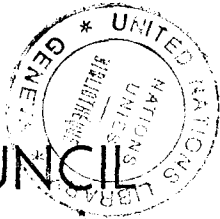


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COMMISSION ON HUMAN RIGHTS  
Thirty-third session  
Agenda item 5

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

Note by the Secretariat

Addendum

By notes verbales dated 25 and 28 February 1977, addressed to the Director of the Division of Human Rights, the Permanent Mission of Chile to the United Nations Office at Geneva transmitted for issuance as an official document of the Commission the attached material, which constitutes the second part of the observations of the Government of Chile on the report of the Ad Hoc Working Group to inquire into the situation of human rights in Chile (E/CN.4/1221).

PART II  
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CHAPTER I  
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Relations between the Government of Chile and the Working  
Group

The Government of Chile finds the final conclusions of the Working Group in that respect satisfactory and likewise expresses the hope that its points of view will meet with comprehension on the part of the Working Group.

The Government of Chile nevertheless wishes to recall that the observations set out in document A/C.3/31/6 chapter II, which the Working Group did not consider in its current Report, are still valid.

Indeed, like the Working Group, the Government of Chile does not believe that polemics can be fruitful nor contribute to helping relations between the United Nations organs and member countries where such sensitive subjects as examining the situation of Human Rights are concerned. It does, however, feel that it is essential to insist respectfully on the need for a careful examination of all information received. To examine seriously is to determine the distinction between what is true and what is false, the true and the apparent, because often the most dangerous way of misleading is to present the false under guise of the appearance of truth.

The Government of Chile also considers that when the Working Group provides names of witnesses in its Reports it is because the latter have authorized it to do so, and that it should take advantage of that to ask the Government of Chile for the records of those witnesses, because it cannot be denied that the life and behaviour of a person markedly affect his credibility. This course of action would have obviated the Group's trusting in witnesses whom no impartial observer could regard as "reliable".

Similarly, the analysis of Chilean press reports does not appear to us to have been adequate. If it is desired to extract the objective truth from a news media which is received continuously, the full reports on the subject published in that media should be analyzed before starting to quote that source of information. This is not the case in the Report before us.

We emphasize once again that by their nature there are certain subjects where the testimonial proof is irrelevant and often leads to conclusions which are completely removed from reality and consequently to the formation of unfair judgements. A most obvious instance of this is the analysis of the health situation or the economic state of a country. To insist on pursuing this wrongful policy can only lead to an emotional effect which is quite alien to the importance and seriousness of the task set.

Nor can the validity of statistics be proved by witnesses, unless it is established how they were put together and clearly defined what facts were used as a basis.

As we pointed out in previous Comments on the Reports, we regret the failure to use official information from International Organizations on subjects where it is not difficult for it to exist, not only in statistical form but also in form of programmes under way, etc. We refer specifically to subjects connected with the health and economic conditions of the country, which determine the social situation.

We insist that the greatest help that can be given in this respect is the information provided by the State under investigation to the body charged with collating the facts. As the Working Group itself confirms, we have continuously provided all the information which we consider to be related to the task entrusted to the Working Group. But we again repeat that the Group ought to ask the Government of Chile about specific situations, and that such enquiries should be submitted with reasonable anticipation to allow for a reply, not only by reason of the respect due to a member State but because it is the only logical way to carry out an investigation.

The Group has not been willing to understand this point, which is so clear, and always seems to confuse it with its obligation to maintain the secrecy of the witnesses' identity, which we never sought, or with the limitations of its faculties which fail to hit upon this easy method of enquiry which we have never been able to obtain.

One instance will help to explain these ideas: the Group mentions in the Report that certain Trade Unions had their legal standing cancelled. Why did they not ask the Chilean Government before making their Report?

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In its Report the Group refers to various situations with the full names of the alleged victims whose rights had been violated. Why did it not do likewise, giving enough time for receiving a reply?

With all its goodwill, the Government of Chile is materially unable to reply to all the questions which appear in the form of affirmations in the Report, because there is not enough time to answer and manage to have the reply distributed in time. We have complained about this situation in all our commentaries or presentations, without ever meeting with any comprehension.

We hereby officially request the Human Rights Commission to consider, should it extend the Working Group's mandate, having the Report or preliminary Report given to the Government of Chile at least one month before the opening day of the session of the body which will be studying that Report, with a view to giving enough time for drafting comments and including all documentation and supporting material considered necessary, while enabling the Secretariat to have the Comments distributed in all the working languages sufficiently ahead of time.

Failure to solve this problem adequately would be a failure to respect the most elementary rights to which a member State is entitled.

As we stated at the General Assembly, the system adopted allows statements to be sensationalized, turns the Reports into a collection of partial points of view on the subject treated and sometimes into a sounding board for completely false reports.

CHAPTER II

The Working Group and the Reports of the  
International Red Cross

In its Report the Working Group often refers to information published in the foreign press, and in countless paragraphs describes it as "a reliable source"; it therefore seems curious and deserving of the attention of the members of the Human Rights Commission, that it makes such a careful analysis of a report in the "International Herald Tribune" of December 22, 1976 which contained statements made by the International Committee of the Red Cross which the Government of Chile considered important and brought to the attention of the Working Group.

In that particular case, contrary to the usual manner of quoting a press report, even from the most doubtful sources, the Group went so far as to note that the Associated Press correspondent is not "identified", and then discusses the content of that information.

We have no interest in entering into polemics with the Group on the subject, but we would at least like to draw attention to the difference in the manner in which reports contradicting the Group's conclusions are treated and the treatment accorded to reports which confirm them. Such discriminatory spirit does not speak very highly of the impartiality of the Report under study.

With respect to the International Red Cross action in Chile, we have the pleasure of drawing your attention to the following reports which all come from official documents, which were known to the Group but which it did

not consider sufficiently important to include in its Report.

1° - "The Internatinnal Committee of the Red Cross considers it important to recall that, since September 1973, its Delegation in Chile has enjoyed great facilities with regard to the visits to persons detained as a result of the events, which, incidentally, are seldom granted by other countries in similar situations". (Statement by the ICRC Doc. A/C.3/31/10).

2° - "In the last 11 months the Delegates made a total of 223 visits to some 70 places of detention, coming into contact with a number of detainees which ranged from 3.500 (beginning of 1976) to 500 (end of 1976). The latter figure includes detainees being held under emergency regulations, indicted prisoners and convicted prisoners. The important decrease in the number of detainees in the course of the year was the result of the number of persons liberated within the country who were at the disposal of the Ministry of Justice, of the banishments from the country and the release in September 1976 of the great majority of the detainees held under the state of siege regulations". (Extract from the Annual Report on the activities of the ICRC during 1976, which was handed to the Working Group by the Red Cross.)

In the face of that statement by the Red Cross referring to matters of such importance, the Working Group did not consider it necessary to include them in the Report, evidently because the information confirmed the statements made by the Chilean Government on which the Group had always cast doubt.

3<sup>o</sup> - "Further to the interview between the President of the International Committee of the Red Cross and Your Excellency, on December 10, 1976, we have pleasure in confirming hereby to Your Excellency that the ICRC activities in Chile will as from January 1, 1977 be integrated under the ICRC Regional Delegation for the southern section of Latin America, with headquarters in Buenos Aires, Argentina. Indeed, as we have already had the opportunity of informing you verbally, the ICRC has been in a position to follow the gradual normalization over the past months of the situation of the detainees in Chile. It has consequently found it advisable to adapt its activities to that situation by, on the one hand, considerably reducing the number of its Swiss personnel of six Delegates to two permanent Delegates from the beginning of next year and, on the other hand, proceeding with the integration of its activities in the ICRC action in the southern sector of Latin America". (Letter from the head of the ICRC Delegation in Chile to the Minister of Foreign Affairs of Chile dated December 14, 1976, in the hands of the Working Group and distributed in full as a document of this Commission at the request of the Government of Chile).

The Government of Chile has maintained and expects to continue to maintain the very best relations with the ICRC and puts on record its gratitude for the humanitarian work and for the Reports it has received, which have on numerous occasions enabled it to remedy deficiencies and sanction punishable acts.

4<sup>o</sup> - With regard to the list containing allegations concerning missing persons received by the International Red Cross since September 11, 1973; as stated in the Introduction, it is the subject of a careful investigation which so far has revealed a substantial number of



persons living normally in the country, and likewise others who had left it of their own accord, or as expellees or refugees.

