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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

PROTECTION OF HUMAN RIGHTS IN CHILE

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report prepared by Professor Fernando Volio Jiménez (Costa Rica), Special Rapporteur on the situation of human rights in Chile, in accordance with paragraph 9 of Commission on Human Rights resolution 1989/62 of 8 March 1989.

ANNEX

Report on the situation of human rights in Chile, prepared by
the Special Rapporteur of the Commission on Human Rights

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I. INTRODUCTION

1. The Commission on Human Rights and the General Assembly have been examining the situation of human rights in Chile since 1974. This item has been taken up also by the Economic and Social Council and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
2. In accordance with resolution 11 (XXXV) of 6 March 1979, the Commission on Human Rights appointed a Special Rapporteur to inquire into the situation of human rights in Chile. Subsequently, in its resolution 21 (XXXVI) of 29 February 1980, the Commission requested the Special Rapporteur to include in his reports the problem of disappeared persons in Chile.
3. The Special Rapporteurs on this question have been, successively, Judge Abdoulaye Diéye (Senegal), Judge Rajsoomer Lallah (Mauritius) and, currently, Professor Fernando Volio Jiménez (Costa Rica), who assumed his mandate on 1 February 1985.
4. At its forty-third session, after considering the report of the Special Rapporteur, the General Assembly adopted resolution 43/158 of 8 December 1988 entitled "Situation of human rights and fundamental freedoms in Chile". In paragraph 10, the General Assembly:

"Invites the Commission on Human Rights to consider at its forty-fifth session, as a matter of high priority, the situation of human rights in Chile, bearing in mind the report of the Special Rapporteur and the pertinent available information, to consider also the measures necessary for the restoration of human rights in Chile, including the extension of the mandate of the Special Rapporteur, and to report to the General Assembly at its forty-fourth session."

5. The Commission on Human Rights, at its forty-fifth session, had before it the eighth report of the Special Rapporteur (E/CN.4/1989/7) on the situation of human rights in Chile. After considering the report, the Commission adopted resolution 1989/62 of 8 March 1989. By paragraph 9 of that resolution, the Commission:

"Decides to extend the mandate of the Special Rapporteur for one more year and to request him to report on the situation of human rights in Chile to the General Assembly at its forty-fourth session and to the Commission on Human Rights at its forty-sixth session."

By paragraph 11, the Commission:

"Decides to consider at its forty-sixth session, as a matter of high priority, the human rights situation in Chile and to determine how the item is to be dealt with on the agenda in the light of developments in that situation."

6. The Economic and Social Council adopted Commission resolution 1989/62 by means of its decision 1989/147 of 24 May 1989.

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7. Pursuant to the above-mentioned resolutions, the Special Rapporteur has the honour to submit herewith, for consideration by the General Assembly at its forty-fourth session, his provisional report on the evolution of the human rights situation in Chile throughout 1989, which is at the same time Professor Volio's ninth report. On this occasion, he had information from the Chilean Government and other interested parties who provided him with testimony and documents of relevance to his mandate. This information was analysed in the light of the norms set forth in the international instruments ratified by Chile and other norms of international human rights law recognized as universally applicable.

8. This report deals mainly with the first half of 1989 (January to June). However, in cases where this was particularly warranted, information received before or after these dates was taken into account. The Special Rapporteur also includes in section V of this report complaints of human rights violations that allegedly occurred between October and December 1988, after his fourth visit to Chile (2 to 10 October 1988), which he was unable to include in his earlier report submitted to the Commission on Human Rights at its forty-fifth session (E/CN.4/1989/7).

II. ACTIVITIES OF THE SPECIAL RAPPORTEUR

9. By letter dated 31 March 1989, the Special Rapporteur informed the Under Secretary-General for Human Rights that, for reasons of ill health, he was regretfully unable to accept a further extension of the mandate originally conferred on him by the Commission in January 1985. He added that, over the past four years, difficulties and problems unrelated to his work had been more than compensated by his overwhelming spiritual satisfaction at each step taken by the Chileans in their impressive determination to live under a representative, democratic political régime which provided adequate jurisdictional protection of the inherent human rights of the individual. As a result, he requested that the Commission on Human Rights be informed of his decision to resign as Special Rapporteur.

10. On 20 April 1989, the Under Secretary-General for Human Rights wrote to the Special Rapporteur asking him to reconsider his decision in the light of the experience which he had amassed in four years of dealing with the question of Chile. In a letter dated 4 May 1989, the Special Rapporteur replied that, because of poor health, he was unfortunately unable to alter his decision to give up the mandate entrusted to him by the Commission on Human Rights.

11. As a result, on 10 May 1989 the Centre for Human Rights conveyed the Special Rapporteur's decision to the Chairman of the Commission on Human Rights at its forty-fifth session and to the Permanent Representative of Chile to the United Nations Office at Geneva. The officers of the Commission were also duly informed.

12. The Chairman of the Commission on Human Rights at its forty-fifth session wrote to Professor Volio on 22 June 1989 urging him to reconsider his decision so that he could continue to perform his mandate as Special Rapporteur in the cause of human rights. Finally, on 3 July 1989 Professor Volio informed the Chairman of the Commission on Human Rights that he was reassuming his mandate because there had

been a marked improvement in his health. He also expressed the hope that he might be of use to the Chileans and to the universal cause of human rights. The Government of Chile was informed of his decision by note verbale; other interested parties were informed by press release No. HR/2397 of 20 July 1989.

13. By letter dated 2 May 1989 from the Minister for Foreign Affairs, the Government of Chile informed the Secretary-General that, given the Special Rapporteur's decision not to agree to a renewal of his mandate for health reasons, it would not be prepared to accept, in future, an ad hoc approach to the situation of human rights in Chile, experience having shown that co-operation in such an approach was pointless and unproductive for Chile. The Minister said that his Government's co-operation had not been appreciated by the United Nations bodies entrusted with the protection of human rights, which had persisted in taking a discriminatory, selective and unfair approach which contrasted not only with the Special Rapporteur's reports but also with the objective reality of the progress made in Chile. The Minister also announced, however, that his Government would continue to pursue the progressive adoption of internal measures designed to increase the protection of human rights and, out of deference to the Secretary-General, would keep him informed of progress in that area.

14. After Professor Volio decided on 3 July 1989 to continue to serve as Special Rapporteur because of a marked improvement in his health, the Permanent Mission of Chile to the United Nations Office at Geneva sent to the Centre for Human Rights on 20 July 1989 note verbale No. 271 reiterating its Government's decision not to co-operate with ad hoc procedures and stating that the decision was final.

15. On 11 September 1989, the Special Rapporteur wrote to the Minister for Foreign Affairs of Chile expressing his desire to resume with the Government the working relationship to which they had become accustomed over the years. He added that that relationship had been very productive both for the Government and for the United Nations and the Special Rapporteur since, as he had stated repeatedly in his reports, there had been a steady and sustained improvement in the human rights situation in Chile since he had begun his work as Special Rapporteur in February 1985. He concluded by saying that he was confident that the Government would find a way to resume its co-operation with the Special Rapporteur in the performance of his mandate. The Special Rapporteur also said that he trusted that the Government would again allow him to visit Chile in connection with his mandate, in accordance with the procedures established on his four earlier official visits. So far, the Special Rapporteur has not received a reply to his letter.

III. REPLIES BY THE GOVERNMENT TO THE COMPLAINTS OF HUMAN RIGHTS VIOLATIONS REPRODUCED IN EARLIER REPORTS OF THE SPECIAL RAPPORTEUR

16. On his fourth visit to Chile (October 1988), the Special Rapporteur received in person from the Directors-General of the Carabineros, the Policía de Investigaciones and the National Information Agency (CNI) the results of the investigations made into the complaints of human rights violations reproduced in section III (pp. 8-31) of the report on the situation of human rights in Chile (A/43/624) presented by the Special Rapporteur to the General Assembly on

14 October 1988. These complaints had earlier been transmitted in writing to the Government, in a memorandum dated 2 September 1988.

17. Since it was impossible to include in the above report an analysis of the replies given by the Directors-General of the various security forces to the complaints, the Special Rapporteur appended to the report a communication dated 7 October 1988 from the Ministry of Foreign Affairs summarizing the information handed over to him in person by the Directors-General (see A/43/624, appendix I).

18. The present report contains a more detailed analysis of all the information handed over in Chile by the various police and security authorities. The analysis is preceded in each case by a brief reference to the complaint reproduced in the Special Rapporteur's report to the General Assembly (A/43/624). The identification number for each case is the same as in the earlier report, the letter A corresponding to the right to life, B to the right to physical and moral integrity, C to the right to liberty, D to the right to security, E to the right to a proper trial and to procedural guarantees, F to the right to freedom of expression and information and G to the freedom to enter and leave the national territory.

