from the Criminal Investigation Department.

Later, on 23 September, I made depositions in the presence of the Clerk of the Third Criminal Court ...

I also informed the judge of the absurd way in which the discovery had been made of the typewritten letter reading: "Carmelo: I regret to inform you that I have been able to prove your wife's faithlessness, of which we have already spoken. Your loyal friend." and I said that the best evidence, apart from the technical details of the manner in which this paper had arrived and remained in my husband's jacket, was the fact that he would have had to have received it through the post or by hand on 14 July between 2 p.m. and 5 p.m. The post was distributed at 4.30 p.m. That afternoon, Carmelo received only one gentleman in his office on business connected with printing. The porter checks and keeps a record of all visitors during the afternoon, a measure adopted by the United Nations because of the conditions in the country. ...

My husband had returned from Spain on 15 May 1976, where he had been on family business. He wrote me five letters, one of which I received.

On 21 May, he began to suffer from an inflammation of the right ear which then developed into a trigeminal neuralgia - an atypical right facial neuralgia, for which he was initially treated with antibiotics and then, for the neuralgia, with other medication, including Distazil. As a result, he had to keep to his bed during May and part of June. In the course of the medical treatment, a buco-pharyngeal allergic reaction occurred, first to the antibiotic and then to the Distazil. Consequently, and since it was absolutely contra-indicated, he did not drink a drop of alcohol after 23 May. These trigeminal affections are one of the most painful conditions and, consequently, the medical prescriptions were strictly followed....

His total abstinence from alcohol can be testified to not only by the members of his family but also by the international officials who attended the farewell party given to Miss Miró on 2 July at the Circulo Español in Santiago.

All the facts mentioned above lead to the conclusion that this was a political crime perpetrated by the DINA. To demonstrate this, I should like to make the following additional observations:

1. The appearance of the car and of the body at a place so far removed from my husband's habitual route, on which he had been seen by the witness on 14 July at 5.20 p.m., seems absolutely inexplicable, but becomes logical if we consider that the road where his car was probably accosted (Avenida Manquehue) links up some distance further on with the Camino del Alba.
2. In the light of my husband's personality and of all of the evidence concerning his health, it is incredible that he should take a drive and then have an "accident" in an area which he had never frequented.
3. From the expert examination of the tyre marks of the car, which I myself had carried out (since the police carried out no such examination) it is evident that the car was coming from Conchalí or, in other words, was travelling in the opposite direction to that from the intersection at which he had last been seen. According to the Carabineros report, the car crashed over the bank, at 2 a.m. on 15 July (during the curfew). How was it possible for a private individual to travel such a distance from his home and so close to the Barracks of the Buin Regiment without having been arrested?

4. As the description of the tracks indicates, the car went over the canal bank. There were no traces of braking or of the wheels being turned; the gear-lever was in neutral and the ignition key was inserted, but this does not necessarily mean that the engine was running.
5. The car's right front seat, the pocket of the right-hand door and the radio were missing. The radio was probably stolen, while the seat and the pocket presumably showed traces of the crime. They were never found.
6. The only way in which the corpse could have left the car is through the hole in the windscreen, but its dimensions are not such as to permit the passage of a flexible body. They are: on the right-hand side, height from pillar to pillar, 40 cm. and of the right-hand quarter 20 cm. From the centre of the windscreen 13 cm.; on the left-hand side, height from pillar to pillar, 35 cm. and of the left-hand quarter 25 cm. There is even less possibility that a rigid body such as the back seat, which was found near the corpse, could have passed through this aperture.
7. The other impediment to the passage of both bodies was the position of the car. It was facing south, while the water flows towards the north. In addition, the bonnet was open and forced back against the windscreen, thus constituting yet another obstacle to the passage of the body and of the seat.
8. When the corpse was sought on the 15th, it was not inside the car. Since it is obvious that it could not have left the car for the reasons given above - the structural conditions of the car and the direction of the current, plus the fact that the corpse was a flexible body but the seat a rigid body - this means that neither the corpse nor the seat was in the car when it fell from the roadway.
9. The discovery of the documents on the bank cannot be explained by the previous considerations, but only by the action of third parties who must have thrown them from the canal road on to the bank. Moreover, they included not only documents that had been in the jacket but also some from the pocket of the right-hand door, such as the Volkswagen booklet, and the road map which had been in the glove compartment. The laissez-passer and the blood-stained scarf were also found on the bank, and this not only reveals the action of third parties but also constitutes prima facie evidence of violence.
10. The separate location of the corpse, the back seat and the jacket, from which the (anonymous) folded paper was taken, at a distance of 1,500 metres from the car, is a fact which disregards the physical laws of the displacement of bodies of various densities in a flow of water (because of the different densities, they should have been found at different points along the watercourse).

Another question which arises is how they arrived where they were found if they were unable to leave the car, if they had against them the current and the physical obstacle of the bonnet which prevented them from turning round and moving from the vehicle from which they could not in any event emerge? They must have been brought to the place where they were found because this is a four minutes' walk at a normal pace from the bridge which

is further downstream and the back seat must have been used as a stretcher to carry the corpse. The jacket had to be found removed and near the corpse so as to maintain the evidence of the anonymous letter which triggered off the "accident", because a paper in the pocket would have been badly damaged by the movement of the water (the effect would be physically comparable to that produced on a piece of paper placed in a mixer). All the physical forces which would have acted on this piece of paper can be measured scientifically and they render the whole incident impossible. The time factor must also be considered. Since the minimum period of immersion of the corpse was 10 hours, the paper would necessarily have had to endure a battering for that time and this explains why the jacket was found off the body, quite apart from the fact that the documents arrived on the bank.

11. The absence of the raincoat, of the Longines wrist watch, of the Chilean money, of the US\$ 100 bill which had been in the cheque-book, of the Parker pen and pencil set and of the automatic pencil, all of which had been in the jacket, once again indicates the presence of third parties.
12. When it is considered that the corpse was taken from the water on the 16th at 11.40 a.m., after a maximum immersion period of 12 hours, it must be concluded that it entered the canal at 12.20 a.m. on the 16th. If the car fell into the canal, without the corpse, at 2 a.m. on the 15th, there were more or less 22 hours during which the corpse was not on the bank, in the car or at the bottom of the canal. Where then was Carmelo Soria? Putting it another way, where was Carmelo Soria from 5.30 p.m. on 14 July to 12.20 a.m. on 16 July? How are these 31 hours to be accounted for, remembering that the curfew began at 2 a.m. and lasted until 5.30 a.m. on 16 July? Once again, this is clearly the action of third parties.
13. Apart from the medical appraisals which are annexed, I wish to draw attention to the fact that the autopsy report does not indicate the times at which the post-mortem examination began and ended. It does not give the approximate hour of death, a basic practice of forensic medicine in the case of a non-attended death. From the cadaveric lividities, which require a minimum of 20 hours to appear, and from the fact that the autopsy was being carried out at 4.15 p.m. on 16 July, when I was in the Institute of Forensic Medicine, it may be concluded that, since as a minimum, death must have occurred at 8 p.m. on 15 July and since the body was in the water for a maximum of 12 hours, Carmelo Soria must have been dead when he reached the canal bed. This is corroborated by the lack of water in the lungs, which can be observed macroscopically. The exact position of the placton is not indicated but the description of the lungs reveals symptoms encountered in the case of strangulation.

The time that rigor mortis set in, another way of calculating the time of death, is not given.

If the car fell into the canal at 2 a.m. on 15 July and if, prior to this, the back seat was removed to serve as a stretcher, Carmelo Soria was already dead at that time.

Weight of the corpse: in life, Carmelo Soria weighed 59 kilos, but the corpse weighed 52 kilos (the dehydration rate has not been calculated).

Can this be due solely to the lack of food after 1.30 p.m. on the 14 July? Contents of the stomach:

- (1) No remains of food;
- (2) Small gastric content;
- (3) A smell suggestive of alcohol (neither quantified nor examined).

We have here a problem of a lack of a relationship between the level of alcohol in the blood, the contents of the stomach, the time which a living body takes to eliminate alcohol and the increase in the alcohol content of a corpse by the invasion of bacteria.

- (a) In order to attain a figure of 1.49 grammes per mil, the ingestion required is the equivalent of five long drinks - five cocktails (780 cc) or five bottles of beer - and the elimination period is 10 hours. Consequently, the contents of the stomach should include a major portion of the ingestion and not just an "odour suggestive of alcohol", leaving aside the quantity needed for such a figure to be found in the blood stream; and if Carmelo Soria was dead before 2 a.m. on 15 July (the newspaper report mentioned as proof "a half-empty bottle of pisco"), the conclusion is that there was no possibility of sufficient ingestion for the figure given in the autopsy.
- (b) The sole alleged evidence of drinking supplied by the press "a half-empty bottle of pisco" is not enough to make up the 780 cc required to give a 1.49 grammes blood alcohol content.
- (c) As a result of the invasion of a corpse by microbes, streptococci in the first place and then enterobacteria, the alcohol content is raised to 0.86 grammes per mil ("Effect of microbiologic contamination on the block example in determination of stomachal levels in serum", B.R. Lakatua, AM Journal of Clinical Pathology, Vol. 60, pp. 700-702, 1973). If we subtract 0.86 grammes per mil from 1.49 grammes per mil, the result is 0.63 grammes per mil, and this would be the true blood alcohol content. This level would cause nothing more than expansive behaviour, exaggerated emotions and noisy talk. It does not, however, appear to be an alcohol content capable of triggering off such a "complicated accident" and, if the time of ingestion does not correspond, there are only two other possibilities left: a change of tube or intravenous injection of alcohol.

14. Another point to be mentioned is the presence, on the day when the corpse was raised, of members of the Carabineros Intelligence Service and the absence of any official representation of the Homicide Squad or of the Criminal Investigation Department.

15. I wish to draw attention to the treatment of the case in the Chilean press. The first news item published in Chile was on 19 July in El Mercurio of Santiago. On the same day, the item was included in the evening television news. The photograph shown on television, and which appeared later in various newspapers, showed the car overturned in the middle of the canal. In other words, this photograph must have been taken before 3.30 p.m. on 15 July, before the officials and the members of my family reached the scene of the incident, because, when they arrived, the car was already tied to the bank. The press thus had access to an item of news which was censored for four days.
- (a) On 17 and 18 July, cables began to arrive at the Ministry of Foreign Affairs, ECLA and the homes of members of the family, while telephone calls were received from Spain, Argentina, Ecuador, Costa Rica and the United States.
 - (b) The news of the murder was announced on European radios on 18 July. The censorship by the Chilean press is therefore "inexplicable", because an accident to an international official is always news.
 - (c) A week later, an Egyptian Embassy car fell into the same canal. It contained five people who succeeded in opening the car's doors and reaching the bank. They were all diagnosed as being in a state of shock, and the incident was reported in the television news programme on the day on which it occurred.
 - (d) The time sequence of the events - 14 July, disappearance of Carmelo Soria; 15 July, discovery of the car and the documents; 16 July, retrieval of the corpse from the bed of the canal - was never given in the published reports.

Why was this murder an action by the DINA (Directorate of National Intelligence)? Because the crime does not have the hallmarks of a suicide, a crime passionnel or a crime motivated by robbery.

I wish to mention the following facts.

1. Ever since Carmelo Soria arrived in Chile 26 years ago, he was known as a leftist; he worked in radio, printing and publishing.
2. The Military Intelligence Service continued to establish dossiers on leftists in Chile during the time of the Popular Unity Government. When Salvador Allende became President, my husband gave up his United Nations post and joined the editorial staff of ICIRA (the Training and Research Institute for Agrarian Reform) and the Quimantú publishing house.
3. When CELADE (the Latin American Demographic Centre) was first searched, Mr. Fernando Olivares was arrested and taken to the Ministry of the Interior. In three years the Government has not given the United Nations a satisfactory explanation, a fact which indicates that the Government is not particularly inclined to co-operate with the United Nations. The second search of CELADE was carried out by the Investigation Department at night. When the Investigation Department officials reached my husband's office, they commented "This fellow works here too". The nightwatchman telephoned us at home and the facts were reported

to Miss Carmen Miró, the Director of the Centre. It was decided to post United Nations security guards at CELADE. The third search was carried out by military personnel who burst into Miss Miró's office with submachine-guns at the ready.

4. My husband attended the funeral of José Tohá, the former Minister of Defence. The cars were travelling very slowly and next to Carmelo's car was a Carabineros motor cycle. Carmelo heard his own car registration number and the numbers of the other cars being transmitted by radio.