The Government of Chile has requested the International Red Cross to confirm the veracity of these reports, which it has received, with the assistance of its Delegation in Chile. The Government of Chile is of the opinion that this delicate subject is within the natural competence of the International Committee of the Red Cross which has permanent Delegates in Chile and experience in this type of investigation, in addition to its absolutely humanitarian spirit devoid of any political connotation.

CHAPTER III

Detention and treatment of detainees

It has already been reported that in the closing months of 1976 the Government of Chile completed its plan to release all persons detained for reasons of security.

As there are no more detainees held under the terms of the state of siege (with the exception of Jorge Montes), the problem of the alleged arbitrary arrests, illegal detentions and ill treatments, which provided for so long an excuse to denigrate and slander the Government of Chile, has ceased to exist.

Despite the foregoing, the Government of Chile finds itself obliged to make the following points, clarifications or declarations:

The Government of Chile

1.- believes that there is no use including in the Report the fact that the Group is continuing to receive information about detainees without legal guarantees, because, besides being false, such information refers to the period prior to the release of all detainees and finally, by failing to identify the people concerned it prevents the Government of Chile from countering the charges. It is worth noting that when the Group provided concrete cases of non-fulfillment of the terms of Decree Law 1009 and Supreme Decree 187, the Government of Chile countered the charges with documentary evidence in hand (See Doc. A/C.3/31/6 and Add.1).

2.- attributes to a regrettable error the fact that in number 102 of the Report the Group refers to "certain types of recent arrest and detention in Chile" and adds that it "would reflect the continuation of a consistent pattern revealed in previous reports". The Government of Chile attributes it to a regrettable error because the same Group admits immediately afterwards their liberation. Furthermore, the examples of concrete cases it brings up refer, as it admits itself, to persons detained during the year 1976 and immediately released.

3.- finds itself obliged to protest once more against the Group's now traditional habit of failing to ask the Government of Chile about the concrete cases it mentions. In that connection, in its note of January 6, 1977 the Government of Chile informed the Group that it was prepared to reply to any questions put to it, and when the Government Delegates met with the Group in January they again asked for enquiries about concrete cases, but nothing happened.

4.- is of the opinion that the numerous statistics contained in the Report concerning the average length of detention of released persons are devoid of sound basis since the figures themselves were provided to the Group by its informants without it being known how they were made up.

5.- finds the statements contained in N° 117 of the Report interesting, inasmuch as it is stated that various persons interviewed had testified in Chile to the national and foreign press that they had been well treated yet later said the contrary to the Group. That fact alone once more demonstrates the lies told abroad to

that very same Group, inasmuch as in Chile the statements were given absolutely spontaneously and without the presence of officials, as is confirmed by the cables from the news agencies themselves.

At the same time, the Government of Chile notes with satisfaction that the Group puts on record statements which prove the falseness of previous statements and the correctness of the Chilean replies. Such was for instance the case of lawyer Hernán Montealegre's statement that he had not been maltreated whereas denunciations, complaints and reports said the reverse.

A.- Convicted and indicted

As has already been stated, the number of persons sentenced by the Military Courts and now undergoing their sentence in the country's penitentiary establishments comes to 379. In addition there are 90 persons under indictment by said Courts.

In this connection, the Government of Chile wishes to point out the following:

The Government of Chile

1° - notes with satisfaction that the figures given by the Group in its Report (see N° 122) are for the first time close to the truth.

2° - denies once again that they are "political prisoners", on grounds already exposed in Part I of these comments.

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3° - again attributes to a mistake the fact that the Group complains of delay in processing the 90 indicted cases. As the Group has already been informed on repeated occasions and in numerous documents, the fact that no Courts Martial (N° 125) are being held does not mean that there are no trials. Courts Martial pertain to War Time justice, and at the moment Peace Time Courts are functioning, and it is to them that these cases are submitted, and complaints about their actions can be brought before Military Courts of Appeals and even the Supreme Court, including recourse about the slowness of the cases.

4° - reiterates the availability to the Group of the nominal roll of those sentenced and indicted should it request it.

B.- Pardons

As stated elsewhere in this document, the Special Commission of Pardons set up by Decree 504 had received 1.405 petitions up to December 31 last year and has so far reviewed 1.395 of them.

Of those 1.395 cases reviewed 1.136 had been approved, 132, were in various stages of processing and 127 had been denied.

The Government of Chile wishes to make the following observations on this matter:

The Government of Chile

1° - regrets that the Working Group has only recently taken note of the existence of pardons through

the Special Commission set up by Decree 504, as it says in its number 126, inasmuch as the Government of Chile has passed it all the information on the subject ever since the Decree was published on December 30, 1975.

2° - disagrees completely with the Group that Decree 504 could have disappointed people's hopes. The large number of petitions approved proves the reverse. It denied 127 petitions of the 1.395 reviewed.

3° - disavows absolutely the Group's allegation that "numerous prisoners holding visas from countries ready to receive them have had their petitions under Decree Law N° 504 rejected by the Special Commission established by the Chilean Government without satisfactory explanation."

That allegation further appears inadmissible because pardon is a Sovereign Act by the authorities, and takes into consideration the antecedents of the person convicted, the nature of the crimes committed, the length of his stay in prison, his conduct while in prison, but never the fact that he has or does not have a visa to reside in another country.

Furthermore, by declining a pardon the authorities are in no way ever obligated to give their reasons, satisfactory or not, since the pardon is not a judicial procedure which has to conclude with some kind of sentence.

4° - disavows likewise the allegation that the process takes about six months, that a lawyer has to be engaged, and other allegations.

As the Group can see from the statistics with which it has been periodically provided and as it is in possession of Decree 504 and its Regulations, its comments deviate from the truth.

5° - expresses its dissatisfaction with the allegations contained in N° 127 wherein the Group validates false information.

All those sentenced by common law or military courts are located in ordinary prison establishments, the nature of which has already been set out in Part I of these comments. The Group forgets that Decree 504 allows the petition for pardon to be submitted to the officer in charge of the place of detention, to the Administrative Authority or to the Minister of Justice himself.

CHAPTER IV

Persons allegedly missing and accusations  
of murder

1.- Persons allegedly missing

When a Government is faced with a group of adversaries ready to go underground and undertake a campaign of disappearances, it becomes very difficult, and sometimes impossible, to prove the existence of the missing persons.

The foregoing becomes even more evident when that group is largely composed of self-admitted terrorists. Chile's frontiers extend for over 5.000 kilometers and the groups are in actual contact with similar movements and organizations abroad.

In 1975 the Chilean Government presented a Document to the 29th Session of the United Nations General Assembly showing the results of the first enquiry about a list of persons alleged to be missing received from a Non-Governmental Organization.

A similar situation occurred in 1976 when new charges were laid before the Government of Chile alleging that a large number of people were missing.

At the end of 1976 the President of the International Committee of the Red Cross handed the Government of Chile a list of 893 allegedly missing persons.

The Government of Chile was able to demonstrate that in under two months of the enquiry being opened a



substantial number of the allegedly missing cases has been cleared up.

That first result of the enquiry was handed to the International Committee of the Red Cross by the Chilean Government.

As the investigation proceeds, the Government of Chile will continue passing on its results, and of course as the truth emerges it will once again show up the ignominious campaign to which it has been subjected.

Without prejudice to the foregoing, the Government of Chile cannot tolerate certain insidious statements in the Report, disagrees with some of its conclusions and flatly rejects other allegations.

Note should therefore be taken of the following points:

1.- Recent cases of missing persons.

In January there were denunciations in Chile and abroad that 13 persons had disappeared, all of them members of the Communist Party and some of them trades union leaders.

Their disappearance gave rise to court cases entered by the respective Criminal Courts.

A petition to the Supreme Court of Justice to appoint a special visiting Judge was taken up by the highest Court in the land on January 31, 1977 which

appointed the Judge of the Santiago Court of Appeal,  
Mr. Aldo Guastavino Magaña.

a) The outcome of the enquiry.

On February 7, 1977 Judge Guastavino reported  
as follows:

"At 11 a.m. on the seventh of February one  
"thousand nine hundred and seventy-seven in Santiago, in  
"compliance with prior instructions, the Court was consti-  
"tuted in the Aliens' Department of the Directorate Gene-  
"ral of Investigations located in General Mackenna, corner  
"of Teatinos, in this city. Participants included the  
"Assistant Director of the Police Investigations Section,  
"don Victorino Pantoja Morales, and the Prefect of the  
"Metropolitan Area, don Julio Rada Jimenez; also don Sergio  
"Romo Sepúlveda, Subrogate Head of the Aliens' Department.