A.2 Alberto Recaredo Gallardo Pacheco, Catalina Ester Gallardo Moreno, Roberto Gallardo Moreno and Mónica del Carmen Pacheco Sánchez. They were allegedly arrested in November 1975 by the Policía de Investigaciones and murdered shortly thereafter. At the time, the Policía de Investigaciones and DINA reported that the four were "extremists" who had died in a clash with security forces. The complainant, a relative of the victims, maintains that the story of an alleged clash is not credible because the victims were in detention at the time.

19. The Policía de Investigaciones informed the Special Rapporteur that the victims had been members of the Revolutionary Left Movement (MIR), that they had been neither summonsed nor arrested by members of the force and that the latter had not been involved in the armed clash in which they died. The National Information Agency (successor to DINA), corroborating this version, informed the Special Rapporteur that the victims had been members of "Resistance Committee No. 21" of the Revolutionary Left Movement, that one of them had died on 17 November 1975 in an attack on a military unit in Calle Bío-Bío and the other three had died two days later in a clash in the hills of La Rinconada de Maipú.

A.3 Roberto Eliecer Valdebenito Vera. He died on 10 March 1988 when Carabineros fired shots at a peaceful demonstration commemorating International Women's Day. His killers did nothing to help him.

20. The Carabineros reported that administrative proceedings had been brought in which it had been determined that members of the force had been involved in the events and had overreacted to an attack made on them. The culprits had been disciplined and a case had also been brought before the military courts. A court decision is pending.

A.4 Francisco Villalón Pérez, Claudio Paredes Tapia and Nelson Garrido Cabrera. These young students were killed in an explosion in an apartment at Villa Portales, Santiago, in January 1988. According to the complainants, there are circumstances which would suggest that this was a case of homicide, not an accident.

21. According to the report transmitted by the Policía de Investigaciones to the Twenty-fifth Criminal Court of Santiago on 8 April 1988, no suspects have been identified and the involvement of third parties has not been proved. However, the report does not conclude that the victims died accidentally while handling their own explosives, as the Ministry for Foreign Affairs of Chile had claimed in the communication transmitted to the Special Rapporteur (see A/43/624, appendix I).

A.5 Martín Alejandro Oyarce Guarda. He died of a gunshot wound allegedly inflicted while he was being chased by Carabineros, who picked him up and put him in their van.

22. According to the Carabineros, Oyarce Guarda was found lying in the street with a gunshot wound and taken to a medical centre by police vehicle. They say that, contrary to what the victim's relatives maintain, there were no other civilians on the scene and the victim was not chased by Carabineros.

B.6 Enriqueta Yao Moreno. She maintains that her house was raided by members of the Policía de Investigaciones who did not produce any warrant from a competent authority and ill-treated her while interrogating her.

23. By report No. 580 of 6 August 1987, the Assault Investigation Squad of the Policía de Investigaciones informed the Second Military Court of Santiago that Yao Moreno had been arrested as a result of extrajudicial statements made by detainee José Francisco Silva Hidalgo, an alleged member of the Manuel Rodríguez Patriotic Front, who they claimed had taken part in numerous crimes and had used someone called "Enriqueta" as a drop-off and pick-up point for messages. In an extrajudicial statement given to the Policía de Investigaciones, Yao Moreno acknowledged that she had "communist sympathies" and owned the "subversive literature" found in her home, but denied having been used as a channel of communication among members of the Manuel Rodríguez Patriotic Front. The Policía de Investigaciones say that Yao Moreno was arrested under Exempt Decree No. 6281 of 3 August 1987.

B.7 Horacio Díaz Trujillo. He maintains that he was arrested in the street by armed civilians who later tortured him.

24. The Policía de Investigaciones report that staff of the National Information Agency handed the detainee over to them on orders from the Ad Hoc Military Prosecutor's Office, which had ordered his arrest with a view to investigating his involvement in the abduction of Lieutenant Colonel Carreño. According to the information provided by the Policía de Investigaciones, Díaz Trujillo was placed in their custody at 10.45 p.m. on 9 December 1987. Dr. Pedro León R., who examined the detainee at 1.15 a.m. the next day, reported that he was uninjured. However, Dr. Juan Ritz Pérez, who examined the detainee at 9.20 p.m. that day, found lesions on both arms (circular bruises 1 cm in diameter).

B.8 Cecilia de la Mercedes Cid Espina. She maintains that after being arrested with her brother she was tortured for two and a half days.

25. The Policía de Investigaciones report that Cid Espina, who is on file as an "extremist", was arrested with three other people for infringing Acts Nos. 17798 and 18314. They also maintain that she is a member of the Manuel Rodríguez Patriotic Front and that she and the other people with whom she was arrested had taken part in a number of criminal activities. They say that this is corroborated by the fact that weapons and subversive literature were found in her home. In an extrajudicial statement given to members of the Policía de Investigaciones, the victim acknowledges that she is a member of the Milicias Rodriguistas, that she took part in various political propaganda actions and that she kept weapons at her home.

B.10 Miguel Silva Acuña and Patricio Oros Gallardo. They claimed that they were arrested at their place of work by members of the Policía de Investigaciones and subsequently detained at a police barracks where they were tortured with electric shocks while under interrogation.

26. The Policía de Investigaciones confirm that the complainants were arrested, pursuant to an investigation order handed down by the Sixteenth Criminal Court of Santiago (Case No. 24757-D). They say that, after obtaining statements from the detainees in which the latter denied having taken part in the robberies at the Ahumada pharmacy, they released them that same day.

B.11 Virginia Yolanda Muñoz Matamoros. She complained that she had been abducted, unlawfully arrested and tortured by armed civilians who searched her home without a warrant. She claims that during her abduction she was threatened, beaten and forced to sign a statement which she was not allowed to read.

27. The Policía de Investigaciones maintain that her arrest by members of the National Information Agency was ordered pursuant to Exempt Decree No. 6638 of the Ministry of the Interior and that a "Browning pistol, a Brazilian M-9 grenade, detonator cord and fuse" were found in her home.

B.12 Ernesto Jeria Salinas. He says he was arrested with his brother by Carabineros who were inspecting a minibus and that they forced their way into his home and searched it unlawfully. During interrogation, both he and his brother were tortured using electric shocks.

28. The Carabineros say that Jeria Salinas was arrested far from his home for suspicious behaviour and placed at the disposal of the Ministry of the Interior, which ordered his detention for five days. They say that he was arrested in 1983 under the Internal Security of the State Act and in 1985 as a suspect in an attack on the Carabineros barracks. They maintain that they acted in accordance with the law and that there was no unlawful coercion.

- B.13 Manuel Antonio Ortiz Lecaros. He says he was arrested by armed civilians who did not identify themselves or show any warrant and that during his detention he was subjected to coercion and ill-treatment and had electric shocks applied to his body.
29. The Policía de Investigaciones say they never arrested Ortiz Lecaros.
- B.14 Rosa Estela Correa Herrera. She says she was arrested after her home was searched by civilians and Carabineros who showed no warrant whatsoever for the search. She was subjected to intense questioning and although she is 77 years old and in poor health was forced to spend the night sitting on a chair.
30. The Carabineros say that Correa Herrera was arrested outside her home on suspicion of having taken part in an attack on Carabineros at Renca, and that she was released the next day.
- B.15 Rosa María Olivier Manríquez. She says she was shot in the left hand by an unidentified person armed with a revolver who was holding a young man by the neck while a crowd of onlookers, among whom she found herself, urged him to let the young man go.
31. The Carabineros report that during a demonstration, someone threw stones at a carabinero in plain clothes who was out shopping, wounding him in the head. The carabinero managed to arrest his attacker but other individuals tried to stop him so he fired shots first in to the air and then at his attackers. The military courts were informed and the attacker was placed at their disposal. When it was found that Olivier Manríquez was injured, a report of the incident was filed with the courts.
- B.16 Marcos Villanueva Vinett. He says he was arrested with other residents of La Victoria shantytown and taken to the Twelfth Carabineros Station, where he was interrogated using electric shocks. He says he was also subjected to a mock execution by firing squad and made to sign a statement which he was not allowed to read.
32. The Carabineros report that he was arrested carrying a Start pistol with a cartridge clip and 16 cartridges, literature on how to make explosives and a list of official barracks of armed forces on active duty. They say he was arrested because he had been involved in 17 crimes (installing explosive devices, burning buses, attacking a police vehicle and carrying out robberies and attacks on police barracks) since February 1984. The Carabineros maintain that Villanueva Vinett is a professional terrorist, that they acted in accordance with the law and that it is not true that they used unnecessary violence and staged a mock execution.
- B.17 Roberto Marcelino Jerez Campusano. He says he was arrested by Carabineros special forces who took him to the Juanita Aguirre local Carabineros station where he was given a beating which resulted in multiple contusions and a possible dorsal fracture.