5. After the military coup d'état my husband was openly followed on seven occasions. One day we noted the time during which a Peugeot without a number plate waited for us opposite a friend's house.

There was a DINA centre at Rafael Cañas 214, half a block from the CELADE office in Calle Huelén.

Opposite our house lived an Investigation Department official responsible for guarding the house of the government journalist Silvia Pinto, which is situated on the same block. Investigation Department cars used to arrive at this house, packages were taken out of them and young men with short military-style haircuts used to stay there. My husband was thus followed in both directions on his journeys between our home and his office.

6. In January 1976 Mr. Enrique Pemjean was arrested. He was chief of the CELADE distribution section and had previously worked at Quimantú. He was tortured and interrogated for four days: for one day he was asked questions about Quimantú and for three days questions about CELADE. They wanted information about Miss Carmen Miró, Mr. Kassis, the chief of administration, and Carmelo Soria.

7. In April 1976 my husband travelled to Spain for family reasons. Not having received any letter from him, I telephoned to Madrid. He explained that he had written to me five times about the sale of some land, the value of land, legal matters and so on. My husband's family is heir to land at Ciudad Lineal, which was designed by the Spanish town-planner, Arturo Soria y Mata, Carmelo's grandfather. We agreed that he should not write again. DINA undoubtedly intercepted these letters and concluded that they had been written in code. Since DINA believes that United Nations and embassy officials transmit information and import money for the opposition, this interpretation is plausible.

8. Early in June, when my husband was recovering from his illness, our house remained for three days under open surveillance by three men who used an unnumbered van which they would park on the next block. We were told this by neighbours who were friends of my children. I later learnt that at that time a leftist leader had been arrested at the home of a woman CELADE official situated 10 blocks from our house, which accounts for the surveillance to which we were subjected.

9. In retaliation for the copious documentation passed to diplomats attending the OAS conference, the authorities carried out a wave of arrests in Santiago. The arrested persons included press leaders, former Quimantú technicians and leftists working in the information media. Among them was Carmelo Soria. His arrest and murder occurred a few days after he had returned to work after his illness. Many of the persons arrested on that occasion are "missing".

Action taken by DINA after my husband's murder:

1. Press censorship, already mentioned.
2. The Director of the Investigation Department hastily declared the case solved on 29 July, in the above-mentioned circumstances.
3. Members of the Carabineros Intelligence Department and DINA were present (red Peugeot cars) in the Camino del Alba on 15 and 16 July.
4. During the two months following the crime, I was constantly and blatantly followed. How did Dr. Vargas know exactly when (the day and the time) I would go and remove my husband's body?
5. Insulting telephone calls after the crime: "This is what happens to U.P. bastards"; "I saw them run your father's car over the edge. How much will you give me for the information?" The United Nations was informed of all these calls.
6. Intimidation of my children. They were followed by DINA cars and Investigation Department patrols. I myself therefore had to undertake the formalities for the legalization of their documents.
7. The traditional unnumbered Peugeot cars and Ford Ranchero vans would openly wait on the street corner near my house at all times of the day in order to follow me everywhere.
8. An international civil servant who sometimes gave me a lift in his car was threatened by telephone that his small children would be kidnapped. This incident was reported to Mr. Enrique Iglesias.
9. With Eugenio Velasco, a lawyer, I visited Gabriel Valdés Subercaseaux, who is an international civil servant. I told Mr. Valdés that DINA knew I was with him at that moment. He had requested protection by the Carabineros because of the threats to which he had repeatedly been subjected. Twenty-four hours later Eugenio Velasco was expelled from Chile.
10. On 4 August, another member of my family disappeared: Dr. Carlos Godoy Lagarrigue, son of the former Rector of the University of Chile and former Minister of Education, Mr. Pedro Godoy. Since that date no one has seen Carlos.
11. A few days after the provisional burial of my husband's remains, when I applied for permission and for an appointment for their cremation, I was told that the crematorium had not been operating since early July. I was given the same reply on 22 September and was told that "It will begin to operate in two weeks' time". For six months I have been refused permission to cremate my husband's remains pending a probable second autopsy. This demonstrates the extraordinary slowness of "Chilean justice" in the case of "an accident" sustained by an international civil servant. In view of the present condition of the body (in an unsealed coffin), no autopsy could yield new evidence and the marks of the injuries which he received while he was alive will have disappeared.

12. In my statement in the Third Criminal Court, I placed on record my surprise at the fact that no Visiting Judge had been appointed to examine this case. In September Mr. Iglesias officially requested the Government of Chile to appoint a Visiting Judge. The Government refused to do so.

13. When I asked in the appropriate department of the United Nations who would replace my husband, I was told that it would be "a non-Chilean professional". The United Nations authorities obviously realize that a **political crime** has been committed and are trying to forestall further problems of this nature.

14. A perusal of the Chilean and foreign press clearly reveals the political nature of the crime.

21 January 1977

(Signed) [Mrs.] Soria

Annex XII

THE CASE OF CARMELO SORIA ESPINOZA: AUTOPSY REPORT

Forensic Physician
CARLOS IBAR
1012 - Telephone Nos. 374331-370389
Santiago, Chile

eva/21

Santiago, 28 July 1976

AUTOPSY REPORT No. 1505/76
ON CARMELO SORIA ESPINOZA

Honourable Judge:

On 16 July 1976 I carried out an autopsy at this Institute on a corpse sent here by El Salto Police Station under file no. 51, the name given being CARMELO SORIA ESPINOZA.

According to the particulars, the deceased was brought to this Institute from the El Carmen canal.

The body was that of an elderly male, dressed, the clothes being in fairly good order but wet and muddy.

Measurement 173 cm, weight 52 kg.

Moderate generalized rigidity of the corpse.

Purplish discolouration of the back, very moderate. Also moderate discolouration of the front.

Eyes apparently **healthy**.

The deceased was wearing white metal cuff links in his shirt.

The surface of the skin was covered with wet sand.

The face had a diffused look about it, being moderately purplish in colour; there was a 3 x 2 cm purplish ecchymosis on the bridge of the nose, with a contused wound 1 cm in extent.

Purplish ecchymosis of the upper right eyelid.

Purplish ecchymosis and swelling of the upper and lower left eyelids with moderate subconjunctival bilateral haemorrhage.

Purplish ecchymosis of the lower lip.

Purplish ecchymosis covering an area 3 x 4 cm on the left side of the neck and intermittently 6 x 4 cm on the right side of the neck.

Internal vertical laceration of the right eyebrow, contused in appearance, not completely open but with moderate seepage of blood, measuring 2 cm.

Another open contused wound 3 cm long on the right side of the forehead with slight seepage of blood.

Another contused wound, oblique, 4 cm, left preauricular, with moderate seepage of blood.

Purplish ecchymosis on the back of the first proximal phalanx of the ring finger of the left hand and another similar one at the base of the left index finger.

Moderate internal seepage of blood on the third toe of the right foot.

Moderate purplish ecchymoses of the right tibial malleolus and right peroneal malleolus, more intense purplish ecchymoses of the left tibial malleolus and left peroneal malleolus.

Moderate pallor of palms of the hands and soles of the feet.

Bluish ecchymosis 3 x 2 cm left middle parasternal.

The mentopubic incision made for the autopsy revealed a large-scale seepage of blood at the sternocleidomastoid, sternothyroid, left major and minor pectoralis and left intercostal muscles.

All left ribs were fractured at the level of the front axillary line and all right ribs at different levels, with moderate blood seepage.

Left haemothorax of 500 cc, and right haemothorax of 100 cc, of liquid blood.

Moderate haemopericardium and a tear in the serous membrane of the pericardium, linked with a tear in the left pulmonary vein.

Tongue: showed areas of blood seepage.

Severe submucous blood seepage in the pharynx and larynx. Fracture of the hyoid bone and thyroid cartilage and a tear in the mucous membrane of the larynx.

Extensive retropharyngeal and provertebral blood seepage, with a fracture across the medulla of the fourth cervical vertebra and a fracture of the sixth cervical vertebra.

When the scalp was drawn back moderate blood seepage in the right temporal muscle could be seen and some seepage in the left temporal muscle, together with an area of infiltration into the occipital and parietal area on the left, the latter being 8 x 4 cm.

Cranium: walls of medium thickness showing no lesions.

Subarachnoid haemorrhage in both hemispheres, especially the right one.

Brain: On opening appeared fairly pallid. Base vessels enlarged.

Both lungs: Moderate congestion, haemorrhages.

Heart: of normal size. Valves enlarged and atheromatous. Subendocardiac haemorrhages in the left ventricle. Pale myocardium.

Stomach: moderate contents of bilious aspect and mucous matter, with a smell suggesting alcohol. Pale mucous membrane.

Liver: of normal size, smooth, with a small tear on the right edge.
Liver normal colouring.

Spleen: haemorrhaged.

Kidneys: of normal size, moderately congested.

LABORATORY TESTS: Alcohol in blood: 1.49 g per 1000

Blood group: B

Chlorides in blood: 5.30 g per 1000

Spermatozoa: Observation under the microscope by staining

SHOWED NO SPERMATOZOA

Flora: Observation of pulmonary flora under the microscope revealed the presence of some vegetable matter and particles of grit.

- CONCLUSIONS:
1. Body of an elderly male measuring 173 cm and weighing 52 kg.
 2. The cause of death is cervicothoracic injury and injury to the skull.
 3. The lesions in question are bound to be fatal.

Dr. Jose Luis Vasquez Fernandez

The Judge,
Third Criminal Court,
Santiago.

Annex XIII

THE CASE OF CARMELO SORIA ESPINOSA: REPORT OF THE DIRECTOR
OF THE INSTITUTE OF FORENSIC MEDICINE, UNIVERSITY OF GENEVA

On 21 January 1977, in connexion with the death of

Mr. Carmelo SORIA ESPINOSA
born in Madrid on 5 November 1921
United Nations official
domiciled in Santiago (Chile),

we were given by Mr. M. Schreiber, Director, Division of Human Rights, United Nations Office at Geneva, at the request of an ad hoc working group convened to inquire into the present situation of human rights in Chile, the task of furnishing an expert medical opinion as follows:

To study the documents accompanying the request and to give our opinion on the following questions:

1. Are the facts reported compatible with death following a road accident or suicide, or were they the consequence of action by third parties?
2. What conclusions regarding the role played by alcohol are you able to draw from the information in the reports?
3. Your opinion is requested on the autopsy report, in particular as to whether it is incomplete and whether its conclusions are consistent with its contents.
4. Having considered the case, have you other comments to make?

Our expert opinion is based on the English translation of documents submitted by Mrs. Laura SORIA, wife of the deceased, namely:

Autopsy report No. 1505/76 on Mr. Carmelo SORIA ESPINOSA, dated Santiago, 28 July 1976;

A plan of the area where the corpse was found;

A statement prepared by Dr. Laura Gonzales-Vera Marchant de Soria, wife of the deceased;

Two photographs of the motor-car involved.

EXTRACT FROM THE DOCUMENTS

1. We extract the following points from a statement made by Dr. Laura Gonzales-Vera Marchant de Soria concerning "the disappearance and murder of Carmelo Soria Espinosa, which occurred in Santiago, Chile, between 14 and 16 July 1976".

Mr. Carmelo Soria Espinosa was born on 5 November 1921.

On 14 July 1976, having lunched with his wife, Mr. Soria left his home for his office at about 1.50 p.m. The same evening, at about 5.20 p.m., according to the statement of a witness, Mrs. Eliana Garrido de Cruz, he was seen at the wheel of his Volkswagen, apparently returning home by his usual route.

On 15 July 1976, his family was informed that the first news of the car had been received by the police at 11.20 a.m. The car had been found overturned and under water in the Canal del Carmen.

On 16 July 1976, at about 10 a.m., the daughters of the deceased were taken near to the car; their father's body had been found in the water at a point some distance downstream, where Mr. Soria's jacket and the back seat of the car were also found.

The corpse had been removed from the canal at 11.40 a.m. The autopsy was performed at the Institute of Forensic Medicine the same day, at about 4 p.m.

After he had performed the autopsy, Dr. Vargas Fernández gave, in substance, the following information to Mrs. Soria. He had received no background information. The injuries were very unusual. The cause of death was a cervical contusion so brutal that it severed the medulla. There was a diffuse sub-arachnoid haemorrhage. The face showed an ecchymotic mask. Taking the two lesions together, one was inclined to think of strangulation by a person of heavy build. In addition, there was a contributory lesion, a contusion of the thorax. The body had been in the water for more than 10 hours. Death had occurred before the body entered the water.