"The head of the forementioned office proceeded  
"to extract the pertinent documents from the files for  
"display to the Court, and Mr. Rada explained that a copy  
"of every document in that file also existed in the sub-  
"offices maintained by the Investigation Services; he  
"added that in the suboffices control is exercised by  
"means of identity documents.

"A review of the records of persons leaving  
"the country for abroad through the Libertadores (formerly  
"Caracoles) suboffice established the following facts in  
"conformity with extracts from the respective travel docu-  
"ments:

"1) Edras Pinto Arroyo, identity card NO 19.195, travel document NO 355, was shown as having departed on January 6, 1977 in an automobile with number plate M (Mendoza) NO 124961 for Mendoza.

"2) Lincoyán Berríos Cataldo, identity card NO 2759542 of Santiago, travel document NO 363, registered his departure on December 21, 1976; among the remarks it was noted that he was travelling on foot which, as an Investigations official explained, meant that he was "thumbing" his way and was authorized to proceed as there was no order out for his arrest.

"3) Armando Portilla Portilla, identity card NO 2758775 of Santiago, travel document NO 364, registered as having travelled to Mendoza on January 11, 1977. Assistant Commissioner Sergio Vukasovic indicated that the person in question may possibly have travelled in an automobile with number plate 60024.

"4) Eduardo Araya Cabrera, identity card NO 5880754, Chile travel document NO 366. Departed on December 22 1976, on foot.

"5) Reinalda Pereira Plaza, identity card NO 5319316, of Santiago, travel document NO 354, Departed on December 21, 1976, on foot.

"6) Horacio Zepeda Marincovic, identity card NO 1846834, Santiago, travel document NO 356. Departed on January 6, 1977.

"7) Luis Lazo Santander, identity card NO 1253774, Santiago, travel document NO 357. Departed on January 6, 1977.

"8) Lisandro Cruz Díaz, identity card Nº 1752825, Santiago,  
"travel document Nº 359. Departed on January 11, 1977.

"The corresponding pages were checked and each  
"of them showed a stamp of the Directorate General of In-  
"vestigations, Aliens Department, International Control,  
"with three signatures under which could be read "Manuel  
"Cornejo Oyarzún", Chief Sub-Commissioner, "Sergio Romo  
"Sepúlveda," Subrogate Chief Sub-Prefect, and "Victorino  
"Pantoja Morales", Subrogate Assistant Director General.

"The enquiry was terminated with instructions  
"that this document be drawn up as proof and signed in the  
"presence of the authorized secretary by: Aldo Guastavino,  
Olimpia Schneider.

"Santiago, seventh of February one thousand  
"nine hundred and seventy-seven".

b) Confirmation by Argentina

On February 11, 1977 the Argentine Minister  
of the Interior issued the following official note:

"With reference to newspaper accounts reporting the entry  
"into our country of a number of trades union leaders and  
"militant members of the Communist Party of Chile, the Mi-  
"nister of the Interior wishes to state that enquiries made  
"so far from the competent authorities only show records  
"of the legal entry into this country of the following Chi-  
"lean citizens: Horacio Zepeda Marinkovic, Edras Pinto

"Arroyo, Luis Lazo Santander and Héctor Veliz. According to the records of the National Immigration Directorate those persons entered the Argentina on January 6 last, in a private Chilean automobile, number plate HG-19, over the Las Cuevas Pass, holding "tourist" visas (valid 15 days).

"It is further pointed out that that time limit having elapsed and in the absence of any formal request to prolong their stay as tourists, said persons would be in an illegal situation according to current legislation if they have not left the country.

"Further enquiries are being made about the circumstances surrounding this case".

On February 17, 1977 the Argentine Ministry of the Interior stated that "we have verified the entry into the Argentine of two other people identified as Reinalda Pereira Plaza and Lincoyán Berríos Cataldo. According to information supplied by the Director General of Migration the above-named entered the Argentine on December 21, on foot over the pass known as "Paso de las Cuevas", holding tourist visas authorizing them to remain in the country for the space of 15 days".

Finally, on February 17, 1977 the Government of Chile entered the process in order to obtain full clarification of the facts.

## 2.- Case of corpses found in rivers.

Various parts of the Report refer to corpses found in rivers, the purpose being to give the impression

that the latter had been killed at the hands of the Security Services. For that the account is based on an article in the magazine "Qué Pasa" (NO 286) which reports the appearance of three corpses, the first in Papudo, the second in Bío-Bío and the third in the Maipo. That same article, the Government of Chile must add, relates the fact and expresses hope that the course of justice will lead to the rapid identification of the victims and punishment of those responsible.

Enquiries were conducted with maximum speed possible, enabling the following facts to be established:

- a) The body found in Papudo was that of María Lidia Ugarte Román, about whom details are given below.
- b) The body found in Maipo was that of a woman, the cause of whose death was established by the autopsy as "submersion".
- c) The body found in Bío-Bío was that of Julio Moisés Leal Céspedes, habitual delinquent, known in delinquent circles by the nick-name of "El arbolito" ("The little tree").

The Government of Chile regrets that the Report only lifted the discovery of the corpses from the Chilean press, without taking the trouble of reading shortly after in that same press about the identification of the bodies, the progress of the enquiries and the trial of the possible guilty parties.

It likewise protests against the crafty and insidious way of presenting the facts which, besides being false, inevitably induce the reader into error.

3.- "Reliable witnesses".

a) The case of Gladys Díaz Armijo:

As stated in Part I of these comments, the testimony of doña Gladys Díaz Armijo, which serves as a basis for important conclusions in the Report, is not reliable testimony in the opinion of the Chilean Government, but rather the clear proof of obvious political aims on the part of the witness, and that for the following reasons:

1) Doña Gladys Díaz Armijo is a leader of the Movimiento de Izquierda Revolucionaria (Left Revolutionary Movement). As was stated and demonstrated to the Working Group by the MIR's own statements and reviews published in Chile and abroad, copies of which we have given to the Group, this body preaches violence as a means of political action and its leaders have been the object of legal action and have been detained under previous governments. Señora Gladys Díaz's position as leader of the MIR is referred to in many copies of MIR publications for which she writes in her position as a journalist.

We are now making available a copy of the paper "El Rebelde" ("The Rebel") to the Human Rights Division, which we feel will help the Secretariat to follow. In that copy you can read the following:

"Reports from the Resistance: Punishment for torturers:  
Six "milicos" (soldiers) were killed at Quintay (Valparaiso  
Province) which caused a deployment of police forces....."  
and on the next page it says: "Reports from the prisons.  
Gladys Díaz, leader of the MIR, is still detained.....".

2) Because that same señora Díaz Armijo  
had gone underground under the name of Graciela María Busta-  
mante Lagos, she was detained under that name by Decree of  
March 14, 1975 of which a copy is annexed.

Still under that name, she was transferred  
to Tres Alamos on May 12, likewise by Decree herewith  
attached.

Meanwhile the Vicaría de Solidaridad and  
the International Organizations were informed of the dis-  
appearance of Gladys Díaz Armijo and an habeas corpus in  
her favour was presented to the Santiago Court of Appeals.  
In its reply to the Court and international enquiries the  
Government of Chile declared that senora Díaz Armijo was  
not detained. See annexes.

On May 15 the Supreme Court, taking cog-  
nizance of the habeas corpus issued in favour of señora  
Díaz Armijo, communicated officially with the Ministry of  
the Interior and attached a sworn statement from don Orlando  
Alvarado Vasquez, señora Díaz's brother-in-law, declaring  
that he had seen senora Díaz in Tres Alamos.

As a result, after checking the foregoing,  
Decree 1141 of May 26 was issued, modifying the detainee's  
name and establishing that the real name of María Graciela  
Bustamante Lagos was Gladys Díaz Armijo. See annexes.



We do not consider that señora Gladys Díaz is worthy of being qualified as "a reliable witness".

3) Because her statements made abroad, and therefore free of any suspicion of pressure, are likewise false, since she declared to the magazine "L'Express" N° 1328 of December 20 - 26, 1976 that her husband had been "killed and tortured".

Señora Díaz Armijo holds a passport as a spinster, but she had been married to don George Francisco Roessler Conejo, who made a public statement to the press to the effect that he had never been detained.

For all the above reasons, we think it would have been reasonable if the Group had attributed no importance whatsoever to her statements, which well fit her status as leader of the MIR and the activities described above.

b) Some of the Group's other informants.