33. The Carabineros say that they have no record of the arrest of Jerez Campusano and that the charges made against them are untrue.

B.18 Jaime Antonio Cubillos Soto, Yachyn Cubillos Soto and Rodrigo Jabalquinto Ramírez. They say they were unlawfully arrested by Carabineros. Jaime Antonio Cubillos Soto also alleges that both at the time of his arrest and at the Twenty-sixth Carabineros Station to which they were all taken he was beaten and harassed and had electric shocks applied to his whole body.

34. The Carabineros say that Yachyn Cubillos Soto was arrested for infringing the Anti-Terrorism Act and accused of taking part in four attacks using explosive devices. They say he was visited by Red Cross doctors during his detention. They maintain that they acted in accordance with the law and that it is not true that the detainees were subjected to electric shocks or unlawful coercion.

B.19 José Armando Muñoz Ramírez. He says he was arrested by individuals in plain clothes who said they were from the Policía de Investigaciones. He claims that they tortured him, applying electric shocks to his hands and temples.

35. The Policía de Investigaciones claim that Muñoz Ramírez was not arrested by members of the force and that there is no record of the arrest in their files.

B.20 Gerardo Alberto Díaz Sepúlveda. He complains that he was beaten by a special forces Carabiniro who was chasing some young demonstrators. As a result of blows inflicted with a kind of rubber truncheon, he was left almost unconscious with a head injury.

36. The Carabineros say they have no information.

B.21 Carlos Patricio Cid Báez. He says he was arrested by Carabineros in patrol cars RP-379 and RP-297 and taken to the Santa Adriana local police station, where he was severely beaten. As a result of the beating, he had to undergo an emergency operation at Barros Luca Hospital, where he was diagnosed as having "abdominal contusion with complications".

37. The Carabineros maintain that he was arrested for drinking alcohol on the street, placed at the disposal of San Miguel Fifth Court and handed over to the local Carabineros unit.

C.22 José Agustín Fuentes Vidal. He says he was arrested at the Policía de Investigaciones Quinta Normal station to which he had been summonsed, that he was not placed at the disposal of the judge within the period prescribed by law and that when his wife went to inquire about him she was told that he was not at that station.

38. The Policía de Investigaciones report that Fuentes Vidal was placed at the disposal of the Twenty-fourth Criminal Court of Santiago on the day of his arrest, as is indicated in report No. 170, a copy of which they attach.

- C.23 Patricia Roxana Depueto Sáez. Her mother says she was arrested by members of the Policía de Investigaciones and the National Information Agency in plain clothes, who forced their way unlawfully into her home in search of her father and brother and also took 28,000 pesos belonging to the family.
39. The Policía de Investigaciones report that Patricia Roxana was arrested, along with other persons suspected of belonging to the Manuel Rodríguez Patriotic Front, for infringing Acts Nos. 17798 and 18314. She was placed at the disposal of the Santiago Military Prosecutor's Office, as is recorded in report No. 126 of 4 February 1988, a copy of which they attach. In an extrajudicial statement to the Policía de Investigaciones, Patricia Roxana admits that she was formerly connected with the Juventudes Comunistas (Communist Youth Organization) but left when its leader showed her a machine-gun and two revolvers. She also claimed that, during the time when she was connected with the organization, she helped organize social, folk and sports activities designed to attract new members.
- C.24 Sergio González Torres. A member of the Human Rights Committee of Dávila shantytown, he says Carabineros arrested him on the street for no reason whatsoever.
40. The Carabineros say that he was detained for eight hours as a suspect and released when there were found to be no charges pending against him. They claim that his arrest had nothing to do with the fact that he is a member of the above-mentioned committee but involved an ordinary criminal offence.
- C.25 Liliana del Carmen Montenegro Rebolledo. She claims she was arrested arbitrarily and maltreated after unidentified civilians forced their way unlawfully into her home.
41. The National Information Agency reports that Montenegro Rebolledo was held for five days on Policía de Investigaciones premises, under Exempt Decree No. 66.034 of the Ministry of the Interior, for having been an accessory to subversive and terrorist activities. The Policía de Investigaciones, however, report that Montenegro Rebolledo was not arrested by any of its officers.
- C.26 Víctor Herrera García. He says he was arrested arbitrarily by armed members of the Carabineros special forces who searched his home unlawfully. He says his neighbour, carabinero Oswaldo Celis, had threatened to report him to the Carabineros for offences he had not committed.
42. The Carabineros say that Herrera García was arrested under order No. 425 of 4 April 1988 of the Second Military Prosecutor's Office and released two and a half hours later. They also say that there was no connection between the arrest and Herrera García's accusation against his neighbour.
- C.27 Julio Peralta Barahona, Horacio Zea Escobar and six others. An application for amparo states that they were arrested by Carabineros after attending a public event celebrating International Workers' Day.

It says that those arrested were severely beaten both at the time of their arrest and at the Twelfth Carabineros Station, three of them suffering injuries as indicated in the reports of the medical examinations carried out on them.

43. The Carabineros say that the arrests took place following disturbances caused by persons taking part in the event in question and that the arrested persons were placed at the disposal of the Ministry of the Interior. They add that on their arrival at the police station, the arrested persons were examined by a doctor who found that three of them were slightly injured, a fourth was suffering from cardiac insufficiency and a fifth had diarrhoea. The Carabineros assert that they received medical attention in accordance with the law and regulations.

C.29 Raúl Hernán and Miguel Angel Cárdenas Alvarez, Ruth Cabrera Hinostroza, Virginia Yolanda Muñoz Matamoros, Cecilia de las Nieves Novoa Carrasco, Raúl Armando Figueroa Guajardo and Marcos Guajardo Morales. After their arrest, they were held in secret detention centres - a serious violation of article 19 (7) (d) of the Constitution. The law also establishes that periods of detention are to be served only in the home of the person concerned or in a prison or public detention centre.

44. The Policía de Investigaciones says that Raúl Hernán and Miguel Angel Cárdenas Alvarez were handed over to them after being arrested by members of the National Information Agency under Exempt Decree No. 6514 of the Ministry of the Interior. They add that the two are accused of belonging to the Manuel Rodríguez Patriotic Front and of having been involved in the abduction of Lieutenant Colonel Carreño. The National Information Agency says that their arrest was ordered for infringing Acts Nos. 12927 on the Internal Security of the State and 17798 on the Control of Firearms and Explosives, two revolvers and a "walkie-talkie" having been found on them. It says that Muñoz Matamoros was arrested under Exempt Decree No. 6638 for having "a Browning pistol, a Brazilian M-9 grenade, detonator cord and fuse" in her home. The Agency says that after her arrest, Novoa Carrasco was placed at the disposal of the Ad Hoc Military Prosecutor's Office because of her ties to extremists belonging to the Manuel Rodríguez Patriotic Front. She was released two days later. Lastly, it says that Figueroa Guajardo and Guajardo Morales are members of the Manuel Rodríguez Patriotic Front and after their arrest were placed at the disposal of the Ad Hoc Military Prosecutor.

C.30 Miguel Arriagada Ramírez and 46 others. They say they were arrested by unidentified civilians who carried out a mass raid on Villa Venezuela shantytown where they live.

45. The Carabineros confirm the arrests, saying that they were made between 6 a.m. and 1.30 p.m. on 26 May 1988 to verify alleged participation in extremist attacks.

C.31 Corina del Carmen Vásquez Ramírez, Orlando Francisco Vásquez Ramírez and others. Corina del Carmen maintains that several members of her family were arrested by personnel of the Policía de Investigaciones and the National Information Agency who searched her home, inflicting serious damage and ill treatment.

46. The Policía de Investigaciones report that Orlando Vásquez Ramírez was arrested under Decree No. 1290 of 26 May 1988 of the Second Military Court (Office of the Ad Hoc Military Prosecutor) for an alleged violation of Acts Nos. 17314 and 17798 on, respectively, terrorism and the control of firearms and explosives. The Decree gave their Assault Investigation Squad the power to arrest persons suspected of responsibility, complicity or concealment related directly to activities confessed to by Manuel Jesús Rubio Bravo, and to forcibly enter and search premises where there might be suspects, instruments with which the offences under investigation were committed, or books, papers or objects which could serve as evidence. The Decree also permitted detainees to be held incommunicado.