On 20 July, Dr. Vargas Fernández, Head of the Institute of Forensic Medicine, gave Mrs. Soria the following information. It had not been possible to determine the exact time of death on the basis of the autopsy. The period of immersion in the water had not been more than 12 hours.

At this point, the document we are summarizing mentions that a scandal broke out shortly afterwards concerning the falsification of alcohol tests at the Institute of Forensic Medicine.

The document prepared by Mrs. Soria then mentions the explanations given officially concerning the death: it was a deplorable accident ... Carmelo Soria had been suffering from strain and was in a state of emotional shock. He had been drinking that evening and drove badly. A half-empty bottle of an alcoholic beverage (pisco) was reported to have been found.

It should be noted, incidentally, that, on 21 May 1976, Mr. Soria had begun to suffer from an inflammation of the right ear which had been followed by trigeminal right facial neuralgia. He had been treated with antibiotics and then with analgesics. He had had to keep to his bed during May and part of June. In the course of the medical treatment, a buco-pharyngeal allergic reaction to the medications he was taking occurred. Consequently, he had not drunk a drop of alcohol since 23 May. The precaution was strictly followed because trigeminal neuralgia is extremely painful. This was the third time that he had had such an attack. From the age of seven, he had suffered constantly from migraine. At the age of 22, he had been examined in Spain by Professor Jimenez Diaz, who had diagnosed constitutional migraine with abdominal equivalences and neurovegetative dystonic disorders.

All the aforementioned facts lead to the conclusion that this was a political crime.

Among the arguments adduced in support of this theory, it is pointed out that the corpse could not have been swept out of the car through the broken windscreen since the size of the aperture would not have permitted this. The same is true of the back seat which was found close to the corpse. It should also be noted that the car was facing south while the water flows towards the north. One must infer from this that neither the corpse nor the rear seat were in the car when it fell from the roadway into the canal. Finally, the circumstances in which the jacket and various documents, as well as a bloodstained scarf, were found on the bank reveal the action of third parties and constitute prima facie evidence of violence.

When it is considered that the corpse was taken from the water on 16 July at 11.40 a.m., after a maximum immersion period of 12 hours, it must be concluded that it entered the canal at 12.20 a.m. on 16 July. If the car fell into the canal, without the corpse, at 2 a.m. on the 15th, it follows that there was a period of about 22 hours during which the corpse was not on the bank, in the car or at the bottom of the canal ... Where was Mr. Soria from 5.30 p.m. on 14 July to 12.20 a.m. on 16 July? How are these 31 hours to be accounted for if one remembers that the curfew began at 2 a.m. and lasted until 5.30 a.m.?

The autopsy report does not indicate the time at which the post-mortem examination began and ended. It does not give the approximate hour of death, which is basic information in forensic medicine in the case of death from unnatural causes.

From the cadaveric lividities, which require a minimum of 20 hours to appear, and the fact that the autopsy was carried out at 4.15 p.m. on 16 July, it may be concluded that death must have occurred at 8 a.m. on 15 July at the latest. Moreover, since the body was in the water for a maximum of 12 hours, Mr. Soria must have been dead at the time of his fall into the canal. This is corroborated by the lack of water in the lungs, which can be observed macroscopically. The exact position of the placton is not indicated but the description of the lungs reveals symptoms encountered in the case of strangulation.

The time required for rigor mortis to set in is not given; this is another way of calculating the time of death.

If the car fell into the canal at 2 a.m. on 15 July and if, prior to this, the back seat had been removed from the car to serve as a stretcher, Mr. Soria was already dead at that time.

In life Mr. Soria weighed 59 kg. The weight of the corpse was recorded as being 52 kg. The dehydration rate has not been calculated. Can this difference be due solely to the lack of food after 1.30 p.m. on 14 July?

There are contradictions here between the level of alcohol in the blood, the contents of the stomach, the time a living body takes to eliminate alcohol and the increase in the alcohol content of a corpse by the invasion of bacteria.

- (a) In order to attain a figure of 1.49 grams per mil, the ingestion required is 5 cocktails (780 cc.) or 5 bottles of beer and the elimination period is ten hours. Consequently, the contents of the stomach should include a major portion of the alcohol ingested and not just an odour suggestive of alcohol.

If Carmelo Soria was dead before 2 a.m. on 15 July, there was no possibility of sufficient ingestion of alcohol to account for the figure given in the autopsy.

- (b) The reference to a half-empty bottle of pisco is not enough to make up the 780 cc. which would have to be ingested to attain a level of 1.49 grams per mil blood alcohol content.
- (c) The alcohol content in a corpse may be raised to 0.86 grams per mil as a result of the invasion of microbes, streptococci in the first place and then enterobacteria (Lakatua D., 1973).

If we subtract 0.86 grams per mil from 1.49 grams per mil, the result is 0.63 grams per mil and this would then be the true blood alcohol content.

A level of 0.63 grams per mil would cause nothing more than expansive behaviour, exaggerated emotions and noisy talk. It does not appear to be an alcohol content capable of triggering off a "complicated" accident and, if the time of ingestion does not correspond, there are only two other possibilities: a change of tube or intravenous injection of alcohol.

II. We also have in our possession two reproductions of photographs. The first shows a watercourse in which an indistinct object is half immersed. It might be a motor car lying on its right side with the left side showing. The second reproduction shows a motor car photographed from three-quarters front right. The roof and windscreen appear to be smashed in. The bonnet, door and mudguard are badly damaged.

III. We have also studied the report prepared for Mrs. Soria by the private expert.

The description of the area and of the vehicle do not furnish any additional information which would be helpful for the forensic assessment of the case.

IV. Autopsy report [not reproduced here - see annex XII].

EXPERT MEDICAL OPINION

I. RECLASSIFICATION OF THE AUTOPSY DATA

1. Injuries to the face and skull

The external examination revealed surface injuries to the bridge of the nose and eyelids, bruises on the forehead, the right eyebrow and the left pre-auricular area, as well as a purplish ecchymosis on the lower lip, with haemorrhagic submucous infiltration of the tongue.

Bilateral subconjunctival haemorrhages were also noted.

The internal examination revealed blood infiltration of the temporal muscles and of the epicranium in the left parietal and occipital region, together with a subarachnoid haemorrhage in the two cerebral hemispheres.

2. Injuries to the neck: cervical and pharyngolaryngeal regions

The external examination revealed bilateral purplish ecchymoses on the neck, in the laterocervical regions.

The internal examination showed a double fracture of the cervical spinal column with section of the medulla, accompanied by extensive pre-vertebral, sternocleidomastoid and retropharyngeal sanguineous infiltrations.

The examination also revealed fractures of the larynx (hyoid and thyroid), together with lacerations of the laryngeal mucosa and sanguineous infiltrations of the sternothyroid muscles.

3. Injuries to the thorax and abdomen

There were multiple fractures of the ribs on both sides, together with sanguineous infiltration of the thorax muscles. These fractures were accompanied by laceration of the pulmonary vein, together with bilateral haemothorax, discrete haemopericardium, pulmonary haemorrhages and subendocardial haemorrhages in the left ventricle. In the abdominal region, there was a small laceration of the liver and haemorrhages of the spleen.

4. Injuries to limbs

The left hand reveals small ecchymoses of the ring and index fingers. There were also ecchymoses on the internal and external malleoli of both left and right ankles and a discrete sanguineous infiltration of the third toe on the right foot.

5. Non-traumatic changes

The external examination revealed a fairly light cyanosis of the face. The internal examination showed dilatations of the vessels at the base of the brain and a discrete stasis in the lungs.

Both the front and the back of the body displayed fairly slight cadaveric lividity. Rigor mortis was generalized but only moderate. The palms of the hands and the soles of the feet were pallid.

II. CAUSE OF DEATH

On the basis of the data available to use, we can state that the various lesions observed must have been inflicted while the subject was alive and are not injuries sustained after death. This leads us to ascribe Mr. Soria's death to the massive injuries to the neck, namely a double fracture of the cervical spinal column and section of the medulla. It is also possible that death was caused by the thoracic lesions and tearing of the left pulmonary vein, haemothorax, and haemopericardium. This opinion is consistent with that of the forensic expert who conducted the autopsy. In the absence, however, of a fracture of the skull and cerebral lesions, we cannot regard as a cause of death the subarachnoid haemorrhage which was noted.

III. HOW DEATH OCCURRED

2. Injuries to the face, neck and thorax

The injuries to the face and the skull are not particularly serious and have no special characteristics which would enable them to be ascribed to a specific origin.

The seriousness of the injuries to the neck and thorax clearly shows that they were brought about by extreme violence.

Some of the injuries to Mr. Soria's body which were described are frequently observed in the case of victims of traffic accidents: contusion and wounds to the face and the skull, and fractures of the spinal column by extension. Fractures of the ribs and tearing of the pulmonary vein and the liver are particularly common when the victim is at the wheel.

The other lesions, particularly the fracture of the hyoid bone and the thyroid cartilage are seldom seen in the case of traffic accidents, except where there is direct frontal impact to the larynx or severe pulling of the neck organs owing to whiplash action of the head at the moment of impact (Hinz; Hinz and Tamaska).

In Mr. Soria's case, the neck integument displays no frontal injuries but latero-cervical ecchymoses. Nevertheless, it remains possible that hypertension of the head in a backward direction in the course of an accident may have occurred.

The possibility that the accident may have involved several rebounds of the car, with a series of successive impacts, should also be taken into consideration.

On the basis of the injuries described in the autopsy report, it is not possible reliably to recreate the circumstances in which Mr. Soria's lesions were inflicted. Taken as a whole, the injuries sustained might fit the theory of a traffic accident. It is certainly possible, too, that death resulted from violence of other kinds, particularly violent action by third parties.

2. Possibility of asphyxiation associated with fatal injuries

Cyanosis of the face, dilatation of the vessels of the base of the brain and pulmonary stasis can be indicative of asphyxia combined with fatal injuries. It should, however, be noted that such anatomical and pathological features are not specific and may also be found in cases other than asphyxia of external origin (for instance, heart failure).

The presence of subconjunctival, subarachnoid, subendocardial and pulmonary haemorrhages must also be considered in this connexion. In the case of asphyxia, their appearance is often quite distinctive (petechiae on the conjunctiva and Tardieu's spots in the pulmonary area). Since, however, we do not have a detailed description of these lesions, we cannot ascribe to them a specific origin. These haemorrhages may be related either to the injuries sustained or to a concomitant asphyxiation process, or to both.

Since the theory of asphyxiation combined with the injuries cannot be ruled out, two additional hypotheses must be considered: drowning and strangulation.

(a) Drowning

In typical drowning cases (other than cases of hydrocution), the victim has a bubble of foam coming out of the mouth and the nostrils, and the lungs present a hydroaeric oedema caused by the mixing of the water with the air in the lungs.

The autopsy report does not mention either of these features. There are certain laboratory tests which can sometimes make it easier to diagnose a drowning, such as determination of the difference in osmolarity of the cardiac blood between the left and right ventricles; this information is not available to us. Examination of the lungs by microscope revealed the presence of fine sand and vegetable matter within the parenchyma. However, this finding cannot be interpreted, since the vegetable matter and the sand can have been carried into the lungs after death by the current.

To sum up, we have no anatomical data which would enable us to affirm that a process of drowning was involved in Mr. Soria's death.

(b) Strangulation

The forensic expert recorded the presence of two haematomas on the side of Mr. Soria's neck. These features do not suggest a mark caused by the **tying** of something around the victim's neck. Consequently, the hypothesis to be considered is not strangulation but rather throttling - i.e., violence inflicted on the neck by an aggressor using his hands.

Usually, throttling produces clear anatomical indications of asphyxia. Moreover, both sides of the anterolateral part of the victim's neck generally display abrasions and wrinkling from which it is sometimes possible to identify clearly the points where the aggressor's fingers and nails were placed. Serious injuries are also caused to the subjacent areas: muscular haemorrhages, lesions to the larynx mucosa, and fairly serious fractures of the thyroid cartilage and the hyoid bone.

In Mr. Soria's case, while there are doubtless major injuries to certain organs of the neck, there is no information as to the existence of wrinkled patches on the skin, or finger or nail marks. It should also be pointed out that it is exceptional for cases of throttling to be accompanied by fractures of the cervical spinal column. The facts as a whole do not point to the use of hands and would rather tend to suggest that use of an instrument or the existence of special circumstances.

To sum up, the anatomical data available do not permit the formulation of an accurate opinion regarding the possibility of asphyctic force having been applied to the region of the neck by third parties. According to a conversation reported in the document submitted by Dr. Laura Soria (p.4), this theory was considered by Dr. Vargas-Fernandez, the doctor who signed the autopsy report.