According to the Report, declarations were taken by the Group from persons recently released who had gone abroad; the Chilean Foreign Minister, in a letter of January 6 of this year, draws the Working Group's attention to the fact (see Doc. E/C N 4/1246) that among them was another MIR leader similar to señora Díaz, don Victor Toro Ramirez, whose life history is as follows:

"1.- Founded the MIR in 1965 together with Miguel Enriquez,  
" Bautista Van Shouwen, Luciano Cruz and others.

- "2.- Took part in the MIR National Congress in 1967 and  
" was appointed a member of its Central Committee. His  
" alias is "Melinka".
- "3.- That same year (September 1967) he joined the Guerilla  
" School run by the MIR in the Nahuelbuta Cordillera,  
" Arauco Province.
- "4.- In January 1970 he organized and directed the illegal  
" seizure of land later known as the "January 26 Encamp-  
" ment", which was the start of an increasing series of  
" subversive acts of that kind by the MIR.
- "5.- From then on Victor Toro became the leader and organi-  
" zer of illegal land seizure operations from which sprang  
" such encampments as "Ranquil", "Magaly Honorato", "Elmo  
" Catalán", "July 26", etc.
- "6.- Victor Toro used those encampments to create and run  
" the "Provincial Revolutionary Headquarters", from where  
" he carried out a series of actions against the Internal  
" Security of the State. Foremost among them were:
- " a.- Formation inside the camps of the so-called "Popu-  
" lar Militia", which defied the power of the State and  
" installed a climate of terror among the people, includ-  
" ing the inhabitants of the camps themselves, as happen-  
" ed at Campamento Ranquil.
- " b.- In March 1970, Victor Toro got hold of money from  
" an attack on a bank carried out by the MIR. For that  
" he was summoned to make a statement in Court, but re-  
" fused to do so and evaded the action of justice.
- " c.- In April 1970 a country-wide warrant was issued for  
" his arrest on a charge of being an accomplice in  
" assaults on banks.
- " d.- In May 1970 Victor Toro occupied a newly built  
" Carabinero post with his followers at La Bandera, La  
" Granja Commune, confronting the forces of order.

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- " e.- That same month Toro and other extremists under  
" him attacked a Carabinero on duty in the village of  
" La Bandera and stole his service weapons, which he him-  
" self later showed to the press.
- " f.- In July 1970 police under orders from the Courts  
" of Justice broke into the January 26 Encampment command-  
" ed by Toro and confiscated a whole arsenal of weapons  
" concealed in the house which Toro occupied, including  
" a case of detonators, 10 cartridges of dynamite, two  
" Carabinero tear-gas bombs and 2 home-made bombs.
- " g.- In August 1970 Victor Toro and members of the "Pro-  
" vincial Revolutionary Headquarters" illegally occupied  
" for one day an unfinished building at the San Borja  
" reconstruction site, after first marching in procession  
" through the town with offensive objects and weapons.
- " h.- In October 1970 Victor Toro and his followers took  
" possession of the central building of the University  
" of Chile.
- " i.- The same month Victor Toro organized a mass meeting  
" on Plaza Baquedano in Santiago and defiled General Ba-  
" quedano's monument and the Tomb of the Unknown Soldier,  
" which provoked angry reaction from all sectors of the  
" population without exception.
- " j.- Victor Toro boasted, in a series of broadcasts  
" made at that time, of his violent attitude.
- "7.- During the years 1971, 1972 and 1973 Victor Toro conti-  
" nued as member of the MIR Central Committee and speci-  
" fically took charge of the National Commission of MIR  
" Settlers and joined its National Trades Union Commission.
- " 8.- In that quality and working directly with the San-  
" tiago Regional Committee of the MIR he initiated and  
" accomplished a series of subversive actions including:
- " a.- In March 1971 he was detained by the Carabineros  
" on charges of attacking Carabineros and stealing arms.

- " b.- In August 1972 he was detained for leading the  
" illegal occupation of the San Bernardo Governor's  
" House and kidnapping 13 of its officials, 2 DIRINCO  
" officials and two sons of the Governor, señora María  
" Lazo Pasten.
- " c.- In July 1973 he was detained for disorderly con-  
" duct on the public highway in occupying the "Vicuña  
" Mackenna" industrial belt.
- " d.- Also at that time he went to Cuba for military  
" training.
- "9.- In September 1973 the Government Junta included him  
" on the list of most dangerous extremists.
- "10.-In May 1974 he was put on the list of most wanted persons.
- "11.-In July 1974 he was put on the National List of Dange-  
" grous Persons.
- "12.-In October 1974 he was detained by the Air Force War  
" Time Public Prosecutor.
- "13.-From the time of the Army Uprising of September 11,  
" 1973 up to the day of his detention, Victor Toro re-  
" mained in hiding carrying out subversive activities,  
" still as a member of the MIR Central Committee.
- "14.- In March 1975 he was transferred to Ritoque Camp.  
" Decree N° 866.
- "15.-In September 1975 it was decided to transfer him to  
" Tres Alamos Camp SENDET. Decree N° 1535.
- "16.-In January it was resolved to transfer him to Tres  
" Alamos Camp. Decree N° 1869.
- "17.-In November 1976 it was resolved that he should leave  
" the country. Decree N° 1282.
- "18.-In December 1976 he left the country for Cuba.

The Government of Chile will hand over to the Human Rights Division documentary proofs of these records, which are not attached as annexes due to the difficulties of printing and translating them.

c) Another witness heard by the Group

Don Pedro Rolando Jara Alegría says he was detained and that during his detention he saw Marta Ugarte and other persons, and was threatened and tortured, etc. That is all false: señor Pedro Rolando Jara Alegría never was detained or sought by the Police. Following his statement, his records were checked and he turned out to be a hawker, a member of the Esteban Delgado cell, Northern Region of the Communist Party, according to documents found on the party's premises; his last domicile registered in the Santiago identification office, Nahuelbuta 1720.

II.- ATTEMPTS MADE OUTSIDE THE COUNTRY AND "SUSPICIOUS DEATHS".

In its Report the Group refers to certain attempts and assassinations of which some took place outside the country and others in Chile, leaving the impression by the way in which the accounts were given that the Government of Chile was in some way responsible.

1. Cases occurring abroad.

The terrorist assault which led to the death of General Carlos Prats in Argentina; those in the course of which former Deputy Bernardo Leighton was seriously injured in Italy and former Foreign Minister Orlando Letelier lost his life in Washington - these were all immediately condemned by the Government of Chile which, beyond deploring what had occurred, requested the authorities of the countries involved to carry out as rapid and exhaustive investigations as possible. The Government of Chile instructed its diplomatic representatives to waive their immunities and provide statements if asked to do so.

Furthermore the Government of Chile desires to point out once again that those three terrorists deeds occurred on the eve of the opening of the respective United Nations General Assembly sessions, with the obvious intent of creating difficulties for the Government of Chile and fomenting the international campaign against it.

On the other hand, the investigations carried out in Argentina, Italy and Washington all failed to produce any grounds for involving the Government of Chile in the incidents.

Finally, the Government of Chile finds itself obliged to express once again its dissatisfaction with the manner in which the Group discusses the terrorist attempt which cost the life of señor Letelier. In effect the Report says that señor Letelier died as he was driving his car in the city of Washington in front of the Chilean Embassy as the result of a bomb bursting beneath his car. According to the reports in the press, the truth is that the bomb was located underneath the seat of señor Letelier's car and exploded some 50 meters from the Chilean Embassy residence and a short way from the Institute where he worked.

## 2. Deaths occurring in Chile.

The Working Group Report makes a great case out of the death of dña Marta Lidia Ugarte Román and Carmelo Soria Espinoza, again attempting to give the impression that the Government of Chile was in some way responsible for their deaths.

With regard to the homicide of doña Marta Lidia Ugarte Román, the Working Group was informed that the Valparaíso Criminal Justice had every opportunity for a thorough investigation into the discovery of her body in Papudo, and that the Valparaíso Court of Appeal later appointed a Special Visiting Judge to investigate the strange death of doña Marta Lidia Ugarte.