C.32 Mauricio Acuña Durán, Marta Aranis Aranis, Sergio Aranis Contreras, Erika Arce Pávez, Matilde Arce Pávez and 16 others. They say they were arrested by Carabineros while painting a mural on the subject of human rights.

47. The Carabineros say that they were "caught painting slogans of the banned Movimiento Comunista (Communist Movement)" on public property and that the Ministry of the Interior ordered the application of the State Security Act, the procedure followed being in accordance with the law. They add that the detainees were given medical attention.

C.33 Cecilia Reyes Rodríguez. She says she was arrested in May 1988, without a judicial warrant, by 20 individuals in plain clothes who were using private cars and cars belonging to the Policía de Investigaciones. She says her home was searched violently, causing damage, and that when she arrived at Policía de Investigaciones headquarters she was hit and threatened while under interrogation.

48. The Policía de Investigaciones report that Reyes Rodríguez was not arrested by members of the force at any time in 1988. They recall that in March 1984 she was arrested for vagrancy.

C.34 Alberto Chiang Muñoz and Eduardo Francisco Montecinos Fierro. They say they were arrested and severely beaten by Carabineros for taking part in a peaceful student demonstration.

49. The Carabineros say that they were arrested for disorderly conduct on the public thoroughfare, blocking traffic and throwing stones and heavy objects at private vehicles, and that appropriate police action was taken to control the disturbance. The detainees were given medical attention.

C.35 Carlos Humberto Rojas Albornoz and Pablo Esteban Aguilera Inostroza. It is claimed that they were arrested by Carabineros while walking down the street without committing any misdemeanour. Both detainees were interrogated and one was beaten and threatened.

50. The Carabineros maintain that they acted in accordance with the law and that the detainees were arrested for behaving suspiciously and placed at the disposal of the Ministry of the Interior while their conduct was investigated. They add that

the detainees are under investigation for possession of explosives and detonators and for having such devices on their person near the police barracks. The detainees were given medical attention.

C.36 Mario Campónico Susarte, Gustavo Cubillos Rojas, Paulino Díaz Rivera, Guillermo Gómez Tapia, Juan Lasen Pino and 12 other students. They say they were arrested by Carabineros as they left the Blas Cañas Vocational Training Institute after staging a strike in support of their demands.

51. The Carabineros say that the above students were arrested, along with some 300 others for blocking vehicular traffic and the public thoroughfare, and that the police observed the customary procedures for ensuring public order. The detainees were given medical attention.

C.37 Marco Antonio Lagos Casas-Cordero, Paulina Nova Contreras, Claudia Lagos Nova and Silvia Llantén Saavedra. They accuse members of the Carabineros of unlawful entry, arbitrary arrest, damage and theft.

52. The Carabineros say that they have no information on the case.

C.38 Marcelo Abrigo Parra, Marcela Acevedo Medina, Eduardo Acuña Cataldo, Alvaro Acuña Vercelli, Daniela Ahumada Araya and 190 other students of the Santiago Vocational Training Institute. They say they were arrested by Carabineros after the Rector of the Institute called in the police to put an end to a peaceful student demonstration.

53. The Carabineros maintain that they acted lawfully since the students were evicted at the request of the Rector, Félix Lagrese Byrt.

D.39 René Miranda Barrales. His mother says that he is wanted by police because a university identity card in his name for 1986 was found in the apartment at Villa Portales where an explosion killed three young men.

54. The Policía de Investigaciones report that he has not been arrested by any of its members, but they add that he was arrested on two occasions in the past (1984 and 1986) and was on the list of student troublemakers at the University of Santiago from which he was expelled in 1985.

D.41 Guillermo Antonio Pávez Guerra. He was arrested by unidentified individuals after he had rebuked persons unknown to him who were painting over a mural that paid tribute to the priest André Jarlán. Pávez Guerra asserts that he was hit and threatened with death during his detention.

55. The Policía de Investigaciones maintain that Pávez Guerra was not arrested by members of the force.

- D.43 Carlos Valencia García, Jeanette Valencia García, Mauricio Andrés Valencia García, Osvaldo René Gallardo and Mario Valenzuela Martínez. The application for amparo filed on their behalf stated that there were fears for their safety because unidentified individuals had been asking about the applicants and their activities.
56. The Policía de Investigaciones say that they have not been arrested by any of its members and that there is no record of them in police files.
- D.44 Francisco Marcelo Alea, Nelson Soza, Gonzalo Ode and Owana Madera. In their application for amparo on behalf of the Chilean young people whom they represented, they claimed that in the past year young people residing in the metropolitan area had been the victims of various kinds of repression at the hands both of State security bodies and paramilitary gangs. They said that between August 1987 and February 1988 there had been 932 cases of unlawful arrest, 173 cases of intimidation and 27 cases of abduction of young people.
57. The Policía de Investigaciones confirm that the applicants are leaders of youth organizations. They note that none of them has been arrested by members of the force, but that they have been arrested on several occasions by Carabineros.
- D.45 The priests Luis Baeza Torrealba and Raúl Hogervoet von Vliet. The application for amparo made on their behalf claimed that both of them had been threatened by an organization known as "ACHA" (Chilean Anti-Communist Action), alleged to have threatened over 200 political and social leaders in Valparaíso during 1988.
58. The Policía de Investigaciones say that the priests twice reported damage to their church to La Ligua police station. Investigations yielded no results, as was reported to the Cabildo Local Police Court. The Carabineros say that the chief of their Cabildo station talked to both priests and found out that it was not true that they had received telephone threats, only a note which said: "Priests take care of your flock, we don't want to make house calls, we have you identified". The Carabineros informed the Court and arranged for a special watch to be kept on the place.
- D.46 Lorena de los Angeles Nazal Saglie, Gabriela Medina, René Roa, Carla Cristi and Nadia Loyola. The application for protection filed by Lorena de Los Angeles stated that actress Nazal Saglie had been abducted by four individuals who took her to a private house where she was interrogated while being subjected to blows, threats and insults.
59. The Policía de Investigaciones report that the application was rejected because the abduction was not proved. As regards Medina, Loyola and Cristi, actresses who were also threatened by the "Comando 135 Trizano" and "ACHA", the Policía de Investigaciones report that Medina was arrested on two occasions in the past for distributing "subversive pamphlets" and taking part in anti-Government demonstrations, that Loyola has no police record and that Cristi is a member of the Coalition of Artists and Intellectuals for the No.

D.48 Juan Rafael Alfaro Fuentes. He maintains that when he presented himself at the Quinta Normal recruiting office to comply with his military service obligations, he was subjected to violent interrogation by civilian and military personnel who struck and threatened him.

60. The National Information Agency says that Alfaro Fuentes was arrested for taking part in incidents at one high school and encouraging the takeover of another in July and August 1985 respectively. In July 1986 he led a public demonstration and in December of the same year he appeared on a list of people who were attending courses in Cuba.

D.49 Rosa Elvira Riquero Núñez. She claims that 25 people forced their way into her home, looking for weapons, and that the same thing occurred at four houses adjacent to her own.

61. The Policía de Investigaciones say that she has not been arrested by any of its personnel and that there is no record of her in its files.

D.50 Hector René Mirando Luengo. He claims that he was arrested at his home by members of the Policía de Investigaciones in plain clothes. While he was detained, he was beaten and kept blindfolded.

62. The Policía de Investigaciones report that Miranda Luengo was not arrested by members of the force.

D.51 Bernardo Arroyo Garabito. He claims to have been threatened by the group called "ACHA".

63. The Policía de Investigaciones report that the Temuco Prefecture carried out an investigation at the order of the Court of Appeals, but to no effect.

D.52 Roberto Ignacio Ramírez Valle. He claims that he was abducted and interrogated for an hour and a half while being beaten and threatened.

64. The Policía de Investigaciones report that Ramírez was not arrested by members of the force.

D.53 Pedro Segundo Ortiz Navarrete. He says that his home was entered unlawfully on two occasions, first by Carabineros and then by members of the Policía de Investigaciones.

65. The Carabineros say that they took no part in the alleged events and have no charges against Ortiz Navarrete.

D.55 Mónica Emilia Alvarado Hinostraza. She claims that when she returned to the country legally and was at the airport complying with the usual procedures, the police took away her handbag containing, among other things, \$US 1,005 given her by the Office of the United Nations High Commissioner for Refugees. Although she lodged an official complaint, no police body has admitted responsibility for the theft. She also says that she has been followed.