3. Injuries to the left hand

Some cases of aggression accompanied by struggle sometimes produce "defensive" lesions, generally on the back of the hands, the forearms or the arms.

In Mr. Soria's case, the autopsy report mentions only two small ecchymoses on the ring and index fingers of the left hand. These injuries cannot be interpreted with any certainty.

4. Ankle injuries

The ecchymoses reported on the internal and external malleoli of the left and right ankles are not a common feature in the case of victims of traffic accidents. It is more common to find lesions of the front of the legs, with fractures of the tibia or rotula.

We do not know whether, in Mr. Soria's case, these features indicate the existence of more serious, subjacent injuries. As to how the ecchymoses arose, it is possible that the victim's ankles may have been tied, thus producing lesions, but there is nothing to substantiate this theory.

5. Lesions of the tongue and the pharynx

Sanguineous infiltrations of the tongue and the pharynx may occur in the case of traffic accidents or other external violence inflicted on the neck. However, it is not common for such infiltration to occur unless there is also a bite or a wound. They might suggest that a foreign body was introduced into the mouth.

IV. CHRONOLOGICAL INTERPRETATION OF THE DATA

1. The sequence of events causing death

The major injuries to the neck and the thorax clearly occurred almost simultaneously, causing instantaneous death.

The various minor injuries may either have been sustained at the time of death or have been inflicted shortly before.

Since we have not established the existence of a process of asphyxiation by drowning, it is possible that the body was immersed after death. It is also possible that the fatal injuries were sustained and the body was thrown into the water at the same time.

2. Date of death

Data which can serve as a basis estimating the date of death are the descriptions of rigor mortis and of livor mortis. The absence of obvious cadaveric deterioration should also be noted.

a. Rigor mortis usually starts two hours after death and takes approximately 6 to 12 hours to set in.

According to the data in the report, death may be said to have occurred more than 12 hours previously, i.e., no later than 4 a.m. on 16 July.

Rigor mortis gradually disappears between 48 and 72 hours after death. The actual timing depends to some extent on environmental conditions. In the case of Mr. SORIA, these conditions are not known. However, death may be estimated to have occurred less than 48 hours previously; in other words, it would have occurred no earlier than the evening of 14 July.

b. The state of livor mortis confirms the estimate that death occurred no later than towards the end of the night of 15/16 July.

The comment that there are lividities on both the front and the back of the body suggests that they have become fixed, namely, that they have been there for more than approximately 12 hours.

c. In this connexion, it should be noted moreover that the presence of livor mortis on both the front and back suggests movement of the body during the intervening period when the lividities are in the process of becoming fixed but can still disperse depending on the laws of gravity. Thus, the position of the corpse was changed approximately between 6 to 8 and 10 to 12 hours after death. There could, for example, have been a movement of the body in the water.

3. Duration of immersion

When examining a body which has been immersed in water, one can try to determine the duration of the immersion on the basis of changes in the tegument of the hands and feet. There is a maceration process which occurs first in the form of bleaching and which later gives the skin a puckered appearance. The process is noted first at the tips of fingers and toes and then extends to the palms of the hands and the soles of the feet.

Bleaching is noted several hours after the body has been in water (two to twelve hours). Distinct puckering usually appears on the finger tips after 12 to 24 hours, on the palms of the hands after approximately two days and on the soles of the feet after three days or more.

The autopsy report contains a reference to pallor of the palms of the hands and the soles of the feet. There is no mention of puckering. Only a very imprecise interpretation can be given on the basis of this information. It shows that the body remained in the water for a number of hours but does not make it possible to give the exact period of time. All that could be stated is that the body remained immersed in water for less than two days.

We therefore cannot confirm the precise estimate in Mrs. SORIA's document to the effect that immersion lasted for between 10 and 12 hours. The chronological reconstruction proposed by Mrs. SORIA is certainly a possibility; we have no basis for regarding it as established.

V. EVALUATION OF BLOOD ALCOHOL CONTENT

The appendix to the autopsy report contains a reference to a blood alcohol content of 1.49 per mil (or 149 mg per cent).

We lack the information which would enable us to assess the chemical validity of the quantitative analysis carried out. In particular, we do not know whether the laboratory method used (e.g. gas chromatography) gives the necessary guarantees of specificity. Neither can we comment on the possibility of faking pure and simple.

In view of these reservations, our interpretation of the rate of 1.49 per mil will be based first on the fact that, in principle, for a period of approximately 24 hours after death a quantitative analysis of the blood of a corpse shows fairly accurately the alcohol content of the blood at the time of death. In the absence of significant cadaveric deterioration this period may be longer, extending to two to three days.

When putrefaction sets in and becomes manifest, particularly when an abdominal green stain appears, the alcohol content of the blood may be modified either by degradation of the alcohol or, conversely, by new alcohol being produced. Most authors (including Elbel, Grüner, Berg, Janitzki and Paulus) do not cite an increase in excess of 0.3 - 0.6 per mil.

As to the work of Blume and Lakatua, these authors have observed an increase in blood alcohol content of up to 1 per mil after 24 hours. It should be noted, however, that this experiment was carried out under laboratory conditions and after bacterial strains had been inoculated into the blood of the corpse. This situation corresponds rather to conditions of obvious cadaveric deterioration, not to the bacterial state of the body in the first 24 to 36 hours following death.

In the case of Mr. Soria, it must be borne in mind that death occurred between 48 and 12 hours prior to the autopsy and that the report mentions no marked signs of cadaveric deterioration. Even allowing for a fairly wide margin of approximation, the alcohol content of the blood at the time of death could not, in our opinion, have been lower than 1.2 or 1.3 per mil, assuming, of course, that the measurement was carried out properly.

It is perhaps worth pointing out that alcoholic beverages do not remain in the stomach for a relatively long period after ingestion, particularly in the absence of a large meal, but are absorbed into the blood and pass into the intestines fairly quickly. It is therefore possible to find a relatively high blood alcohol content accompanying an almost empty stomach. The persistence of a smell of alcohol on the gastric mucosa (and other internal organs) is a quite commonly observed phenomenon.

Finally, we would point out that a blood alcohol content of from 1.2 to 1.5 per mil in a person weighing 50 to 60 kg requires an intake of approximately 70 to 80 grams of pure alcohol. Such a quantity of alcohol would correspond to one litre of light wine, six to seven small bottles of beer, or six to seven glasses of a strong alcoholic beverage. If death occurred more than two hours after the last drink, it must be considered that the alcoholaemia curve was in the elimination phase and recognize that the victim must have drunk more than the equivalent of 70 to 80 grammes of pure alcohol.

VI. OTHER LABORATORY TESTS

The proportion of chlorides found in the blood after the death of Mr. Soria was 5.3 grams per mil. This does not correspond to a clinically significant chloraemia modification.

Moreover, no deduction concerning the date of death can be made from this measurement result.

The microscopic test to detect spermatozoa calls for no particular comment.

VII. OTHER COMMENTS

1. Weight of the body

A difference of seven kilograms was noted between the weight of Mr. Soria as given by his family (59 kg) and that shown in the autopsy report (52 kg). Such a difference in weight cannot be explained by dehydration. No meaningful comment can be made on this discrepancy.

2. Anamnestic and clinical data

We have no means of assessing the possibility of any relationship between Mr. Soria's neurological complaint and the mechanism that led to his death. The complaint cannot be said to have played any part in the immediate cause of death.

3. Criminal-legal data

The body was found some distance from the car and on the basis of the technical observations made at the scene of the incident, the movement of the body cannot be explained.

No forensic comment can be given on this point, which should be referred to some authority specializing in the examination of traffic accidents from the standpoint of criminal law.

VIII. CONCLUSION AND REPLIES TO THE QUESTIONS

Our replies are based on the anatomical, pathological and forensic information which we gained from the report of the autopsy on Mr. Carmelo Soria Espinosa. Our interpretations also take account of the information and comments contained in the other documents supplied to us, namely, a plan of the area, a statement by Dr. Laura Marchant de Soria and two photographs.

1. Although we cannot fail to be impressed by the arguments adduced in Dr. Laura Marchant de Soria's statement, the information given in the autopsy report does not per se make it possible to reconstruct exactly the process leading to death.

The changes and injuries described in the autopsy report are compatible with death as a result of a traffic accident or suicide. They may also be the result of action by third persons. In particular, the neck injuries observed could suggest force exerted by third persons.

2. We lack information which would enable us to assess the manner in which the blood sample was taken and the analysis of the blood alcohol content was carried out. If these operations were carried out in accordance with normal technical standards, then the blood alcohol content figure obtained in the analysis, namely 1.49 per mil, may be said to have been not very different from the actual figure at the time of death. Such a level of alcohol is liable to reduce driving ability.

3. The autopsy report could perhaps be supplemented by inclusion of the following:

- a description of the teguments of the fingers and toes, with an assessment of the degree of maceration;
- a description of the corneas, with an assessment of their transparency;
- a description of the subconjunctival and pulmonary haemorrhages, with an assessment of their origin (traumatic or asphyxial).

The conclusions of the report do not conflict with the results of the autopsy. It should be noted, however, that there was no fatal injury to the skull.

4. We suggest that an examination of the case be carried out by a criminal law expert in order to determine the extent to which the conditions at the scene of the incident, the position of the corpse and the various objects and the state of the car are compatible with the various accounts.

(Signed) J. Bernheim
Director of the Institute

(Signed) O. Fryc
Assistant physician

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Annex XIV

ARRESTS AT CALLE CONFERENCIA 1587: ARREST OF MARIO ZAMORANO AND OTHERS

The following sworn statement by Mr. Juan Becerra Barrera attests to the arrest in his presence of Mario Zamorano and other persons whom Mr. Becerra Barrera later identified from photographs as Mr. Onofre Jorge Muñoz Poutays and Mr. Jaime Patricio Donato Avendaño. This declaration was supported by Mr. Becerra Barrera's testimony before the Group.

Sworn statement

Juan Becerra Barrera, leather-worker, living in this administrative district, at Alejandro del Fierro Street 5113, identity card No. 3.558295 - 5, Santiago, made the following statement under oath:

At about 3 o'clock in the morning of 30 April 1976, I was awakened by loud knocks on the door of the house where I was living at the time (Conferencia Street No. 1587, in Santiago). I got up and on opening the door I found two men in plain clothes, who said they had come to inform me of an accident involving my sister-in-law, Teresa Zúñiga Guajardo, who worked in the workshop at my house and had left there at about 7.30 p.m. on the previous day.

They asked me to go with them to the hospital where my sister-in-law had been taken. As soon as I got into the vehicle in which they were travelling (a car carrying four men) with lights on the roof, which I had first taken to be an ambulance, but which proved to be a police vehicle, these people identified themselves as DINA agents, they showed me a card and handcuffed me. Immediately after that they blindfolded me and took me to a place which I cannot identify.

There I was subjected to physical pressure to get me to name the people who met or were to meet at my house.

Later, my wife, Angelina Gutiérrez Gomez, and one of her cousins, Eliana Gutiérrez Vidal, arrived at the same place. From them I learned that they had been arrested as they were leaving the house to find out if my sister-in-law Teresa had really had an accident. They were blindfolded, handcuffed and taken away in a taxi which was standing opposite the house.

We were all interrogated about the matter already mentioned - the names of the people who came to our home and when they were to come again. They showed us many photographs of different people and I remember they said about one of them, "This is Díaz the Chinaman, do you recognize him?".

The interrogation continued throughout the morning of the 30th.

In the afternoon, we were returned in a taxi, under DINA guard, to our home. They ordered us to go on behaving as normal and five DINA agents were left in our house; the individuals changed, but there was always a group of five at my home.

Various people began to call to buy the bags we make or to enquire about prices. The DINA agents, who were hidden inside the house, merely listened to all the conversations.

This went on until 4 May 1976. At nightfall on that day, when it was already dark my friend Mario Zamorano Donoso, who is also a leather-worker like me, arrived. As soon as he appeared the DINA agents pounced on him, there was a struggle during which one of them fired the submachine gun he was carrying, and Mario was wounded in the thigh. I saw the incident and I also saw how he was bleeding. Seeing this, they decided to take him away, saying they were taking him to the (Central ?) Police Station.

I knew that on the fourth Mario would come to my house for a little celebration with some other friends, because it was his birthday the next day. I had told the DINA agents this when they interrogated me on 30 April. I have the impression that it was Mario and those who would come with him to the birthday celebration whom they were interested in capturing. For this reason, they did nothing to the other people, merely lying in wait.