On February 14, 1977 the La Liga Court declared the indictment closed and pronounced the following resolution:

"RESOLUTION OF THE COURT OF LA LIQUA PAGE ONE HUNDRED AND  
"NINETY-TWO. The fourteenth of February in the year one  
"thousand nine hundred and seventy-seven. INASMUCH AS: The  
"indictment is declared closed. AND FURTHER TAKING NOTE:  
"that the material collated in the case, despite the commit-  
"ment of a criminal act being involved, the homicide of  
"Marta Lidia Ugarte Román, does not provide sufficient in-  
"dications to charge any specific person with being the  
"author, accomplice or accessory AND CONSIDERING also the  
"terms of articles 409 N<sup>o</sup> 2 and 414 of the Penal Code, a  
"temporary stay of judgement in this case N<sup>o</sup> 16.027 is  
"hereby pronounced, until fresh and more complete evidence  
"is presented for its investigation. RECORDED AND HANDED  
"DOWN. Article 563 of the Tribunal Organic Code is observed  
"Signed Tomás Slaughter Urbina. Dictated by the Titular Judge,  
"don Tomás Slaughter Urbina, and approved by the Subrogate  
"Secretary, don Agustín Díaz Araya. Signed: Agustín Díaz  
"Araya. APPROVED. COPY FAITHFULLY REPRODUCING THE ORIGINAL  
"WHICH I HAVE SEEN. Valparaíso, seventeenth day of February  
"in the year one thousand nine hundred and seventy-seven".  
"Signed: Nelly León Reveco, Subrogate Secretary".

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The death of señor Carmelo Soria Espinoza deserves special attention in the light of the manner in which it is set out in the Working Group's Report and of the information cited.

Meeting in Geneva in August 1976, the Working Group requested the Representatives of the Government of Chile for information connected with the death of señor Soria which they said had taken place in circumstances that were not quite clear.

Accordingly the Government of Chile requested the Criminal Judge to enquire into the facts and obtain as much material as possible. Although the investigation was under indictment, a Judicial Resolution and a petition from the Court of Appeals made it possible to obtain a Report from the Carabineros, another from the Investigation Department and the Autopsy Report. All the foregoing was passed on with Note N° 0166 dated February 3, 1977 to the Human Rights Division and the ad hoc Working Group.

Although the Indictment is not yet closed, the Government of Chile was confronted with the surprising declaration made by señora Soria and the study of the Autopsy Report made by the Institute of Forensic Medicine of the Geneva University.

Both of these were surprising for the Government of Chile, firstly because investigation into the circumstances of señor Soria's death are still going on, and secondly because his widow, while exercising her rights before Chilean Criminal Justice and demanding new evidence through her lawyer, proclaims in advance her doubts as to the outcome.



Finally, as concerns the case of don Carmelo Soria, the Government of Chile desires to call attention to the study of the Autopsy Report made by the Institute of Forensic Medicine of Geneva University at the request of the Human Rights Division, which in broad lines supports the Chilean Institute of Legal Medicine and enables the statements on the subject by witnesses and received by the Working Group to be definitively discarded.

The Institute's Report mentioned above reads as follows:

" Our replies are based on the anatomical, "pathological and forensic information which we gained from "the report of the autopsy on Mr. Carmelo Soria Espinoza. "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 pro- "cess 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 inju- "ries 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 alco-  
"hol 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 assess-
- " ment 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 con-  
"flict 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 va-  
"rious objects and the state of the car are compatible with  
"the various accounts.

"Signed: J. Bernheim.- Director of the Institute."

The Government of Chile has had the above  
Report delivered to the "Instituto Médico Legal" and to the  
Criminal Court concerned with the case.

CHAPTER V

INDIVIDUAL CASES

I.- CASES IN THE REPORT.

1.- Information on detentions.

The Group states that, prior to the liberation international public opinion knew of the detention of Hector Contreras, Guillermo Gálvez Rivadeneira, Cecilia Binimelis, Carlos Godoy Lagarrigue and Iván Sergio Insunza Bascuñán.

It should be noted, concerning the above-named, that the Group itself says in the Report that Cecilia Binimelis was released later.

As to Doctors Carlos Godoy and Iván Insunza, the Chilean Government replied in Document A/C.3/31/6 that neither of them had been detained.

Efforts to locate them have proved fruitless, but it was ascertained that on November 5, 1975 both applied for admission to Canada, according to information from the Chilean Investigation Police. At the same time there is an order to locate them in case of a mishap, issued on November 13, 1976 by the San Bernardo Criminal Court, under Case Nº 44,062.

Héctor Contreras Rojas: there is no record of his having been detained.

Enquiries carried out reveal the following information concerning this allegedly missing person:

a) There is a warrant out for his arrest in connection with a fraudulent cheque payment, issued on December 6, 1976 by the 6th Criminal Court of Santiago, under Case Nº 72,299.

b) There is a warrant out for his arrest for possession of currencies issued on November 6, 1970 by the 4th Criminal Court of Santiago, on a charge from Concepción.

c) There is a order to locate him in connection with his alleged abduction issued in June 1976 by the 3rd Court for Major Crimes of Santiago, under Case Nº 121.988.

Finally, Guillermo Gálvez Rivadeneira: there is no record whatever of his having been detained.

2.- Recently received reports on detentions, according to the Group.

a) Carlos Humberto Contreras Maluje. The Report states that he was detained on November 3, 1976. The Government of Chile completely denies this. The problem is pending in the Chilean Courts of Justice.

b) Congregación Espiritual de Paz y Amor (Spiritual Congregation of Peace and Love). According to the Report, doña Antonia Alcaíno, Práxedes Barrientos, Carlos Opazo and Gabriel Ureta were detained on July 14, 1976. Here again the Government has to clarify this distorted information. On July 14, 1976, said persons emerged from a building which they occupied, offering diatribes and insults towards some Carabineros. The latter proceeded to detain them and take them to the La Granja Police Station. As the Report Itself States, they were freed the following day. The case was not reported to the tribunals nor was the state of siege legislation applied to them, so that we cannot understand why this irrelevant, purely police case was included in the Report.

c) Rodrigo Alejandro Medina Hernández: According to the Report, he was detained on May 27, 1976 for having held a philosophic discussion with a teacher at University of Chile.

The Government of Chile considers this "tale", related to the Working Group, too absurd to warrant an answer and <sup>it</sup> is superfluous to add that no detention order has ever existed against him.

d) Máximo Omar Vásquez Garay. As the Report says itself, the Government of Chile announced his release by a Note dated September 14 last.

e) Alejandro Rodríguez Urzúa. He was never detained, as the Report affirms. The case was mentioned in the Group's earlier Reports.

The only information shown up on investigation reveals that señor Rodríguez is recorded as having had a warrant for his arrest on an injury charge issued on November 5, 1971 by the 5th Court of Major Crime of Santiago (on a charge from Chillán) under Case NO 38.268.

f) Luis Alfonso Rodríguez Raddats. According to the Report, he was released on November 17 last year. Testimony taken by the Group to the effect that he was maltreated, are completely unfounded and emanate from the ignominious campaign of disparagement which Chile is still undergoing.

g) Mónica Alicia Franco González. According to the Group she was released on November 17, 1976. It is unusual for the Group to accept as true the information it received on this case.

h) Rolando Aliro Rojas Páez, Franklin Ramírez Ramírez, Carlos Jesús Paredes and Roberto Carmona. The Government of Chile has no records on them, and will give the Group any information it obtains.

3.- The last allegedly missing persons.

With regard to the last 13 allegedly missing members of the Communist Party to whom the Report refers in its N<sup>o</sup> 103, the clumsy strategy of the Communist Party to make its members go underground has become manifest.

As pointed out in the part concerning missing persons, there is official evidence from the Argentine Ministry of the Interior that those persons entered that country.

4.- Other persons mentioned in the Report.

a) The position of Corvalán.

As stated in the Report, the Secretary General of the Chilean Communist Party, Luis Corvalán, was released simultaneously with the release of the soviet detainee, Vladimir Bukovsky, by the USSR.

b) The position of Montes.

As likewise stated in the Report, ex-Senator Jorge Montes is still detained, being the only person in that situation by reason of the state of siege.

The Government of Chile is awaiting the decision of the Government of Cuba to release Huber Matos in order to proceed with the former's release.

c) Hernán Montealegre.

As stated in the Report, he has been released, and the Government of Chile notes with satisfaction the Group's having publicly announced that he had suffered no ill-treatment.

d) Ingrid Sucarrat, Héctor Nuñez, Augustín Avalos, Nelson Aramburu, Oscar Angulo and Arturo Gonzalez.

The above persons named by the Goup in N<sup>o</sup> 120 of their Report were indeed detained and were immediately released, as the Report itself points out.

The situation would have been clearer if they had added just a few more lines to explain that there were warrants out for their arrest, and that as soon as they had made their statements they were released in accordance with ordinary penal procedure in Chile.

e) Manuel Leonidas Guerrero Ceballos. The group says they had no news of him after his detention (see N<sup>o</sup> 100). If the Goup had asked the Government of Chile, as it has repeatedly been asked to do, it would have known that he was immediately released and went to Germany on December 3, 1976.

f) Nelson Aramburu.