66. The Policía de Investigaciones report that they have no information on Alvarado Hinostraza.

E.56 Nelson Donato Guzmán, Manuel Rodríguez Fuentealba, Lindo Ruiz Barriga, Florisondo Trocoso Puente, Luis Walter Valdes Pulgar and Luis Enrique Silva Rojas. They say they were subjected to unlawful coercion after their arrest by officials of the National Information Agency.

67. The National Information Agency says that Donato Guzmán, Rodríguez Fuentealba, Ruiz Barriga and Trocoso Puente were arrested under Supreme Decree No. 53 of 8 September 1986 of the Ministry of the Interior for possession of explosives, weapons and plans. It maintains that they are all subversive offenders belonging to the Manuel Rodríguez Patriotic Front. The agency reports that Valdés Pulgar was arrested under Exempt Decree No. 6021 of 2 July 1986 of the Ministry of the Interior for engaging in and promoting subversive activities during a general strike. It says that Silva Rojas was arrested on 17 March 1987 and placed at the disposal of the Santiago First Military Prosecutor's Office for possession of explosives.

F.62 Isabel Hermosilla Pérez, Eduardo Garretón Suazo and Ivonne Constancio Rojas. They were arrested by Carabineros while distributing political propaganda advocating a "no" vote in the plebiscite.

68. The Carabineros say that they were arrested for distributing propaganda with slogans defending the former Communist Party and were placed at the disposal of the Ministry of the Interior.

G.64 Sergio Poblete Garcés, Efraín Jaña Girón, Ernesto Gálaz Guzmán, Alamiro Castillo Aliaga, Otto Becerra Schwart and 21 other former members of the armed forces. It is claimed that they were exiled in 1975 and since then have been banned from re-entering the country.

69. According to the Report on persons entering the country under Exempt Supreme Decree No. 303 of 1 September 1988 of the Ministry of the Interior given to the Special Rapporteur, three of the 26 people mentioned above have re-entered the country.

70. It should also be noted that the Special Rapporteur received no information from the Government on the following cases mentioned in document A/43/624:

A.1 Hernán Elías Chamorro Monades

B.9 Mauricio Alejandro Bello Cortés

C.28 Claudio Antonio Aravena Baeza and Manuel Castañeda Martínez

D.40 Reinaldo Oscar Flores Morales

D.42 Saúl Barzilla and Elgueta Matamala

D.47 Juan Manuel Muñoz Gatica

- D.54 Isaiás Libertario Duque Jorquera
- E.57 Mario Vega Varas
- E.58 Godoy, Nelson and others
- E.59 José Galiano, Carmen Hertz, Sebastián Hamel, Alberto Espinoza, Carlos Margotta and others
- E.60 José Galiano, Consuelo Gil Bessolo, Carlos Margotta, Alfonso Insunza Bascuñán, Roberto Garretón Merino and others
- F.61 Manuel Casanova Azagra
- F.63 60 journalists and opponents of the régime against whom proceedings have been brought before the military courts for crimes of opinion.

71. The Special Rapporteur also received information from the Government on 7 March 1989 in response to a further memorandum of complaints handed over to Ambassador Calderón at San José on 7 February 1989. The memorandum in question was reproduced in the report submitted to the Commission on Human Rights at its forty-fifth session (E/CN.4/1989/7, sect. III).

- A.1 Juan Fernando Mayorga Millán. His body was delivered to the Sótero del Río Hospital on the night of 16 July 1988 as that of an unidentified person. The complainants were informed by the Carabineros that he had died while attacking a petrol station but, according to them eyewitnesses had said that the physical characteristics of the attacker did not correspond to those of Juan Mayorga.

72. The Carabineros reported that Mayorga Millán was involved, together with seven other individuals, in an armed robbery at a service station in La Cisterna on 16 July 1988. When a Carabinero caught them at it and identified himself, they started shooting. When he returned their fire Mayorga Millán was wounded.

- A.2 Antonio Oviedo Sandoval Cares. According to the complainants, he died after being shot on 30 August 1988 in La Granja commune when individuals fired from a minibus in which they were riding. Carabineros at the scene made no attempt to pursue the attackers or to assist the victim.

73. The Carabineros reported that a member of the Gendarmería was under arrest on suspicion of having fired the shot, following an investigation the results of which were reported to the Eleventh Criminal Court.

- A.3 Edison Freddy Palma Coronado. According to the complainants, he died when a police officer shot at him after a demonstration in which he had taken part was broken up.

74. The Carabineros reported that an investigation into the incident had not implicated any member of the force in the death of Palma Coronado, a fact that was reported to the Eleventh Criminal Court of Santiago.

B.1 Domingo Faustino Sarmiento Flores. According to the complainants, he was arrested at his home on 12 March 1988 and taken hooded to the Twelfth Carabineros Station at San Miguel, where he was severely maltreated and kept incommunicado.

75. The Carabineros stated that he was arrested on suspicion of participating in the 11 September 1987 attack with fire arms and explosives on a van where Departamental crosses Club Hípico. They stated further that, following his arrest, Sarmiento Flores admitted that he had taken part in the 1984 attack on the barracks of the La Victoria local Police Station, and other subversive acts.

B.2 Jorge Luis Cortez Colina. He charged that he was arrested on 17 May 1988 and taken to the Renca Seventh Police Station, where he was subjected to maltreatment.

76. The Carabineros said that he had been arrested by members of the force because he was recognized by eye-witnesses as belonging to the gang that had killed Carabinero Samuel López Contreras on 12 May 1988. A report was filed with the Second Military Court of Santiago.

B.4 Ricardo Alberto Paredes Caro and Marcos Antonio Abarca González. They charged that they had been shot in the street on 9 July 1988 by a carabinero in plain clothes.

77. The Carabineros said that two members of the force had arrested five people, including the two complainants. In the course of the arrest, one of the officers used his weapon, wounding Hugo César Candia Sotelo, who subsequently died, and also the complainants, Abarca and Paredes, who sustained a fracture of the left hand and of the upper arm, respectively. The officer responsible was dismissed from the force and placed at the disposal of the Criminal Court of Santiago.

B.5 Claudio Fernando Escobar Reyes. He charged that he was arrested on 10 July 1988, taken to the Third Carabineros Station and maltreated while under interrogation.

78. The Carabineros said that he was arrested on suspicion of having taken part in an attack on the police. He was released the following day, once it had been established that he had not been involved in the attack. They say they have absolutely no information which would indicate that he was subjected to unlawful coercion and harassment; the police logbook indicates that he was unharmed and did not lodge any complaint against the arresting officers.

B.6 Francisco Osses Osorio. He charged that he had been beaten on 11 July 1988 by Carabineros who stopped the taxi he was driving and ordered him to switch off the engine, to which he replied that he could not do so because of a mechanical problem.

79. The Carabineros version is that an officer on duty stopped Osses for a traffic violation, upon which Osses grabbed his driving licence from the officer's hands and tried to attack him, damaging his uniform. He was arrested by the officer,

taken to the Thirty-second Police Station and placed at the disposal of the Second Military Court.

B.7 Enrique Octavio Quintanilla Lillo. He charged that he suffered injuries during his arrest, which took place on 15 July 1988.

80. The Carabineros said that he had been arrested when it was established that he had taken part in the murder of Carabineros Corporal (second grade) Jaime Sandoval Mendoza, and that he was committed for trial on 27 July 1988.

B.8 and B.10 Juan Raúl Cáceres Espinoza, Iván Vera Medina and José Hernández Corvalán. Cáceres Espinoza charged that he had suffered injuries as a result of being beaten at the Calera de Tango police station on 31 July 1988. Vera Medina and Hernández Corvalán claimed that on 8 August 1988 they had been stopped by three armed civilians who beat them and took them to the Vicuña Mackenna Thirty-sixth Police Station, where they were maltreated.

81. The Carabineros stated that the three were arrested on 9 July 1988 on suspicion of taking part in a robbery. They signed a statement at the security guard's desk to the effect that they had not been hurt or maltreated by Carabineros.

B.11 Claudio Leiva Sepúlveda. The complainants claimed that on 11 August 1988 Mr. Leiva was shot in the head by a carabinero who immediately fled. Other Carabineros subsequently surrounded the area, refusing to allow anyone to approach the injured man, and did nothing to help him.

82. The Carabineros stated that on 12 August a member of the force had had to use his weapon to fend off eight individuals who were assaulting a woman; one of the eight was Leiva Sepúlveda, who suffered a serious bullet wound.

B.13 Luis Espinoza González. The complainant said that on 30 August 1988, Espinosa was beaten in the street by three Carabineros from the Roosevelt local Police Station in Cerro Navia shantytown.