One hour later, after the incident with Mario, a man of about 40 arrived, tall, with blond hair bordering on chestnut, of fair complexion and wearing glasses. He too was seized. I remember one of the DINA agents said, "This is Gladys Marin's husband". And they took him away with Mario Zamorano.

On the following day, two other people arrived for lunch at the invitation of my friend Mario. One of them was about 55, rather dark, with black, slightly greying hair, stout, with a serious face and penetrating eyes. He was wearing tan trousers and a tweed jacket, with a tobacco-coloured scarf and a black hat.

The other was about 1 m 70 in height, about 40 or a little older, with fair skin, slightly wavy hair, green eyes, with somewhat heavy shoulders. They were also arrested as soon as they arrived, were kept in the house all day, and then taken away handcuffed when it grew dark.

On 6 May, a young girl arrived, whom I knew, called Elisa Escobar, to ask for Mario. It was about 1.30 p.m. when she arrived at the house and they took her away at 2 p.m. They went out in the normal way as if she were merely being accompanied by two people.

The DINA agents remained at the house until 6 May. On that day, a doctor arrived. He was a tall man, rather fat, with a particularly prominent paunch, rosy features, fair greying hair, wearing very thick glasses and a white overall. He told us we were to relax, to sleep, and after a sleep we were to forget all about "the unhappy Marxist bad dreams". At the same time, soothing music was played to us.

From the description given to us by our relatives who were arrested at Alejandro del Fierro No. 5113, I deduced that it was the same doctor who went to that house. In this regard, I know that the same treatment was followed, but the details could be taken from those who were detained there - my mother, Mercedes Barrera Pérez, widow of Becerra, my brother-in-law Julio Maignet Leyton, my niece Nadia Becerra Zúñiga, Sonia Becerra Barrera and her 10-year-old son, some friends of my sister-in-law, the children and some other people.

After the doctor's visit, the DINA agents left my house, but not without first warning me that if I said anything about it "I could expect the results". For this reason I fear for my family and myself, despite the fact that I have never had any part in politics and have always earned my living from my work. I also state that I have never had any links whatsoever with any activities in which those people arrested in my house may have engaged.

My wife was also a witness to these events which I have stated.

Finally, I declare that the people who were arrested and to whom I referred above are those shown in the photographs attached hereto. a/

(Signature)

Mr. Becerra Barrera signed in my presence, giving evidence that the photographs above are those of the people mentioned in his statement. Santiago, 17 September 1976.

(Signature)

(seal reading: Arturo Carvajal Escobar, Notary)

a/ Four photographs attached, of which copies are in the files of the Group.

Annex XV

NOTARIZED STATEMENT RECEIVED BY THE GROUP CONCERNING
THE ARREST OF VICTOR DIAZ LOPEZ

Arrest carried out in my presence on 12 May 1976 at approximately 3 a.m. in my house at calle Bello Horizonte 979, Comuna de las Condes, Santiago, Chile.

My name is JORGE ERNESTO CANTO FUENZALIDA. I am of Chilean nationality (identity card No. 4.382.861-4, Santiago). I am 33 years of age. I am a mechanical engineer and I graduated in 1968 from the State Technical University of Chile.

On Wednesday, 12 May 1976, at 2.10 a.m. I was awakened by a doorbell ringing loudly down in the street. From my bed, I opened my bedroom window and looked out at the gate, where I saw a group of six persons wearing civilian clothing and carrying arms, including two large machine guns. One shouted, "We are from DINA. We have a warrant to search your house from top to bottom. Open the door immediately!"

Before answering that I would, I closed the window, turned on the light and awakened my wife. Together, we went to don Victor's room and warned him what was happening. Then, after briefly wishing him well, we went back to our bedroom.

Outside, I heard people shouting for me to hurry down. I opened the window so that they could see that I was getting ready to come out and someone again shouted for me to hurry and open the door quickly. Meanwhile, my wife looked in quickly at our three daughters and made sure that they were sleeping quietly.

When I went out of the door to the garden in front of the house, I encountered two DINA agents crouching in wait. They were armed and had entered the premises by climbing over the gate. They aimed their guns at me from a short distance, urgently repeating the order to open the door to the street. One of them walked with me to the gate, a distance of six or seven metres, while the other remained in front of the door keeping an eye on the house.

When I opened the gate, an agent who was shaking a piece of paper in his hand, said that he had a legal warrant to search the house from top to bottom. He said that I should show them every room and that I should not worry because it was merely a routine legal procedure. The warrant was not shown to me either then or later.

I went in, followed by four agents. In the street, I had been able to see a large black unmarked car. A guard remained by the gate. Another one stayed in front of the door to the front garden. None of the agents showed any identification. They were all wearing civilian clothes and they had white armbands with red designs on one arm. There were five men and one woman. The latter was carrying a gun and a radio transmitter, which she later used several times.

The first room they entered was the bedroom where I, my wife and our four-month old daughter slept. They looked it over quickly and then went to another room.

I showed them the bedroom where our daughters, who are six and four years old, were sleeping. From the doorway, they looked inside and immediately wanted to go to another part of the house.

In order to do so, they had to pass in front of don Víctor's room, the door of which was closed. I had intended to leave this room for last, but, seeing that I did not stop in front of the door, one of the agents stopped me, saying "Stop! Who is in this room?". I answered, "An older man who lives with us. He must be sound asleep".

They insisted on entering, so I opened the door and, without turning on the light, I went over to the bed of Víctor Díaz and told him what was happening. An agent nervously ordered me to turn on the light. When I had done so, three agents moved slowly towards the bed, pointing their guns towards it and keeping a careful watch on don Víctor. One of them, who seemed to be the leader of the group, asked the questions while the other two kept their guns pointed at don Víctor, carefully watching his movements and listening to his replies. The questions came hurriedly, one after another, and were asked in a very rough tone of voice. They shouted at him, insulted him and hit him with their guns:

"And you, old man, who are you? What is your name?".

"Where's your identity card?".

"Where do you work? What do you live on?".

In these circumstances, Víctor tried to sit up in the bed, but they forced him to remain lying down by hitting him on the chest with the barrel of a gun. Then an agent ordered him to get up carefully, quietly.

One of the agents then took me out of the room and told me to continue showing him the rest of the house. As I was going out, I heard them order don Víctor to move. He must have moved, thus showing the limp he had had for years. At that moment, I asked the maid to open her door and an agent asked her for her identification and checked her room. Then the leader of the Group shouted furiously, "We've finally got you, Chino Díaz, you Communist son of a bitch. Arrest everyone in the house!". With that order, they locked my wife and the maid up in their bedrooms, warning them not to shout or try to get out. They aimed their guns at me, ordered me to put my hands over my head and pushed me into a small bathroom. A few minutes later, an agent came in, slapped me on the ears with the flat of his hand and then tied my hands behind my back. Then they forced me to lie down on the floor in the passage.

From that position, I could see how they were beating Víctor Díaz. They held him face down on the floor of his room with his hands tied behind his back. Two of the agents, the leader and another one, were questioning him and punching and kicking his face and body. They asked him how long he had been in the house, where he had come from, where he got the weapons, where he hid the papers and documents, where he kept the money, where that "bastard ..." was, "where the others who worked with him were", etc. They hit him even harder when he did not reply and when he denied knowing about the papers, the money and the guns.

After a while, Víctor Díaz was virtually unable to talk because of the beating he had been given. The leader of the group stopped the interrogation, came over to me, raised my head by pulling on my beard and asked me my name (for the first time). When I answered, he shouted that he did not believe me and ordered me to show my documents. He stared at me, as though he were trying to recognize someone else, and said, "You are ... Don't try to trick us. We are from Intelligence".

He then ordered one of the agents to go get "the others" and asked whether we had a telephone and where it was. On the telephone, he asked to speak with someone called "Contreras". After two tries, he got through and he said, "Chief, I'm calling to give you good news". He reported Víctor's arrest: "We got Víctor Díaz, 'el Chino'". He gave my name and my wife's name and briefly described the house. He was overjoyed as he reported how effective the search had been: "See what we can do, Chief, when we work together?" And he asked for congratulations for what he had done, saying "We deserve to be congratulated, right, Chief?".

He was overjoyed, happy and overexcited. He acted as though he would burst with joy, as though he were having a climax. The others in the group also acted in the same way, slapping each other on the back, saying how they would be congratulated, looking at me with disdain and acting very self-important. They acted and spoke as though they had just survived a great battle.

Víctor Díaz López was taken out of the house by the leader and two agents. It was about 3 a.m.

To leave the house, they had to go along the passage where I was lying. I was thus able to see Víctor as he passed by because I had to move to the side so that they could get out. He had on his pyjamas, his shoes, but no socks, and a jacket over his shoulders. It was a very cold night. His hands were tied behind his back and because of the many strong blows he had received, one of his eyes was half closed, his lower lip was swollen, his breathing was laboured, he was bent over and he was limping more than usual.

Three agents, two men and one woman, stayed in the house to guard us, ask a few questions and do a little searching. During this time, my wife and the maid were kept locked up in their rooms. They made me get up from the floor and sit in an armchair in the living room.

One of the men had a rain hat pulled down over his eyes and a machine gun slung over his shoulder. He took detailed notes on everyone who lived in the house and wrote down our names, occupations, the places where we worked, ages, etc. He also asked each one of us about Víctor's presence in the house and referred to him as "el Chino".

The maid told what she knew, namely, that José (she knew him by his alias, José Santos Garrido Retamal) was an old friend of mine who had arrived three or four months earlier, that he was retired, that he lived in the south and that he often came to my house. She also said that, in Santiago, he did not go out very much because he did not know the city and that he usually spent his time reading at home.

My wife gave a similar reply, adding that, "José is so kind; he plays with my daughters and takes care of the baby" and that "don José cannot be who you say he is since my husband would not endanger me and the children by knowingly bringing someone like that to the house". My reply was also similar. I described in detail how I had come to know José: "It was during the time when I was a student, around 1966. I used to go to a student pension in calle Arturo Prat, near avenida Matta, to study with a group of fellow-students who lived there. At meal times, we would go to the dining room of the pension, where we met the other residents of the pension. One of them was José, who became a friend of ours. He was very interested in what we were studying and used to tell us about his work in a printing house. Sometimes he invited us to continue our conversation over a few bottles of wine, which we accepted gladly because we were young university students

with no money, but liked to have a good time. This lasted until 1968, when we finished our studies. Later I saw him two or three times. Last February or March, he found me at work and asked whether he could come to my house. He said that he was retired and had problems at home. Out of respect for him as an older man and because I was happy to see him again, I did not ask him what kind of problems he had and he stayed with us". I went into great detail about student life, the time we spent in the pension and the way we respected "don José" and did not want to meddle in his affairs. My wife and I also placed a great deal of emphasis on our status as professional people and officials of a United Nations body, the Latin American Demographic Centre (CELADE), and a foreign company (Renault), respectively. I gave similar replies at both of the interrogations described below.

The agent wearing the hat received a couple of telephone calls. He again reported our names and the information he had been collecting. On one of these occasions, I heard him say, "The women know nothing. The wife has a small baby and there are two small girls in the house, but they are sleeping. He says he did not know it was el Chino Díaz".

Then a large group of about 25 agents came in. They were all wearing civilian clothes and the armbands I mentioned previously and they were carrying pistols of normal size. They did not look like military men. They were well-dressed, looked well-to-do and gave the impression of being young members of Patria y Libertad. From what I saw, I had the impression that they worked for a tall, fat, pot-bellied and very blonde fellow, who took a quick look at the house and gave instructions to the group, which split up and began to carry out a very careful search of all the rooms and the patio. While this was going on, the fat, blonde man interrogated me. He particularly wanted me to tell him how long "el Chino" had been in the house (that was how he referred to don Víctor), how I had met him and what I knew of his activities. My replies were similar to the ones described above.

The search was thorough. In don Víctor's room, they took the bed apart, took everything out of the closet and looked at every piece of clothing in it and at every book. Even a pile of sewing patterns which my wife had made with newspaper was minutely inspected. The same thing happened throughout the house.

They thoroughly searched the bedroom where my wife was and forced her to undress the baby, thinking perhaps that there was something hidden in her clothes. They went through the library book by book. The search only caused disorder and damage to books, furniture, clothing and other things in the house. They found nothing of what they had been looking for so carefully, namely, papers, documents, money and guns. In addition to causing this disorder, the search resulted in thefts. They took a wallet with a week's pay from the maid's belongings.

This search lasted about one hour. When it was over, the group of 25 left and the three agents I mentioned above again remained in the house.