The Government of Chile is of the opinion that the position would have been much clearer if the Report had given the reasons for Nelson Aramburu's detention which were published in the same paper where the Goup obtained its information. In "El Mercurio" of November 25, 1976 it says that Nelson Aramburu was held at the disposal of Common Justice "where there were two warrants for his arrest as alleged author of robbery with intimidation issued by the 9th Court of Major Crime of Santiago and the 1st Criminal Court of San Miguel". The paper adds "He enjoys freedom of conversation in the Public Prison after having remained incommunicado".

g) Witnesses' statements.

The Group bases its judgements about "missing persons" mainly on the statements of three witnesses, doña



Gladys Díaz, Juan Parvez and Fidelia Herrera. These three witnesses state that they visited or heard or had knowledge of the detention of the persons allegedly missing.

It would appear that the Group, as said earlier, really forgets the past records of the people making statements to them and the motives which prompt them.

Two of the witnesses belong to the Left Revolutionary Movement and the third to movements and parties directly interested in the overthrow of the Chilean régime, and they could not find a better opportunity of involving the Government of Chile in situations of which they are themselves the authors.

Despite the foregoing, the enquiries made enable the Government of Chile to be in a position to provide additional background information to that already supplied in its replies to the United Nations General Assembly and to the Goup itself in 1975 and 1976. The information is as follows :

a) Jorge Isaac Fuentes Alarcón. There was an order to prohibit his leaving the country issued by the Antofagasta public prosecutor regarding Case N<sup>o</sup> 403-73. He left Chile clandestinely. Press reports tell of his being arrested in Paraguay holding a Costa Rican passport under the name of Nordarse Ledesma Duriel. The arrest in Paraguay is confirmed by señora Gladys Díaz herself in an interview published in "L'Express" of December 20-26. There is absolutely no truth in his having returned to Chile.

b) Díaz Darricarrere, Carmen M. The following warrants for her arrest are out:

- The public Prosecutor's office in Cautín, dated September 14, 1973, for infringing Law 17798 concerning Control of Weapons.

- Court of Appeal in Temuco dated September 26, 1973 for infringing the Law on the Internal Security of the State, under Case N<sup>o</sup> 12-73.
- The Public Prosecutor's office in Cautín, dated June 24, 1974 for infringing Law 17798 concerning Control of Weapons under Case N<sup>o</sup> 550-74.
- The Public Prosecutor's office in Santiago, for infringing Article 4 of Law 12.927 concerning the Internal Security of State, dated December 18, 1974 under Case N<sup>o</sup> 427-74.

c) Carlos Carrasco. He worked as an employee of the National Intelligence Service, having quit his job at the end of March 1975. He was thus guilty as of April 1 of the offence of desertion, as was notified in Note N<sup>o</sup> F- 3550/745 to the Army Garrison Headquarters of Santiago. The file was passed over to Military Justice, and on May 15, 1975 a warrant for his arrest was issued by the Second Military Prosecutor's office in Santiago under Case N<sup>o</sup> 268-75, with no results so far.

d) Cedomil Lausic. As the Group was told, señor Lausic died in a street accident. The autopsy was carried out on April 11, 1975 at the Santiago Instituto Medico Legal (Forensic Institute) and it was concluded that his death was due to multiple contusions and acute anaemia. The death of señor Lausic was the subject of Case N<sup>o</sup> 2.253 at the 11th Criminal Court in Santiago. On orders of the judge in question the body was exhumed for a more complete autopsy. This was carried out on October 8, 1975, and the same findings were reported.

e) Julio Vega Vega. There is a warrant out for his arrest for entry by force and robbery, issued by the First Criminal Court of Santiago on October 3, 1973 under Case N<sup>o</sup> 104.489.

6.- Fate of the detainees.

Case of Marta Ugarté. This is set out in detail in these comments by the Government of Chile on the Report of the ad hoc Working Group.

Case of Carmelo Soria. This is set out in detail in these comments by the Government of Chile on the Report of the ad hoc Working Goup.

Case of the 8 detainees in Valparaíso. All the records were supplied to the Working Group, as it admits in its Report, in Document A/C/3/31/6.

Calle Conferencia 1587. All the records were supplied to the Working Goup, as it admits in its Report, Document A/C.3/31/6.

Case of Víctor Díaz. The Government of Chile answered the Working Goup in Document A/C.3/31/6 and pointed to the fact that, according to the Goup's reliable source, señor Díaz had been detained under the name of José Santos Garrido.

At the same time a check of the files in all the services provided proof that no José Santos Garrido existed at the Central Identification Office.

Finally, the Government of Chile regrets that the Goup's informer, señor Canto, did not appear before the Chilean Courts to recount the facts which, if they were correct, would have led to enquiries into the case being made. Making his sworn declaration in Paris clearly shows his intention of adhering to the campaign against Chile and to have no interest in the "presumed disappearance" of señor Díaz.

7.- Case of the Vicaría de Solidaridad. Concerning the names cited in the Report, the Government of Chile can state as follows :

a) Hernández Flores Oscar. The Central Identification Office reported that no <sup>one</sup> there was registered under that name.

b) Maureira Muñoz, Segundo Armando. According to the Instituto Medico Legal (Forensic Institute) there is a record of his death.

c) Castro Videla Oscar Manuel. The Central Identification Office has a number of people by that name so that more information is necessary before the case can be investigated.

Case of Bernardo Araya and María Olga Flores. As the Group stated, the Government of Chile reported that the Aliens' Department, Central International Section of Frontiers, registered the departure of both persons for Argentina on April 7 1976 through the Avanzada de Caracoles.

Case of Uldaricio Donaire. There is an order out to locate dated June 23, 1976 in a case opened at the 4th Criminal Court, Case N<sup>o</sup> 109. 127, in case of a mishap.

Case of Jorge Muñoz and Mario Zamercano. As the Group states, the Government of Chile reported that the Aliens' Department, Central International Section of Frontiers, registered the departure for Argentina of both persons through Pudghuel on March 13, 1976.

8.- Conclusion

The foregoing are the results of the enquiries which the Government of Chile had to carry out in under two weeks concerning all the names listed in this chapter by the Working Group.

The Government of Chile wishes to reiterate that it would have been in a position to supply more complete information if the request had been made with sufficient advance notice.

II.- RESULT OF THE INVESTIGATIONS UNDER TAKEN FOLLOWING SOME  
PREVIOUS COMPLAINTS

List of persons, aledged to have disappeared following some complaints brought to the attention of the Chilean Governement by some international gubernamental and non gubernamental organizations but whom, according to their own statements, live and work at present in Chile:

- Aguilera Celis Juan Ramón.
- Araya Olivos Jorge.
- Morales Dora Emilia.
- Carrasco Sepúlveda Rafael Segundo.
- Castro Mena Leonila.
- Catalán González Jorge Antonio.
- Cerda Garrido Angela Cecilia.
- Cifuentes Sandoval Mario.
- Correa Cancino Héctor Fernando.
- Cortes Rojas Sergio Rosamel.
- Donoso Soto Jorge.
- Espíndola Ferrada Néctor Javier.
- Fariña Cisterna Angel Osvaldo.
- Fuenzalida Osorio Falvio Blas.
- Figueroa Serrano María Soledad.
- Gongora Zuñiga Moises Segundo.
- Goyenechea Corvalán Ricardo Faustino.
- Gutierrez Ocampos Juan Gabriel
- Huerta Bailey José Cipriano.
- Inostroza Castro Rodolfo Hernán
- Iribarren Lederman Emilio E.
- Meza Zarate René Antonio.

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- Miranda Jiménez Máximo Segundo.
- Molina Retamales Miguel Angel.
- Molina Torres Mario Enrique.
- Moraleda Pinto Jorge A.
- Moya Fuentes Luis Humberto.
- Muñoz Muñoz Alberto.
- Ranco Melifil Segundo.
- Ramirez Muñoz Carlos Efraín.
- Retamales Pedraza Enrique.
- Riffo Ramos Sergio Alejandro.
- Rojas Copelli Victor.
- Rojas Arias Pascual.
- Rojas Copelli Heriberto.
- Solorza Araya José Humberto.
- Tobar Silva Manuel Segundo.
- Ureta Villanueva José Emilio.
- Tomic Arce Teresa Mercedes.
- Torrealba Plaza Carlos.
- Vargas Ortega Luis Armando.
- Vidal Nuñez Carlos Avelino.
- Villar Soto Gilberto Osvaldo.
- Zapata Quiroz José Amadeo.