83. The Carabineros stated that they had no record of his alleged arrest and that officers at the station said they knew nothing about it.

B.14 John Remmele Hamberger. He charged that on 30 August 1988 he was violently attacked by Carabineros who did not attempt to identify him or even speak to him.

84. The Carabineros stated that they had no record of the incident and had been unable to establish who was involved or who was to blame.

B.15 Waldo Ernesto Seydewitz Valenzuela. He charged that he was arrested on 3 September 1988 and taken to Lo Barnechea local Police Station, where he was allegedly beaten.

85. The Carabineros reported that he was arrested at the intersection of Lo Barnechea and La Cuenca because he was found prowling around houses in the neighbourhood and could give no satisfactory explanation for his behaviour. He was released the same day after stamping a statement in the logbook to the effect that he was not hurt and had no complaints against Carabineros.

B.16 Nelson del Tránsito Paredes Manzor, Rodrigo Alberto Oliva Celis and Martín Enrique Miranda Tapia. They charged that on 9 September 1988 the home of Rodrigo Oliva and Martín Miranda was raided by Carabineros in plain clothes who showed no warrant of any kind. They were taken to the Alhue local Police Station, beaten, released and later re-arrested by police officers, this time with Nelson Paredes. On this second occasion they were also maltreated.

86. The Carabineros stated that Miranda Tapia and Oliva Celis were arrested because of their alleged involvement in setting fire to an office of those advocating a "yes" vote in the plebiscite, and that they freely and voluntarily admitted at the police station that they had plotted the crime at Miranda Tapia's home. On 10 September 1988, they were transferred to the Melipilla police unit and placed at the disposal of the Melipilla First Criminal Court.

B.17 Guillermo Alex Cáceres Astudillo and Jorge Antonio Muñoz Muñoz. The complainants stated that these two minors were beaten by two Carabineros during the night of 10 September 1988 and that when they went looking for them at the local police station, they were taunted by police officers.

87. The Carabineros reported that, as far as could be established, members of the force had not been involved in the incidents.

B.18 Hugo Rivas Lombardi. He complained that he had been beaten by six Carabineros on 18 September 1988 when he went to the defence of his daughter, who was being attacked for carrying a banner advocating a "no" vote in the plebiscite. He was arrested and had to pay a fine before he was released.

88. The Carabineros stated that Rivas Lombardi and Rogelio Enrique Benavides Díaz were arrested by members of the force because Rivas Lombardi, along with some 20 others, and Rogelio Benavides Díaz, with some 7 others, got into a fight over political differences in which Rivas was injured. Everyone else fled but Rivas and Benavides were arrested; they were released after their home addresses had been verified and they had paid a fine.

C.4 Maria Asunción Bustos, Victoria Gallardo, Teresa Rojo, Teresa Gómez Meyer, Sandra Radic and 14 others. The complainants reported that the above persons had been arrested by Carabineros on 29 August 1988 at the end of a peaceful meeting of the "Women for Life" Group.

89. The Carabineros stated that they were arrested for disorderly conduct on the public thoroughfare and disruption of normal pedestrian traffic in the neighbourhood. They were released the same day. A report was made to the Third Local Police Court of Santiago.

C.5 Nelson Alejandro Carvaja Salinas. According to the complainants, he was arrested on 30 August 1988 by special forces Carabineros opposite the campus of the University of Chile.

90. The Carabineros stated that he was arrested for disorderly conduct on the public thoroughfare and released on bail the next day. A report was made to the First Local Police Court of Santiago.

C.6 Carlos Carrasaco González, Daniel Paulus, Leandro Sepúlveda, Tito Soto and Alejandro Hidalgo. According to the complainants, the above persons were arrested on 31 August 1988 inside the Metropolitan University of Santiago and taken to the Eighteenth Police Station.

91. The Carabineros stated that they were arrested in front of No. 774 Avenida J. P. Alessandri for creating a disturbance on the public thoroughfare. The first three were questioned about their involvement in the incident and released without bail. A report was made to the First Local Police Court of Ñuñoa.

C.7 Rodrigo Daniel Paz Henríquez. According to the complainants, he was arrested on 6 September 1988 in the centre of Santiago, taken to the police station and unexpectedly placed at the disposal of the Military Prosecutor's Office for an alleged assault on Carabineros.

92. The Carabineros stated that he was arrested on 7 September 1988 for having physically abused a Carabiniro, injuring him slightly. The incident and the evidence relating thereto were brought to the attention of the Second Military Court of Santiago.

C.8 Claudio Andrés Meneses Labraña. According to the complainants, he was arrested on 8 September 1988 by four members of the Policía de Investigaciones as he was returning from the Chilean Human Rights Commission.

93. The Policía de Investigaciones stated that on 28 December 1988, he was placed at the disposal of the Sixth Juvenile Criminal Court of Santiago, under police report No. 1244 of the Juvenile Crime Squad, because there was an order for his arrest on a charge of disorderly conduct.

C.9 José Santiago Navarrete Pereira, Omar Eliecer Herrera Martínez, José Abdón Cid Amaya and Gonzalo Torres Cid. According to the complainants, the above persons were arrested on 30 September 1988 by officers of the Policía de Investigaciones who gave no explanation and produced no warrant. They also destroyed their identity and voter registration cards.

94. The Policía de Investigaciones state that the first three persons named were arrested by members of the Assault Investigation Squad on 1 October 1988 and placed at the disposal of the Eighth Criminal Court of San Miguel for having committed and admitted to a number of robberies involving violence and for having arrest warrants pending against them for similar offences. They also say it is not true that the police took away and destroyed their identity and voter registration cards. Torres Cid, for his part, was arrested on 1 October 1988 in La Bandera shantytown and released the same day when it was established that he had had no part in the incidents under investigation.

D.2 Rubén Ibáñez López, Nolasco Tobar Vergara, Alex Mario Mardones and others. They charged that on 28 May 1988, shantytowns in Cerro Navia and Estación Central communes were unlawfully raided by members of the police and security forces.

95. The Carabineros stated that they were arrested when they admitted to having committed various offences punishable under Anti-Terrorism Act No. 19,314, such as armed attacks, terrorist attacks with explosives, carrying and possessing automatic weapons, etc. A report on these facts was made to the Second Military Court of Santiago.

D.8 Luis Alberto Moreno Correa. According to the complainant, his parents' home was raided on 31 August 1988 by members of the Policía de Investigaciones who were looking for him.

96. The Policía de Investigaciones stated that members of the force went to the home of Luis Alberto Moreno's family in compliance with an order for his arrest issued by the Second Army and Carabineros Prosecutor's Office of Santiago, which in Case No. 2122-87 ordered the arrest of Luis Alberto Moreno for infringing Act No. 17,798 on the Control of Firearms and Explosives. The order was countermanded on 15 September 1988 by another order issued by the same Prosecutor's Office.

D.11 Residents of Cerro Navia commune. According to the complainants, during the night of 11 September 1988 a group of Carabineros burst into the commune causing a variety of damage and even firing shots.

97. The Carabineros reported that from 4 p.m. onwards on that day, incidents occurred involving supporters of a "no" vote and supporters of a "yes" vote in the plebiscite, prompting intervention by police detachments. A Carabineros vehicle was damaged and one officer was slightly injured. The force subsequently conducted an investigation, but no member of the Carabineros was implicated in the incidents mentioned in the complaint. A report was made to the Second Military Court of Santiago.

D.12 Grecia de Yanira Vargas Valencia and Manuel Jesús Henríquez Toro. Grecia Vargas complained that she had been molested and insulted in the street by Carabineros on 15 September 1988 and that on 25 September 1988 Carabineros had searched her home without a warrant and beaten the people who were there.

98. The Carabineros stated that they had no record in their files which would enable them to verify the charges and that when they questioned the officers who had been on duty in the shantytown on 5 and 15 September 1988, they found nothing to indicate that they had any part in the incidents.

D.15 Adriana González Barrios and Miguel Angel Aguilar Cerón. According to the complainants, they were stopped in their car on 30 September 1988 by members of the Policía de Investigaciones who asked for the papers proving ownership, insurance and testing of the vehicle and refused to return them unless they were given money. This was not the first time that an incident of this kind had happened to them.

99. The Policía de Investigaciones stated that, on the date in question, their officers spotted the criminal Miguel Angel Aguilar Cerón in the street. When he noticed the police car, Aguilar Cerón fled and they were unable to arrest him. Nothing else happened, contrary to the complainants' allegations.