A moment later, the agent wearing the hat entered the room where my wife was and, in her presence, began to fill in a form stating that don Víctor (under the alias of José Santos Garrido Retamal) and I had been arrested. My wife had to give information to the agent, who told her that don Víctor and I would be taken to Cuatro Alamos. This procedure was interrupted when the agent received a telephone call. When I asked him a question just after that, he replied that they were "waiting" and that "someone was coming".

After a while, another agent came to the house. He was about 35 and was wearing a brown suit and a tie and he had a poncho from Tomé over his shoulders. He looked as though he had just taken a shower, as though he was just beginning his

day. He seemed to have a great deal of authority over the other agents. He gave a quick look at the house and, on his instructions, the woman and one of the agents began to clear up some of the disorder they had caused during the search. Then one of them used a cloth and carefully wiped all the places where fingerprints might have been left: doorknobs, knobs on drawers, the radio, decorations etc. They tried not to leave any signs or traces of having been in the house.

The agent who had just arrived questioned me about the same subjects as I had been questioned about before. He referred to don Víctor as "el Chino". I answered in the same way as before. He then started to fill in some forms. When he had finished, he ordered them to untie my hands and told me to sign the forms.

The forms were mimeographed and, in the upper right-hand corner, bore the words:

DIRECCION NACIONAL DE INTELIGENCIA,
DINA
CHILE

The forms were written in duplicate:

1. The first was a record of the search. It gave my address and my name and stated that no property had been damaged and no one injured.

2. The second was a record of the arrest. It informed me of the arrest of José Santos Garrido Retamal (Victor's alias) in my home and his transfer to Cuatro Alamos.

I signed the forms and he did the same, with some illegible marks and without writing his name. He gave me a copy of both forms and started to leave the house.

He said, "Sir, this is all. Stay quietly in your house and try to go to sleep. Our work causes some disturbances, but we have to do it because it is necessary. I repeat that you should stay as quietly as possible in your house".

I asked him whether we would receive further visits of this kind and he answered, "I give you my word that you will have no more problems. Keep quiet. I think that the man who was taken away will be back tomorrow afternoon because we seem to have made a mistake once again. Goodnight".

Then he left. It was a little after 5 a.m.

My wife and I tried to calm down and talked about what we should do. The maid told us that she was leaving because she never again wanted to have an experience like the one she had had that night. Despite the assurances and promises of the agent, the only reasonable thing to do was for all of us to leave the house for a while, go somewhere else and await events.

At about 6 a.m. the telephone rang. I answered and the following conversation took place:

Voice: Hello. Good morning. Is José Santos there?

I: No, he is not here. Who is calling?

Voice: A friend. I heard that he had had some problems.

I: What problems?

Voice: I don't know ... some problems. I heard that he had had some difficulties.

I: No. José Santos is not here and I don't know whether he has had any problems.

Voice: That's fine. Goodnight.

There was no doubt about who had made the call and why.

At 7.15 a.m., we left the house. My wife and I, our three daughters and the maid with all her suitcases, personal belongings and her television got into our 1963 Citroen 2CV. A white Austin Mini with three persons inside and the headlights on was parked about 20 metres from the house. I closed the gate, got into the car and we went along Bello Horizonte to the corner of Colón, a distance of about 30 metres. The Austin pulled up in front of the house, slowed down enough for one of its passengers to get out, and then followed us. We went along Colón and, on Manquehue, we turned on to Apoquindo. We went for two blocks along Manquehue and turned into the centre of Santiago on calle Martín de Zamora. At the corner of Américo Vespucio, I had to stop at a stop sign for the traffic along that avenue. The white Austin also stopped and remained alongside us, thus enabling us to recognize the two passengers as members of the group of agents who had carried out the search. When I started up again, the Austin passed us and turned south on Américo Vespucio. As they were turning, the agents looked at us quickly. We continued along Martín de Zamora, travelling west and taking a very circuitous route through streets with little traffic, to make sure that the persecution was over.

After that, we finally decided never to return to the house and not to go to work anymore.

We left the maid in a taxi at the corner of Recoleta and the Mapocho River and, after taking our three daughters to the houses of various relatives, with the excuse that I had to leave the city for my work, we went to the home of some old friends, where we stayed for a relatively long time waiting to see how things developed so that we could decide what to do.

Signed: Jorge Ernesto Canto Fuenzalida
Identity card No. 4.382.861-4
Santiago, Chile.

Certified the signature of
Mr. Canto Fuenzalida
placed on the present document -
Paris, 27 October 1976

Seal of Mr. Jean-Louis Regnier,
Associate Notary in Paris - Cour d'Appel.

Annex XVI

TORTURE IN CHILE: TECHNIQUES AND EFFECTS

The following excerpts are taken from two reports a/ on torture in Chile prepared by a team of neurologists, psychiatrists and psychologists and reflect the information gathered by the Group from other sources. (Some headings have been added.)

Methodology of the investigation

"The study was undertaken by a team, which from the outset adopted the following methodology:

- "1. Individual psychological interview;
- "2. Neurological and neuropsychiatric examination and evaluation;
- "3. Complete medical examination;
- "4. When we considered it necessary, we conducted other examinations, such as electro-encephalograms, electromyograms, X-rays of the skull and spinal column, blood tests, and so on.

"The study which we undertook was not a retrospective analysis; it was undertaken in secrecy, inside prisons and torture chambers. It was conducted methodically and strictly in order to treat the victims of repression and, consequently, it enabled us to gather information on torture techniques. We therefore find ourselves in the strange situation of having gathered facts of monstrous significance, through applying the strict methodology to which we have referred." b/

Psychological Manipulation

Four cases of psychological manipulation were presented, of which two are reproduced here.

a/ "Ethical questions arising for psychologists in connexion with the torture techniques used in Chile", paper submitted to the symposium on deontology of the twenty-first international congress on psychology, Paris, July 1976; "The effects of imprisonment and torture inflicted under the Chilean system of repression on the political prisoner": paper presented on 10 December 1976 at the opening ceremony of Amnesty International's Year of the Prisoner of Conscience. These communications were presented by Professor Ana Vásquez and a colleague, Dr. Reszczynski, to the above-mentioned conferences. Professor Vásquez, currently teaching psychology at the University of Caen, was from 1968 to the end of 1973 Professor of Educational Psychology in the Faculty of Psychology at the University of Chile and, in 1972-1973, Head of the Evolutive Psychology and Education Department of the Faculty of Psychology at the University of Chile.

b/ "Ethical questions arising for psychologists . . .," supra.

"First case: Only daughter of poor peasants, aged 20. Her family lives in the south of Chile. Level of education: uncompleted secondary studies.

"She was held incommunicado and was subjected to severe physical brutality for two weeks, although her torturers did not obtain from her the information they sought. The captain responsible for her case had established a reputation for "kindness" and "decency" among the prisoners: he did not attend the physical torture and the prisoners maintained that he always kept his word. He offered to allow the prisoner in question to talk to her father, to whom she is very attached, but with her eyes blindfolded. "However," he promised her, "if you are good after talking to your father, I might arrange another meeting at which you will be able to see him".

"The "father" sat her on his lap, appeared to be moved and caressed her while at the same time whispering the little words of affection she used to hear when she was small. He asked her "to be careful and look after herself so that they might be able to see each other again". She wept throughout the meeting, which was in fact very brief.

"As soon as her father had left, the captain arrived and asked her "what now?" She gave him the information he wanted, under the effect of her emotion and in the hope of seeing her father again shortly. After that, she was transferred to the women's prison and authorized to receive visitors. When her family arrived, she learned that her father had never come to see her before and that she had been deceived. The captain had visited her parents and had extracted from them, without them realizing, the actual words of affection which were used by the bogus father. The shock was so great that the prisoner fell into a catatonic state of absolute passivity. For two months she lay without moving, had to be fed by others and was unable to speak. The prison psychiatrist arrived two weeks after the onset of this condition. She was treated with meleril and finally he managed to establish a dialogue which resulted in the disappearance of the symptoms, but her recovery from this condition has given rise to guilt feelings which she is unable to overcome.

"...

"Fourth case: 23-year old married woman. Level of education: completed secondary studies. She used her middle-class origins as a screen for collaboration with the Resistance, but at the same time that gave her the impression that she was not running any risk.

"The first interrogation, during which she was blindfolded, began on good terms and good manners were observed, which gave her the impression of controlling the situation. Suddenly, in the middle of the interrogation, there was a long silence. She felt that it foreshadowed something terrifying and unknown. Suddenly her interrogators spoke to her in a quite different tone, sharp and harsh, demonstrating to her that they possessed information about her activities. She was panic-stricken and gave them the information they wanted.

"During the five days which followed, she underwent psycho-pharmacological treatment of a progressive nature, which was gradually intensified and caused in her increasing dependence vis-à-vis her interrogators. As she saw it, they

were not enemies but judges and she suffered when they mistrusted her. She experienced feelings of guilt (shame after divulging information) and expressed them to her interrogators in the hope of receiving consolation or support, but they manipulated these feelings in order to cast full responsibility for the betrayal on her and emphasized the fact that they had not touched her. This served to increase her lack of critical judgement. She underwent psycho-pharmacological manipulation but did not realize it; she desired as the sole possibility of salvation, torture, which she regarded only as physical. However, she had the sensation of being subjected to "strange treatment" (the food had a special taste and the place where she was imprisoned was impregnated with a different odour). She experienced periods of increasingly intense (1) depersonalization, (2) regression to childhood, (3) dependence, (4) a feeling of unreality, (5) auditory and tactile pseudo-perceptions against a background of generalized hyperesthesia, and (6) sexual excitability.

"All this occurred within a very confused context of deconstructurization of the ego, in connexion with which conditioning was attempted: the ticking of a clock was associated with a particular smell and led to subsequent sleepiness; sleep was associated with a certain blanket of which she was subsequently deprived systematically whenever she tried to sleep; verbal orders were repeated constantly with a fixed tone and increasing intensity. During the interrogation, her guards, making use of her heightened sexual excitability, excited her genital organs until they obtained the information required; this was followed by a sensation of relief and rest which she compared with orgasm.

"All these associations caused in her a condition of progressive dependence with anticipatory responses, as she sought more rapid gratification corresponding to the divulgation of information.

"A doctor intervened directly on several occasions throughout this process and himself escorted her to the place where she was to 'squeal' on someone. He unmasked an attempt which she made to simulate exhaustion in order to avoid divulging information." c/

Effects of torture: analysis of 63 cases

The effects of torture on 58 adults and 5 children selected as representative of the different places of detention in Chile (period September 1973 to March 1976), were analysed as follows:

"Of these 58 prisoners, 35 were women and 23 men; their ages ranged from 15 to 62 years. Three quarters of the group were aged under 35; this is characteristic of the over-all age range of prisoners. Twenty-four members of the group had children.

"...

"All the prisoners had been subjected to general psychological torture; this occurs when prisoners are taken to what is known in Chile as 'torture houses'. The prisoner remains in these places for a more or less lengthy period during which he is immediately deprived of the faculties of sight and movement and is confined in a very small cell where he is forbidden to speak; at the same time he is made to listen to moans, cries or strident music and to witness the torture of other prisoners. This situation is experienced in extremely anomalous conditions: there is a constant threat of torture and death. To this must be added psycho-physical exhaustion due to lack of food, dehydration and disturbances of sleep and the normal physiological functions, as well as the stresses caused by the interrogation sessions and the feeling of very deep anguish.

"This situation causes a pathological condition characterized by the following symptoms.

"1. Disturbances of consciousness which are reflected in hyperconsciousness and autoscopy, during which the prisoner describes himself as if he was observing and evaluating his own behaviour, thus preparing for future stresses with great richness and speed in his capacity for perception and reasoning. This hyperconsciousness creates in him a feeling of great calm and tranquillity, at which he experiences surprise. The anguish and pain of each moment are experienced as if they were another person's. There are also cases of a diminution of consciousness which may extend to simple obtubilation or even coma. There are often twilight conditions in which attention is focused on panic or the need for maximum performance.

"2. Disturbances of perception which may range from global or partial diminution to - more frequently - hyperperception caused partly by the deprivation of sight and partly by the need to gain as strong a grasp as possible on the over-all situation of threat. We rarely found sensorial errors such as pseudo-hallucinations.

"3. Disturbances of memory, particularly in recall (non-recall, involuntary recall, erroneous recall or perseverative recall). There is a deficiency in retrograde memory and disturbances in the fixation of recent events.

"4. Disturbances of affectivity which may be reflected in emotional instability in all its forms: conditions of motorial hyperexcitement, apathy or emotional lethargy.