List of persons alleged by some international gubernamental and non gubernamental organizations to have disappeared but whom, following statements by their parents live at present abroad:

- Bravo Fernandez Nestor del C. (Mendoza)
- Contreras Nuñez Nora Jori (Canada)

- Ibañez Valenzuela Cesario Leonardo (United States)
- Jorquera Armijo Roberto Fernando (París)
- Mardones Sánchez Miguel Angel (Montevideo)
- Martínez García Irene (Bruselas)
- Mejías Fuentes Arturo Fernando (Buenos Aires)
- Peña León Manuel Edilio (Buenos Aires)
- Pareda Feliu Vladimir (Caracas)
- Pezzuto Blanco Alberto (Caracas)
- Reyes Cruz Walterio Alejandro (Buenos Aires)
- Ruíz Aransaes Carlos Segio (Estados Unidos)
- Salvatierra Oramzabal Rodrigo Alberto (Reino Unido)
- Tabilo Gutierrez Chile Antonio (Argentina)
- Vergara Retamales Fernando Gabriel (México)



CHAPTER VI

Comments on the economic, social and educational  
situation in Chile

The Report of the Working Group, in different chapters and in disorderly and often disjointed manner, covers a series of subjects which pertain exclusively to Chile's internal political affairs. Indeed, all its judgments on the economic policy, the educational policy and social action of the Government constitute interference in Chile's internal affairs; in spite of that and within the time at our disposal we shall comment extremely briefly on those subjects.

a) Economic situation.

On this aspect, the Group insists on making a series of studies of a subject which has no speciality nor technical capacity, taking their information from numerous press publications, both Chilean and foreign.

The great majority of the statistics in the foreign publications stem from no reliable source whatever, often concealing political aims, and are absolutely contradictory to those which the Group could have obtained, as we have repeated on very many occasions, from the International Monetary Fund and other specialized sources within the United Nations system, and from the Organization of American States. All those sources would have shown the Working Group that the Chilean economic policy has been successful in lowering Chile's foreign debt, in lowering the rate of inflation and in raising the purchasing power of the workers and employees, contrary to the specialized

In Greater Santiago, the centre of the country where the problem is most serious due to the concentration of inhabitants and industry, unemployment is currently slightly below 12%; but at the same time, the same sources as provide these figures point out that employment in Greater Santiago, excluding minimal employment, has risen by 125.000 jobs in 12 months, equivalent to some 14% of the occupational capacity. That figure does not result in a proportionate reduction of the unemployment index, even though the percentage is much higher than the vegetative increase of the population (1.9%). As in other countries attaining a certain stage of development, what is happening is that we are witnessing two fundamental facts: the first is that women are being incorporated to a significant degree in all ranks of the work force, and the second is the appearance of a steadily increasing number of people doing two jobs to raise their standard of living.

The reduction of the inflation, the fall in unemployment, the rise in the purchasing power, the lowering of the public debt are, to sum up, the most notorious features of the economic development in 1976. The Chilean Government believes that in this area the testimonial evidence presented to the Group, either directly or through press reports, has no scientific value and carries no weight at all.

b) Health situation.

The Working Group forgets to ask for the World Health Organization official statistics, which will show that the mortality rate has fallen considerably, inasmuch as the general mortality at 7.2 pro mil. is one of the lowest in the world. It will likewise show a drop of over

some 1.2% for infantile mortality compared with the previous year, the rate being 55.4 pro mil of live births, the second lowest in all Latin America.

The Government of Chile insists that the Working Group must obtain the information on health from the appropriate national or international organizations, and not base itself on testimony which leads to its forming unreliable, wrong judgements. (For information provided by the Chilean Government see document A/C.3/31/6 and Add. 1).

c) Situation regarding children.

In its number 272 of the Report, the Working Group expresses its concern for the social, nutritional and sanitary situation of the poorest sectors of the population, and in support of its theories on the subject it quotes a report in the newspaper El Mercurio of December 16, 1976. According to the Group, not El Mercurio, that report says there are 6,000 abandoned children on the streets of Santiago. We highlight this case because it is another clear proof of the laxity with which the Working Group gathers even press reports which it quotes.

The Chilean Government doubts that the members of the Working Group had full access, and that in their respective languages, to the information which they quote. In effect it refers to 6,000 children who "roam or beg" on the streets of Santiago. This is a very ancient problem which exists in many developing countries and which the present Government is approaching on an over-all basis with a programme known as "Eradication of Infantile Vagrancy and Begging"; the report quoted by the Group is a long way from saying that the situation is caused by the children

being "abandoned" or "by the psychological impact on the families of the growing number of its members inexplicably missing", since the report itself points out that from November 1975, when the programme was started, to November 1976 the carabineros controlled some 22.000 children, nearly all of whom were returned to their families. 506 of them were sent to the Centro de Observación y Diagnóstico" (Observation and Diagnosis Centre), a medical type of institution run by specialists, while 101 were put in specialized homes. That same report quoted by the Group goes on to say that the problem is basically caused by "lost children, sons of hawkers, fugitives from home, unemployment of the head of the family, alcoholic fathers, orphans with no father or with no mother, mental cases and abandoned homes". The report ends by saying that the institutions responsible for the problem have "identified 6.000 children who constitute approximately the entire problem in Santiago, who have been located and are being attended to in one way or another".

Such superficial judgements of the child situation are consequently inestimably unjust since they are pronounced without examining the magnitude and age of the problem, and are based precisely on a report which demonstrates the concern and intervention of a Government which should be proclaimed exemplary.

As to the problem of nutrition for children, the Working Group is in possession of the official statistics covering the distribution of milk, school feeding, enquiries into sectors of extreme poverty, etc. The entire programme in this most important field was officially described by Chile in the United Nations Third Commission when the subject of the "Social Situation in the World" was being discussed, and a book on the subject by Professor Fernando

Monckeberg was distributed in English and Spanish. It is absolutely incredible that the Working Group, which takes in press reports from every part of the world, should neither have had access nor paid attention to what happened at the last United Nations General Assembly, using instead partial figures devoid of any meaning. The most important of them in one enquiry stated that 76% of the 10.000 children under 14 years old being fed in Church dining halls were undernourished. Santiago is a city of 3 1/2 million inhabitants; judging by the average age of the population there must be some hundreds of thousands of children under 14, and an enquiry carried out among children who have to feed on public charity is quite meaningless as an indication of the situation in the country.

With regard to the sectors of extreme poverty, the Chilean Government has repeatedly reported the facts resulting from the "Investigation of the Sectors of Extreme Poverty in Chile" being carried out by the present Government, and to which the President of the Republic referred in one statement made available to the Working Group by the Chilean Government . . .

. . . , from which we were pleased to note that the Working Group did extract some information.

d) The situation of education in Chile.

The Working Group cites Professor Claude Frioux as their main source of information about the situation in Chile. Professor Frioux, as stated in Part I, is president of the University of Vincennes in Paris, a communist activist whose opinions, judgements and ways of understanding university education have been the object of controversial polemics and bitter criticism in France.

The Chilean press published Professor Frioux's criticisms and also reproduced some of the stories and photographs in French magazines about his conduct. Instead of troubling the Government of Chile, his discrepancies about the Chilean educational policy reaffirms some of its achievements; nevertheless we would like to point out that his statements are absolutely false where they talk of the army watching over the teaching staff, of almost 25% of the Law Faculty students being expelled, and allegations like those.

Elsewhere, touching on the fields of applied sciences and technology, the Group once more turns for its information to the "Resistance Organization" known as "Chile Democrático", with regard to a non-profit foundation in which the Government of Chile participates and whose purpose is research, mainly in the nutritional sector; not only does it not interfere in the universities or other institutions of higher education, but it collaborates with them. For the nth time we deplore that the Group, faced with facts reported in the Chilean press, and being subscribed to Chilean newspapers and reviews, does not take its information about those facts which those very publications report, but resort to systematically distorted reports from sources whose self-confessed aim is to agitate from abroad against the Government of Chile and seek its overthrow.

CHAPTER VII

COMMENTS ON THE ANNEXES

The Working Group Report contains 18 Annexes referring to different situations.

The Government of Chile continuously refers to those Annexes with a view to pinpointing concepts, raising doubts, countering charges or clearing up situations arising from them.

I.- First 4 Annexes.

As these involve three transcriptions and a chronological list of communications, no comments are called for.

II.- Statements by recently released detainees (Annex V).