D.17 Johanna María Benech Marambio. She charged that she had been stopped in the street on 5 October 1988 by Carabineros, interrogated and beaten. Since her release, her house had been under surveillance.

100. The Carabineros stated that they had no information about the alleged incident.

101. It should be noted that the information received from the Government in reply to the Special Rapporteur's memorandum reproduced in his most recent report to the Commission on Human Rights (E/CN.4/1989/7) does not make reference to the following cases:

- B.3 Franyio Zapata Nicolis, Diego Lira Matus and Miguel Montecino Montecino
- B.9 Luis Dante Longoni Vásquez
- B.12 Carolina Fuentes Pereira
- C.1 Oscar Guillermo Garretón Purcell
- C.2 Jorge Arturo Martínez Muñoz
- C.3 Elías Salomón Huaquimil Catril and Luis Eduardo Espinoza Fuentes
- D.1 René Garcia Villegas
- D.3 Franyo Zapata Nicolis, Diego Lira Matus and Miguel Montecino Montecino
- D.4 Raúl Sergio Somadevilla Rivas
- D.5 Avelina Cisterna Aguirre
- D.6 Livio Ciangherotti Ciangherotti
- D.7 Alicia Odette Muñoz Jara
- D.9 Rogelio Eduardo Fuentes Bravo, Waldo Ernesto Seydewitz Valenzuela, Richard Orinson Vega Waghorn, Mónica Ruth Vega Quilodrán, Margarita del Carmen Vega Quilodrán and Mery Vega Quilodrán
- D.10 Nelson Héctor Rolando Nicalau, María Soledad Kunstmann Almarza, Saledad Andrea Rolando Kunstmann and María Inés Osorio Romero

- D.13 Víctor Rafael Aldea Ramos
- D.14 Liliana del Carmen Manríquez Solano, Carlos Reyes, Elizabeth Soto and Rosa Muñoz Mora
- D.16 Rodrigo Mario González López, Luz María Navarro Ceardi, Mariana González Navarro and Amparo González Navarro
- E.1 René García Villegas
- E.2 Filma Canales Sore
- F.1 Manuel Antonio Bustos Huerta and Arturo Amador Martínez Molina
- F.2 Roberto Oyarzo, Miriam Poblete, David López and others

IV. TERRORIST ACTS REPORTED BY THE GOVERNMENT

102. By note verbale of 3 March 1989, the Government transmitted to the Special Rapporteur a report of terrorist attacks that had occurred in the country since 5 October 1988. According to that very detailed report, there had been 199 acts of sabotage involving explosives, 68 acts of sabotage involving arson and 39 attacks. Those acts had left 103 people injured and 16 dead. The names of those killed are as follows:

- Luis Silva Jara
- Patricio Palma Navarrete
- Carlos Morales
- Juvenal Vargas Figueroa (carabiniere)
- Cecilia Magui Camino
- Raúl Alejandro Pellegrín Friedman
- Ernesto Patricio Renzo (Christian Contreras Jorquera)
- Pablo Vergara Toledo
- Araceli Romo Alvarez
- Samuel Soto Lillo
- Guillermo Rodríguez Solís
- Jaime Antonio Quilán Cabezas
- Salvador Fidel Cautivo Ahumada
- Juan Moya Bustamante
- José Juis Pizzoleo Canales (carabiniere)
- Leonardo Marillanca Garate (carabiniere)

103. The above-mentioned report on terrorist acts is in the archives of the Centre for Human Rights at Geneva and is available for consultation by States Members of the General Assembly.

V. COMPLAINTS OF NEW VIOLATIONS OF HUMAN RIGHTS

104. The information contained in this section has been compiled from legal documents received by the Special Rapporteur from the parties concerned, their lawyers and Chilean human rights organizations. It concerns alleged human rights violations which occurred between October 1988 and June 1989.

105. The Special Rapporteur passed on these complaints by letter dated 5 October 1989 addressed to the Chilean Minister for Foreign Affairs through the Chilean Ambassador to San José, Costa Rica, expressing his concern at the information on alleged human rights violations that had occurred in Chile between October 1988 and June 1989.

106. As in the past, the basic aim of the memorandum was to elicit a Government response to the charges. This should not, however, be construed as any prejudgement by the Special Rapporteur as to the merits of the complaints.

A. Right to life

A.1 Margarita Eliana Martín Martínez, María Paz Martín and Isidro Hernán Salinas Martín. On 16 January 1989, the Second Chamber of the President Aguirre Cerda Court of Appeals committed for trial Sergio Alberto Gajardo Ciadach and José Ricardo Luna García, carabineros belonging to the Special Operations Group (GOPE), on charges of having murdered the three individuals named above. The three died violently on 30 June 1986 at 150 Calle Mamiña in Santiago. According to the official version, the victims committed suicide. However, reports by ballistics experts and other evidence made it possible to establish a presumption of guilt with respect to the two carabineros and to Lieutenant Colonel Augusto Sobarzo of the Bureau of Missing Vehicles as an alleged accessory.

A.2 Enrique Abelardo Morago Muñoz. On 7 February 1989, a complaint of homicide was filed with the Eighteenth Criminal Court of Santiago by the mother of the victim. The complaint states that the victim was shot dead on 10 December 1988 by Carabinero Ernesto Ibarra Conejeros. The victim's stepbrother, a minor named Mariano Espinoza Muñoz, witnessed the murder. Mariano was arrested and taken to Puente Alto prison; he was subsequently brought before the Military Prosecutor's office and later the Juvenile Court, and was finally released for lack of evidence. According to the complainant, the Carabineros issued a public statement to the effect that Ernesto Ibarra Conejeros had been assaulted by anti-social elements who, armed with knives and other offensive weapons, attacked him to steal his clothes and valuables; the carabinero defended himself, using his personal revolver, and one of the attackers was killed.

A.3 Guillermo Eugenio Rodríguez Solís. On 17 January 1989, a complaint of homicide was filed by the victim's uncle with the Second Criminal Court of Santiago. The complainant states that at 11.05 p.m. on 20 December 1988, as confirmed by an official report of the National Information Agency, members of the Agency shot and killed the victim outside No. 369 in the Manuel Rodríguez

neighbourhood. The complainant requests an investigation into the exact circumstances of the killing.

A.4 Jaime Quilán Cabezas. On 12 January 1989, a complaint of homicide was filed by the father of the victim with the Twenty-sixth Criminal Court of Santiago. According to the complainant, at 9.30 p.m. on 29 December 1988 the victim was taking part in a brief ceremony commemorating the death of another young resident of the neighbourhood. A group of Carabineros from the Teniente Police Station watched the ceremony. After it ended, the victim left with his friend Juan Ibañez Miranda. An unidentified man followed them and later shot the victim, hitting him twice in the back. The victim managed to cry out for help and was attended to by several people who were in the street, but by the time the ambulance arrived he died of his wounds.

A.5 Jorge Germán Maldonado Velásquez. On 30 January 1989, a complaint of unnecessary violence resulting in death was filed with the Fourth Military Prosecutor's Office of Santiago by the father of the victim. According to the complainant, at approximately 2.30 a.m. on 21 January 1989, his son, accompanied by Iván Eduardo Castillo Andreu, went to the aid of a friend who was being beaten by Carabineros. When they arrived at the scene, the police fired at them. Maldonado Velásquez was shot and later died.

B. Right to physical and moral integrity

B.1 Ignacio Hernán Olivares Fernández, Aurelio González, Carlos Luis Nuñez and Iván Anazco Astorga. A complaint of bodily injury was filed with the Pedro Aguirre Cerda Fifth Criminal Court against Carabinero Héctor Vergara Sánchez and against Luis Vergara, Héctor Vergara and Julio Lizana. The complaint states that at approximately 5 a.m. on 19 November 1988 Carlos Araneda López was severely beaten as he left a friend's wedding party. Hearing the victim's shouts, two other guests, Iván Aedo Carmona and Ignacio Olivares Fernández, came outside. Olivares Fernández was hit repeatedly in the head. Among the assailants, the following individuals were identified: Carabinero Héctor Vergara, his wife, his three children (a daughter whose name is not known and his two sons Luis and Héctor Vergara) and a friend of theirs, Julio Lizana. The Carabinero, who was ready, pulled out a weapon and began shooting, seriously wounding Aurelio González, Carlos Luis Nuñez and Iván Anazco Astorga. The complainant reports that the same Carabinero, also in an inebriated state, injured someone else on another occasion and that the corresponding complaint was filed with the Fifth Criminal Court of San Miguel under the title "Versus Héctor Vergara Fuentes".