"In order to be as able to evaluate the physical and psychological consequences of torture and imprisonment in a concentration camp, we have classified our sample in the light of the prisoners' previous state of health ...

"...

"We therefore wish to point out that, of these 58 political prisoners, at the time of arrest 40 were in good psychological health and 50 were in good physical health.

"We shall now describe the effects of physical torture.

"Three quarters of the prisoners had been subjected to physical brutality, inflicted with the same intensity on men and women. They had all suffered immediate after-effects, some of which still remain after inadequate treatment in prison.

"The most frequent consequences have been:

- lacerations and serious contusions;
- multiple haematoma;
- internal haemorrhage;
- fractures of the ribs;
- multiple fractures;
- fractures of the skull;
- dislocation of the jaw;
- perforation of the eardrums;
- perforation of the intestine;
- asphyxia;
- lacerations of the tongue;
- burns;
- prolonged loss of consciousness in almost half the prisoners;
- death and disappearance of three men and two women immediately after torture.

"In addition, we conducted a special study of what we term sexual aggression, because this is a special form of mixed physical and psychological torture and because its impact on the psyche of the prisoner is relatively important. This form of torture has been maintained continuously during the past three years, and half of the prisoners were subjected to it without distinction as to sex.

"The most common physical consequences include:

- perforation of the anus;
- serious haematocele;
- injuries and burns on the genital organs of men and women, as well as vaginal lacerations, metrorrhagia and infections in the case of women.

"The psychological after-effects were severe.

"...

"As for the psychiatric after-effects, we wish first of all to stress that all the prisoners who underwent specific psychological torture displayed serious psychiatric problems immediately following this treatment. (Such as exogenous psychoses, catatonic twilight states, drug shock, and disintegration of the ego).

"In addition, it is tragic to note that 80 per cent of the political prisoners whether immediately after torture, in the concentration camp or later in exile, showed psychiatric problems which they had never had before.

"The most common psychiatric disturbances we have seen are:

"1. Depressive syndrome

"The depressive syndromes observed inside the prison are those commonly described, but here they are triggered off by specific stress resulting from prison conditions, torture and their after-effects.

"On the other hand, the depressive syndromes we find in exile, both among former prisoners and exiles who have not been in prison, take the nature of a defeatist approach to life, in which the specific circumstances of being a political exile play a more or less important part.

"This means that the individual feels he has been destroyed and for some suicide appears to be the only alternative.

"2. Anxiety syndrome

"The anxiety syndrome also takes on a vital and global character which makes it extremely grave.

"3. Paranoid syndrome

"The paranoid syndrome shows itself through acute anxiety directly related to the idea of the danger of a further period of detention, which appears imminent.

"All these situations are lived out by reference to the ego and even if the presentation is comprehensible and in general there is no delirium, the symptomatology reaches such a serious point that the former prisoner released in Chile sees only two alternatives - exile or suicide.

"4. Apathy syndrome

"We have observed an apathy syndrome similar to that seen in patients who are physically ill, the difference being that here the causes are psychic.

This apathy is not the direct result of brain damage caused by torture because, in the first place, it can be reversed - and this does not happen when there is an organic cause - and, secondly, we have observed it also among those exiles who have not been tortured.

"5. Deterioration of psycho-organic type

"This is a syndrome characterized by difficulty in concentrating, a propensity to tire easily, emotional instability, a loss of both short-term and long-term memory, temporal and spatial disorientation and catastrophe reaction as defined by Goldstein. This is the picture very often presented by fairly young people both in prison and in exile. The rate of development varies and its aggravation is closely related to situations of conflict or stress. Even if, unlike the physical presentation, it may be reversible, its occurrence leads to serious depressive reactions and to a self-inflicted infirmity which is experienced as definitive. This presentation is more frequent in exile.

"6. Symptom fixation

"Symptom fixation is found among some prisoners who have specific organic lesions caused by physical torture (luxations, parapareses) or among prisoners who had a general somatic reaction to torture or to interrogation, such as intense sweating, partial anaesthesia, intense thirst, incontinence, etc. The symptom or the type of somatic response can be overcome, but it reappears in any situation of stress which recreates psychological tension similar to that experienced under torture or interrogation.

"We have direct knowledge of five cases of children who were imprisoned, three of them girls and two boys: the eldest four years old and the youngest one year old.

"They all spent a period varying from three to twelve days at torture centres. One of them was physically tortured in the presence of his parents and all of them constantly saw the condition in which their parents returned after torture. One of the youngest children had a reaction of panic and rejection when he saw his mother, whose face was no longer recognizable. These children also saw other prisoners tortured. The DINA agents blindfolded them, but the children removed their own blindfolds and those of other prisoners, receiving brutal punishment for this kind of behaviour.

"All these children were still wearing napkins and they were kept and fed in deplorably unhygienic conditions. Two brothers were kept at the Cuatro Alamos prison where they spent two weeks with their parents, who were in solitary confinement, and with about 10 other political prisoners in a room measuring 6 square metres, subjected to the military régime in force at the prison and witnessing the torture and punishment.

"Three of the children were taken to an orphanage run by the police while their mother was kept in solitary confinement. The longest time they spent there was four months. They returned home in a state of malnutrition,

dirty, with parasitic infections (lice, scabies) and, more serious still, with an attitude of pathological submission so that they accepted whatever was offered them, even if it was the opposite of what they wanted or unpleasant.

"When reunited with their parents, four of the children reacted by a violent rejection. The parents of the fifth child died as a result of torture.

"Even if pathologically their state after being in prison is not essentially different from that of the children of political prisoners who were not taken to the torture centres, the reaction syndromes were more acute and more serious and the response to therapy has been more refractory.

"The reactions of panic, phobia, and nightmares are intense and frequent. All show regressive phenomena, either in language (complete regression or stammering) or in habits already acquired (enuresis, encopresis), loss of the habit of dressing themselves or feeding themselves unaided. These children have also shown a pathological affective dependence either on the family which has taken charge of them, or on the mother when they have been reunited. They still have defeatist reactions motivated by lack of affection, ranging from the primitive reaction of fits of temper to compulsive manias." d/

Evolution of torture in Chile: September 1973 - March 1976

On the basis of 248 cases of torture, the following analysis of torture patterns from September 1973 to March 1976 was reported:

"Physical torture can be classified as taking two forms:

"1. Physical torture which can be called "primitive" because it is indiscriminately applied regardless of the age, sex or state of health of the victim and the type of accusation made against him or her. It is applied on a mass scale and leaves visible traces. There is a high death-rate.

"2. Physical torture which we have called selective-progressive because it is planned according to an over-all evaluation of a victim. In general, it leaves no visible traces and there is a reduced risk of death ensuing.

"There are also two forms of psychological torture:

"1. Traditional specific psychological torture comprising a mixture of techniques from the psychological field as traditionally used by repressive systems, such as mock execution by firing-squad, complete or partial solitary confinement, the use of Pentotal, psychological pressure, threats and humiliation.

d/ "The effects of imprisonment and torture ...", supra.

"2. Refined specific psychological torture comprising psychological techniques which are progressively incorporated, the torturers applying, evaluating and perfecting them by controlled experimentation, using sensory privation, changes in sleeping patterns, conditioning, hypnosis, drugs, psycho-analytical techniques, psychotherapy, use of hostages, etc.

"Finally there is mixed torture where one form of physical torture is applied simultaneously with, before, or after, a form of psychological torture.

"The importance of the situation itself, which we have called the background, must be stressed; it acquires considerable importance in torture centres. We can distinguish:

- "A. A general situation causing physical exhaustion, which we have called intrinsic, because it results from the actual physical conditions of imprisonment, such as overcrowding, lack of food, dehydration, dirtiness, etc.
- "B. But there is another background situation which we have called programmed physical and psychological deterioration, which involves sexual torture, humiliation, threats, controlled terrorization (for example, the prisoner constantly hears yells, moans, screams and weeping or very loud music, which is always the same, and stops suddenly, allowing yells to be heard again.) The victim is blindfolded and has the feeling he is being watched, he is forbidden to move, his physiological functions are no longer private, but take place under the gaze of the prison guards.

"The table shows the pattern followed by torture techniques applied in Chile from September 1973 to March 1976, on the basis of 248 cases examined. The vertical scale shows the different types of torture expressed in percentages, and the horizontal scale is the time scale. Three stages can be clearly distinguished:

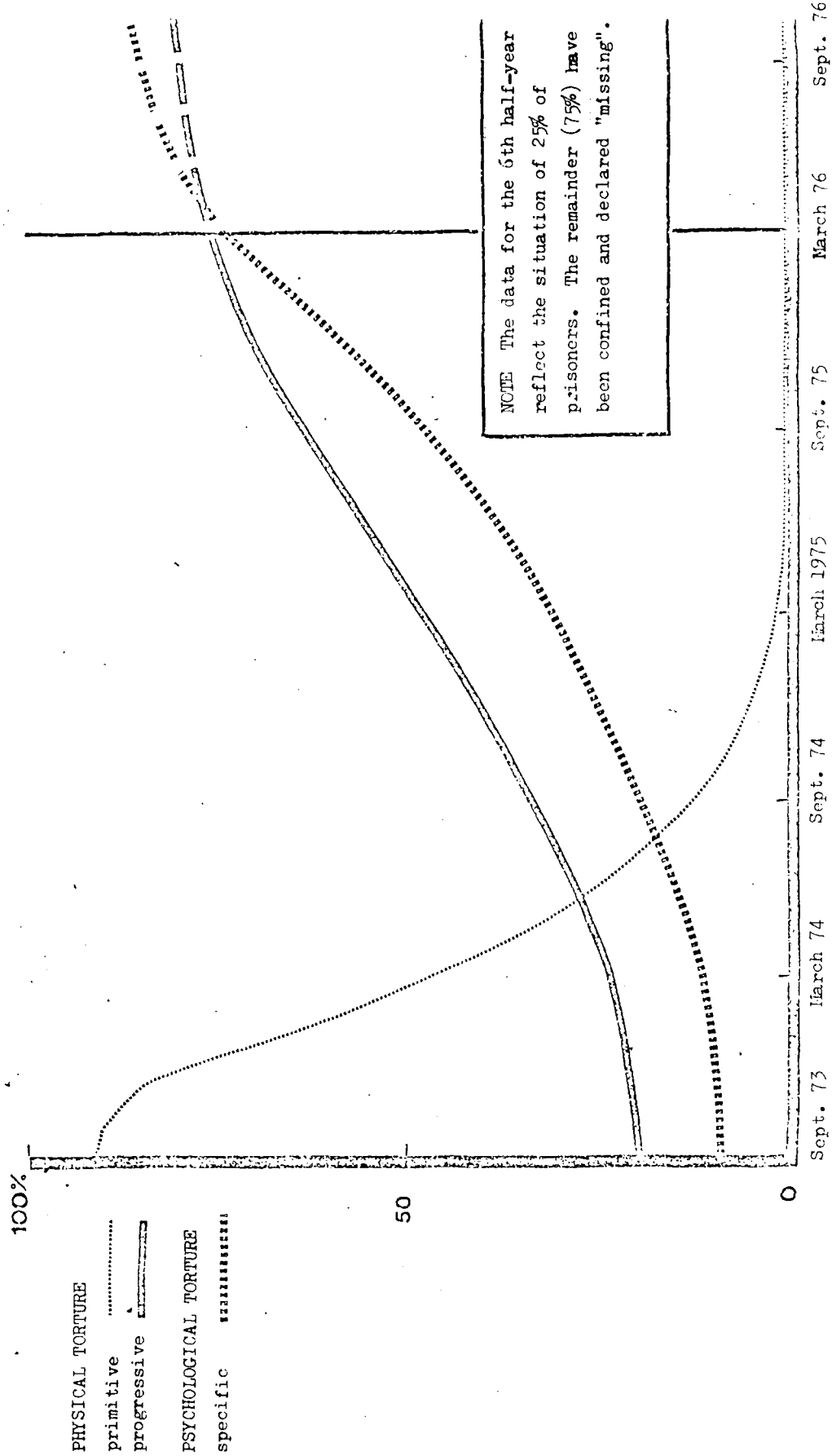
"1. At the beginning, during the first six months, primitive physical torture and traditional specific psychological torture against an intrinsic background of physical exhaustion figure most prominently. There is a percentage of mixed torture when the torturers combined the two forms of torture mentioned, but we can already see the beginnings of the use of selective-progressive physical torture, refined psychological torture and the use of programmed background.

"2. From March 1975 onwards, the percentages are reversed, the programmed background, refined psychological torture and selective-progressive physical torture, together with combinations of these, gain ground increasingly while the other forms show a marked recession.