In this Annex the Group collates new statements by detained persons who apparently made declarations to them.

The Government of Chile must again make it clear that the Group leaves it defenseless, since not knowing who are the supposed victims, it cannot counter the charges levelled against it.

Furthermore the Government of Chile can see no reason whatever for the Group to conceal the identities of the supposed victims. Indeed if they appeared in person to make statements they must be outside Chile. If they made their statements in writing from Chile, the Group seems to us to be demonstrating little seriousness in putting such grave charges in their Report without resorting to other means to verify their authenticity. Finally, if the Group had been interested in verifying the truth, it would have sufficed for them

to say that they had received reports of maltreatment, to include data which would have made it possible to identify them at least as far as place and time are concerned, and to consult the Government of Chile about them. As it has been frequently remarked in these and earlier comments, this was not done. As this document maintains, the witnesses refer to past events since the supposed victims are free.

III.- Ultimatums Decrees of releases (Annex VI)

In this Annex the Reports gives a transcription of Decrees 2343 and 2344, both of November 17, 1976, whereby all persons detained under the terms of the state of siege were released.

The Government of Chile calls attention to the fact that the transcription of these Decrees omits the names of 302 persons released.

As can be easily observed, the Report devotes many pages to mentioning released detainees where they can provide some accusation against the Government of Chile. But in this case, and certainly where the foregoing does not apply, the names of 302 persons are omitted.

IV.- 46 cases of allegedly missing persons handed in by the Vicaría del Solidaridad (Annex VII).

Annex VII is composed of a list of 46 persons allegedly missing, all of whom are cited again in Annex VIII.

But that is not all: that same Annex VIII, after listing for the second time the names of the 46 persons already given before, goes on to indicate that the Government of Chile has provided answers covering a substantial number of those cases.



The technique of repeating names time and again obviously is conducive to error, particularly where the Government of Chile has provided answers about many of them, and this way of presenting a situation is therefore unacceptable, since it produces a negative impression of the numbers involved, which does not correspond to reality.

V.- List of some missing persons (Annex VIII)

As already pointed out, this Annex, in addition to repeating the 46 names given in the previous Annex among this list of 120 allegedly missing persons, reports on the replies given by the Government of Chile.

It seems unlikely that the Group will revert to listing as missing all those about whom it has received replies. That is, for instance, the case of Onofre Jorge Muñoz, María Olga Flores, Mario Zamorano, Bernardo Araya and others.

It also seems unlikely that a charge of this nature was not studied and at least investigated by the Group, as it admits itself in the beginning of this Annex.

Finally, with respect to the last names, it is a case of allegedly missing persons about whom the enquiries already reported in this document managed to show that they had left the country officially, confirmation of which was received from the Argentine Ministry of the Interior.

VI.- List of allegedly missing persons whom some released persons report as having been seen (Annex IX).

These comments have demonstrated the manifest partiality and direct interest of witnesses in aiming to involve the Government of Chile in situations where it has no responsibility whatever. It has likewise proved that the great

majority of them are militant in terrorist movements. Finally, the Group was warned by the letter of January 6 (Annex 111 of the Group's Report) that said persons may possibly have testified before it with the clear aim of denigrating Chile, since their purpose is to use every means to fight for the overthrow of their Government.

The Government of Chile profoundly regrets that its arguments were ignored and that its statement were not appreciated for their verisimilitude.

The Government of Chile reiterates once more that the allegedly missing persons appearing on this list have never been detained by order of the Chilean authorities.

VII.- Sketch made by Pedro Jara (Annex X).

It has already been explained in these comments that Pedro Jara has never been detained, as he claims. It is surprising that he should have invented having been detained in order to attribute responsibility for the death of Marta Ugarte to the Chilean Government. It is equally surprising that proof of his detention and of his having seen Marta Ugarte detained should be based on a mere sketch done by hand. But the most surprising of all is that the Group should include it as an Annex.

VIII.- The Soria case (Annexes XI, XII and XIII)

The Government of Chile observes with satisfaction that, as pointed out earlier, the Report of the University of Geneva's Institute of Forensic Medicine has confirmed the soundness of the Reports from the Instituto Médico Legal (Institute of Legal Medicine) of Chile.

Light is thus beginning to be thrown on a case in which the Chilean Government's detractors sought to involve it by every means in their power.

IX.- Detention of Calle Conferencia (Annex XIV).

Although the Group sought by means of witness Becerra's false testimony to confirm the detention and presumed later disappearance of Onofre Jorge Muñoz and Mario Zamorano, the only possible way to discover the truth is to examine the certificates attached by the Government of Chile, which show that both supposedly missing persons left for Argentine.

It is strange that the Group, although it has those documents in its hands and quotes them in its Report, should insist on giving credence to manifestly false information such as that mentioned.

X.- Statement regarding the detention of Victor Díaz (Annex XV)

The Government of Chile is profoundly aware of the vivid imagination and accumulation of false statement displayed by the alleged señor Canto in his account given in Paris of the details of the false detention of communist leader Victor Díaz using the supposed false identity of José Santos Garrido Retamal.

It is de opinion of the Government of Chile that the novelesque nature of his account reveals its very falsity.

XI.- The work of supposed psychologist señora Vasquez. (Annex XVI).

In the light of the statement made for the first time in Paris by the supposed Chilean psychologist Ana Vasquez last year, the College of Psychologiste in Chile issued the following statement on October 7, 1976 which was included in full in Document A/C.3/31/6.

"A report from Paris, France, in "Le Monde" of  
" 25/7/76 and in the "Nouvel Observateur" of 2/8/76 says that  
" señora Ana Vasquez, Chilean professor of psychology, in  
" exile; presented a report to the XXI International Congress  
" of Psychology held in that city last July, in which she  
" declared that 80% of Chile's psychologists have disappeared,  
" being either in prison or in exile, while the remainder  
" are collaborating with that body of oppression, the  
" Government Junta.

With regard to these claims made by señora Ana  
" Vásquez as reported in the above-mentioned newspapers,  
" we take the liberty of declaring as follows :

"1.- Psychologists in Chile are completely free to  
" exercise their profession. The College records show that  
" there are 568 college psychologists; of these 128 are  
" residing or have scholarships abroad, or one died in 1965.

"2.- The College of Psychologists can guarantee that it  
" maintains absolute ethical control over the college psychologists,  
" and that not one of the profession. Nor has any kind of complaint  
" been received.

"3.- In Chile the profession of psychology is fully  
" recognized and thriving. Psychologists carry out their  
" duties in the most diverse fields, as well at university  
" level as with state and private health, educational and  
" industrial establishments.

"4.- The foregoing can be confirmed by the presence of  
" a delegation of Chilean psychologists at the Paris Congress  
" where not one of the Chilean participants was subjected to  
" hostile manifestations or insult.

" 5.- Finally, we should point out that señora  
" Ana Vasquez is not a psychologist who has studied in Chile  
" and has never been a collegiate at our institute, which  
" embraces all the psychologists of Chile.

" At the moment the work of the College is in  
" our opinion more important and more fruitful than ever  
" before, thanks to the absolute freedom and calm which now  
" assure the good functioning of our country's institutions.

Liana Ortiz Wolf,  
President".

The Government of Chile regrets that the Working Group continues to devote space in its Reports to the studies of this supposed psychologist after the statement issued by Chile's College of Psychology itself, a professional body of recognized standing which embraces all country's graduate psychologists.

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XII - Statement by the husband of Gladys Díaz (Annex XVII).

As the Group is aware, doña Gladys Díaz has made various Statements to the effect that her husband had been tortured and had later died from the effects. (L'Express, December 20-26, 1976).

Since Gladys Díaz was only married once, to don George Francisco Roessler, the letter made a sworn statement of which the Government of Chile sent a copy to the Working Group on January 13, 1977.

XIII.- Photocopies of passports (Annex XVIII).

In Annex XVIII the Group attaches 4 photocopies of passports bearing the sentence "Valid only for leaving the country". As the Government of Chile informed the Group verbally and in writing in September 1976, instructions were given to issue passports in future without that sentence.

In the course of the meeting held in January between the Government of Chile and the Group, questions concerning passports were raised, and the Chilean representatives consulted the Group as to whether any cases of the above sentence being retained had come to their attention.

As the Group will recall, the question received no answer.

The Government of Chile profoundly deplores that it was not advised on that occasion of the mistake made. As soon as it was made aware of the Report, it ratified the instruction given in September 1976, particularly to the

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Aliens Section of the Investigation Services which issued a few passports under the old system due to a mistake of bureau cratic nature.