"3. The intermediate period, between March 1974 and March 1975, shows the transition. At this period the military junta organized an independent police superstructure, DINA, which centralizes the various services, gathers and evaluates the experiments and practice of torture, brings in experts trained abroad and turns the torturers into government servants, giving them special training." e/

e/ "Ethical questions arising for psychologists ...", supra.

PATTERN OF TORTURE TECHNIQUES
 USED IN CHILE FROM SEPTEMBER 1973 TO MARCH 1976
 BASED ON 248 CASES ^{f/}



f/ Ibid.

Annex XVII

NOTE VERBALE DATED 13 JANUARY 1977 FROM THE PERMANENT MISSION
OF CHILE TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO
THE SECRETARY-GENERAL

The Permanent Delegation of Chile to the United Nations Office and other International Organizations with headquarters at Geneva presents its compliments to the Secretary-General of the United Nations (Division of Human Rights) and has the honour to reproduce below for his information the text of a sworn statement, dated 4 January 1977, made by Mr. George Francisco Roessler Cornejo, husband of the journalist Gladys Díaz Armijo, who was recently released, to Mr. Juan Astaburuaga, Notary Public, concerning certain notions which have been spread about concerning him.

"I, George Francisco Roessler Cornejo, identity card No. 2776066, Santiago, domiciled at Roberto del Río 1250, declare on oath that:

I married Gladys Nélide Díaz Armijo on 14 June 1960.
I have never been detained or interviewed for any reason
by the security services of the Government.
I have never been subjected to any pressure by word or
deed by the security services.
I make this statement entirely voluntarily in order to
dispel certain notions which have been spread concerning me.

Signed, George Francisco Roessler Cornejo, identity No. 2776066, Santiago."

The Permanent Delegation of Chile trusts that this information will be helpful and will be duly noted by the Commission on Human Rights and the Ad Hoc Working Group. It takes this opportunity to renew to the Secretary-General of the United Nations (Division of Human Rights) the assurances of its highest consideration.

Annex XVIII

PHOTO-COPIES OF RELEVANT PAGES OF THE PASSPORT OF
GLADYS DIAZ ARMIJO


Passport of Gladys Nelida DIAZ ARMIJO
issued in Santiago on 6 December 1976

VALIDO SOLO PARA SALIR DEL PAIS
REPUBLICA DE CHILE 3


Serie **Nº 76587** 1976

FILIACION
PERSONAL DESCRIPTION

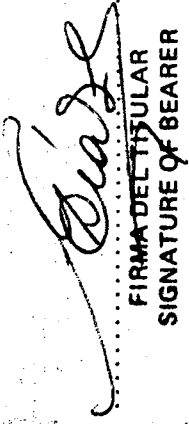
NOMBRE DEL TITULAR
NAME OF BEARER
GLADYS NELIDA DIAZ ARMIJO



DIGITO PULGAR
PRINT



FIRMA DEL TITULAR
SIGNATURE OF BEARER



VALIDO SOLO PARA SALIR DEL PAIS
REPUBLICA DE CHILE

FILIACION
PERSONAL DESCRIPTION

Cédula de Identidad
Identification Card
3.520.153

Nacionalidad
Nationality
CHILENA

Nacido el
Date of birth
10 JULIO 1936

Estado civil
Marital status
SOLTERA

Profesión
Profession
EMPLEADA

Domicilio
Address
JOSAS MARIANAS 1770

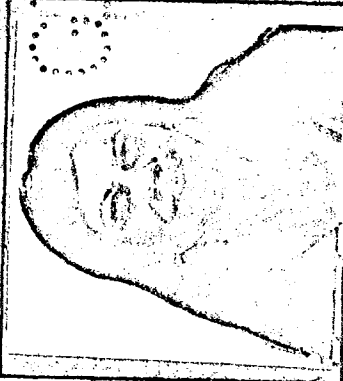

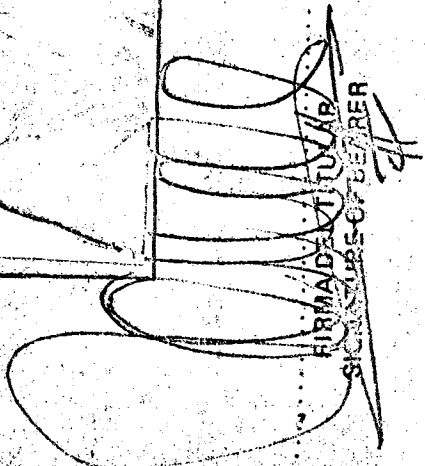
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NO RENOVACIONE - ORDEN DE SALIDA D. LEY 81-1973
MODIFICADO POR D. LEY 634-1974

Annex XIX

PHOTO-COPIES OF RELEVANT PAGES OF SOME RECENTLY ISSUED PASSPORTS
BEARING THE STAMP "VALIDO SOLO PARA SALIR DEL PAIS"

Passport of Luz de las Nieves AYRESS MORENO
issued in Santiago on 6 December 1976

VALIDO SOLO PARA SALIR DEL PAIS REPUBLICA DE CHILE		VALIDO SOLO PARA SALIR DEL PAIS REPUBLICA DE CHILE	
FILIACION PERSONAL DESCRIPTION		FILIACION PERSONAL DESCRIPTION	
Cédula de Identidad Identification Card	6.347.877	NOMBRE DEL TITULAR NAME OF BEARER	Luz de las Nieves AYRESS Moreno
Nacionalidad Nationality	CHILENA		
Nacido el Date of birth	5 OCTUBRE 1948	DIGITO PULGAR THUMBPRINT	
Estado civil Marital status	SOLTERA		
Profesión Profession	ESTUDIANTE	FIRMA DEL TITULAR SIGNATURE OF BEARER	
Domicilio Address	CARLOS VALDOMINO 1403		
Viaja a Traveling to			
Observaciones Notes	VALIDO SOLO PARA SALIR DEL PAIS		
	NO REVALIDARSE DE SALIDA D. LET 81-1473		
	REPUBLICADO POR D. LET 684-1974		

Passport of José Luis CADEMARTORI INVERNIZZI
issued in Santiago on 6 December 1976

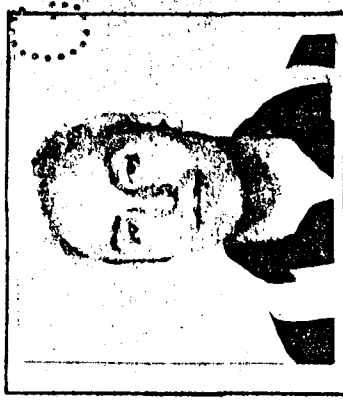
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REPUBLICA DE CHILE 3

Serie **Nº 76534** 1976

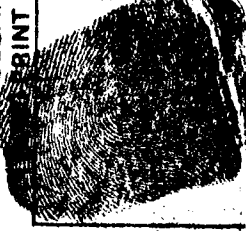
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PERSONAL DESCRIPTION

NOMBRE DEL TITULAR
NAME OF BEARER

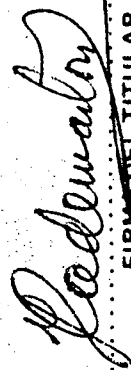
JOSE LUIS
CADEMARTORI
INVERNIZZI



DIGITO PULGAR
BINT



FIRMA DEL TITULAR
SIGNATURE OF BEARER



2 REPUBLICA DE CHILE

FILIACION
PERSONAL DESCRIPTION

Cédula de Identidad
Identification Card 3.099.685

Nacionalidad
Nationality CHILENA

Nacido el 24 SEPTIEMBRE 1930.
Date of birth

Estado civil CASADO
Marital status

Profesión EMPLEADO
Profession

Domicilio Doctor José Rodríguez 9410
Address

Viaja a
Traveling to

Observaciones
Notes

VALIDO SOLO PARA SALIDA DEL PAIS

NO REVALIDABLE - OPCION DE SALIDA D. LET. 81-191

MODIFICADO POR D. LET. 684-1974


Passport of Gladys Nelida DIAZ ARMIJO
issued in Santiago on 6 December 1976

VALIDO SOLO PARA SALIR DEL PAIS
REPUBLICA DE CHILE


Serie No 76537 1976

FILIACION
PERSONAL DESCRIPTION

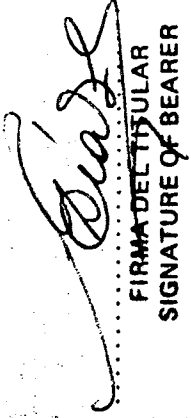
NOMBRE DEL TITULAR
NAME OF BEARER
GLADYS NELIDA
DIAZ
ARMJO



DIGITO PULGAR
PRINT



FIRMA DEL TITULAR
SIGNATURE OF BEARER



VALIDO SOLO PARA SALIR DEL PAIS
REPUBLICA DE CHILE

FILIACION
PERSONAL DESCRIPTION

Cédula de Identidad
Identification Card 3.520.153

Nacionalidad
Nationality S.MILENA

Nacido el
Date of birth 10 JULIO 1936

Estado civil
Marital status SOLTERA

Profesión
Profession E.MUCEADA

Domicilio
Address J.SCAS. MARIANAS. 1770

Viaja a
Traveling to

Observaciones
Notes VALIDO SOLO PARA SALIR DEL PAIS...
NO SE VINCULA A OPCIÓN DE SALIDA D. LEY 81-1973
MODIFICADO POR D. LEY 634-1974

Passport of Victor Hugo TORO RAMIREZ
issued in Santiago on 6 December 1976

VALIDO SOLO PARA SALIR DEL PAIS
REPUBLICA DE CHILE 3

Serie N° 76536 1976

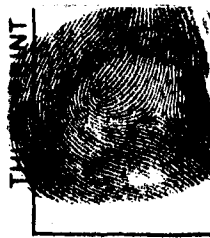
FILIACION
PERSONAL DESCRIPTION

NOMBRE DEL TITULAR
NAME OF BEARER

VICTOR HUGO
TORO
RAMIREZ



DIGITO PULGAR
THUMB PRINT



FIRMA DEL TITULAR
SIGNATURE OF BEARER

VALIDO SOLO PARA SALIR DEL PAIS
REPUBLICA DE CHILE

FILIACION
PERSONAL DESCRIPTION

Código de Identidad
Identification Card
4.832.229

Nacionalidad
Nationality
CHILENA

Fecha de nacimiento
Date of birth
2 JUNIO 1942

Estado Civil
Marital status
SOLTERO

Ocupación
Profession
EMPLEADO

Domicilio
Address
RIQUELME 83

Viaje a
Travelling to

Observaciones
Notes
VALIDO SOLO PARA SALIR DEL PAIS

70 REVALIACIONE POR D. LEY 17.684-1974
31-1973 MODIFICADO POR D. LEY 684-1974

Passport of Daniel VERGARA BUSTOS
issued in Santiago on 6 December 1976

VALIDO SOLO PARA SALIR DEL PAIS
REPUBLICA DE CHILE

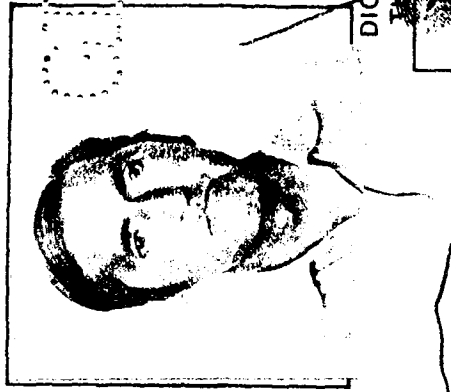
1976

Nº 76535

FILIACION
PERSONAL DESCRIPTION

NOMBRE DEL TITULAR
NAME OF BEARER

DANIEL
VERGARA
BUSTOS



DIGITO PULGAR
THUMB PRINT



FIRMA DEL TITULAR
SIGNATURE OF BEARER

VALIDO SOLO PARA SALIR DEL PAIS
REPUBLICA DE CHILE

FILIACION
PERSONAL DESCRIPTION

Cédula de Identidad
Identification Card

1.336.655

Nacionalidad
Nationality

CHILENA

Nacido el
Date of birth

5 DICIEMBRE 1922

Estado civil
Marital status

CASADO

Profesión
Profession

ABOGADO

Domicilio
Address

S. BOLIVAR 6210

Viaja a
Traveling to

Observaciones
Notes

VALIDO SOLO PARA SALIR DEL PAIS

N.O. RENOVABLE - OPCION DE SALIDA A 67
8.1.1973. MODIFICADO POR D. LET. GPY.-1974.