B.2 Mario Toro Astudillo and Hipólito Toro Valenzuela. A complaint of unnecessary violence resulting in injury was filed on 21 February 1989 with the Third Military Prosecutor's Office in Santiago by the mother of Toro Astudillo and the wife of Toro Valenzuela. According to the complaint, Toro Astodilla and Toro Valenzuela were arrested at 1 p.m. on 18 January 1989 by Carabineros of the Special Operations Group (GOPE), who beat them severely, arrested them without a warrant and took them illegally from their home. Carabineros later searched the home of Toro Valenzuela and questioned relatives about weapons allegedly kept there. The complainants basically fear for the safety and physical integrity of Mario and Hipólito Toro.

B.3 Francisco Cantillana Silva. A complaint of serious injury was filed with the Eleventh Criminal Court of Santiago on 22 January 1989. According to the complaint, Cantillana Silva was injured by a bullet fired by a member of the Policía de Investigaciones, from the Pañallolén unit. Samuel Mardones Arteaga witnessed the attack on the complainant. The complainant says that he was seriously injured and was incapacitated for work for more than 30 days.

B.4 Leonardo Guillermo Silva Castillo. A complaint of unnecessary violence was filed with the First Military Prosecutor's Office of Santiago on 2 January 1989 against Sergeant-Major Rolando Manterola Sepúlveda, a member of the armed forces. The complaint states that, at approximately 6.45 p.m., on 24 January 1989 Silva Castillo, a minor stopped to pick almonds from a tree situated on the public thoroughfare; other children were doing likewise. Sergeant-Major Manterola, who was walking along the same street, saw them and began shouting and insulting them. Not content with this, he asked the owner of the liquor store at the Teniente Faberio military housing project to hand him a revolver and proceeded to fire several times at the group of unarmed boys, hitting and seriously injuring Silva Castillo.

B.5 Reinaldo Ricardo Moya Núñez. A complaint of unnecessary violence resulting in serious injury was filed on 17 February 1989 with the Sixth Military Prosecutor's Office against the Carabinero(s) responsible for the violence. The complainant states that at around 1.30 p.m. on 28 January 1989, he was attacked as he arrived at his wife's house. He was seriously wounded by a shot fired by a Carabinero. According to Moya Núñez, his wounds were very serious and took months to heal and may have future repercussions on his health.

B.6 Norman Hernán Gamboa Osorio and Claudio Héctor Gamboa Osorio. A complaint of attempted homicide resulting in serious injury and attempted homicide without injury was filed on 31 January 1989 with the Seventeenth Criminal Court of Santiago by the grandmother of the aforesaid men against Victor Vera Varas, a member of the Policía de Investigaciones. The complainant alleges that Vera Varas aimed and fired at Claudio Héctor Gamboa Osorio, missing him and then proceeded to fire from a distance of not more than half a metre, at Norman Gamboa, who was standing next to his brother, wounding him in the stomach. Vera Varas then took to his heels. Norman Gamboa had to undergo a delicate operation for serious internal injuries caused by the bullet fired by Vera Varas.

B.7 Juan Bautista and Luis Gatica Molina. A complaint of unlawful arrest, unlawful coercion, unnecessary violence and bodily injury was filed on 6 February 1989 with the Fifth Military Prosecutor's Office of Santiago. The complainant states that he and his brother were subjected to unnecessary violence and subsequent unjustified and unlawful arrest by Carabineros. According to the complaint, the members of the special forces were intoxicated at the time the two brothers were, for no reason, repeatedly beaten with truncheons and kicked.

B.8 Helga Blumenberg Alfonso. In the criminal complaint which she herself submitted to the Fourth Criminal Court of Arica on 17 February 1989, she maintains that at 9.30 p.m. on 6 February 1989 she was stopped by a group of unknown individuals who hit and abducted her. Later, she was interrogated and, since she

refused to co-operate, was severely beaten. The abduction lasted 7 days, during which time she was interrogated and was given no food. She was also subjected to psychological threats. At 3 a.m. on 13 February 1989 she was abandoned in Rancagua shantytown. The complaint states that the Carabineros refused to take her to a first aid post. The applicant says she fears for her safety.

B.9 Raúl Mario Valdebenito Sepúlveda. A complaint of unnecessary violence resulting in injury was filed on 24 February 1989 with the First Military Prosecutor's Office of Santiago against the Carabineros responsible for the violence. The complainant affirms that he witnessed carabineros arresting a woman peddler. The lady was treated with extreme violence. He was ordered to continue on his way and he made a comment which one of the Carabineros overheard. He was beaten by several Carabineros. He was then taken to the Carabineros station and subsequently released on bail. According to the complaint, the persons responsible were a Carabinero wearing badge No. 4821 and four others who assisted him in the physical ill-treatment of the complainant.

B.10 Miguel Angel Vera Villanueva and Juan Carlos Pérez Toledo. A complaint of unnecessary violence resulting in injury was filed on 4 May 1989 with the Second Military Prosecutor's Office. The complaint states that on 12 March 1989, Vera Villanueva witnessed what appeared to be a fight or assault in which two men, Pérez Toledo and Rafael Adasme Valenzuela, were being beaten. Vera Villanueva was also severely beaten by an armed civilian, until a police van drove up with a number of Carabineros; the latter immediately proceeded to beat him. Vera Villanueva and Pérez Toledo were arrested and taken to the Forty-first Carabineros Station in San Rafael shantytown, where they were subjected to a lengthy beating while still in handcuffs.

B.11 Manuel Fernando Rivera Irrazabal. A criminal complaint was filed on 12 April 1989 with the Eleventh Criminal Court of Santiago by the victim's father. The complaint states that on 18 March 1989 Rivera Irrazabal went to a party. At approximately 12 noon, he left the house where the party was being held together with Héctor Silva Apablaza and Cristián Ramos Olivares, intending to buy some drinks from a nearby store and then to fetch a friend, Alexis Reyes Hernández. When they arrived at the latter's home, the boy's father told them that his son would not be going to the party and, being drunk at the time, went out into the street and attacked Jorge Luis Fernández Olivares, a minor, with a knife. Rivera Irrazabal, Silva Apablaza and Ramos Olivares tried to defend themselves by throwing stones at the father. At that point a Carabineros van pulled up and some four Carabineros got out and started to shoot at the youths. One of the shots hit Rivera Irrazabal. Even though he was wounded, he was dragged by the hair a distance of 30 to 40 metres.

B.12 Juvenal Angelo Mellado Labarga. An application for preventive amparo was filed with the Santiago Court of Appeals. The application states that on 30 March 1989, the applicant was at the Lo Valledor market. Suddenly, in a totally arbitrary and unlawful fashion, two civilians who were passing by proceeded to arrest him, accusing him of being a thief. The applicant was roughly searched. According to the application, he was carrying videos on the history of the workers' movement in Chile and another on a science fiction story. They then accused him of

being a "subversive agitator" and threatened him. He was taken to an area occupied by the security personnel ("guardias azules") who operate in the market, where he was brutally punched and kicked while being questioned without interruption about his activities and where the videos came from. The applicant remained there for an hour, being subjected all the while to harassment and unlawful procedures. He was then taken to the Eleventh Carabineros Station in José María Caro shantytown, where he was again beaten and interrogated. At approximately 6 p.m. he was released by the Carabineros who, according to the application, threatened to continue to keep a watch on his activities.

B.13 Francisco Manuel López Fuentes and Eduardo Antonio López Fuentes. An application for amparo was filed with the Pedro Aguirre Cuerda Court of Appeals on 18 April 1989. The applicant states that the López Fuentes brothers were arrested in their respective homes, at approximately 5.20 a.m. on Monday, 17 April 1989, by members of the Policía de Investigaciones who entered without identifying themselves or showing any warrant authorizing them to proceed in that manner. The home of the two brothers, that of their mother, Norma Fuentes Martínez, and that of the applicant were searched. According to the application, the brothers, the applicant and the companion of Eduardo López were arrested and taken to the Sixteenth Policía Judicial de Investigaciones Station in San Bernardo, where they were interrogated. The applicant states that at the station she saw Francisco López being beaten about the face with a hose and Eduardo being beaten by police.

B.14 Pedro Patricio Rojas Uribe. An application for amparo was filed with the Santiago Court of Appeals on 19 April 1989. According to the application, Rojas Uribe was arrested by Carabineros at approximately 12 midnight on 17 April 1989, as he entered his home. He was brutally beaten and then taken to Lo Velásquez police station. He was later transferred to the Renca Seventh Police Station. His father was informed that his son had been arrested for painting slogans in support of the 18 April 1989 strike. He was also informed that another man, José Garay, had been arrested in the same connection. Rojas Uribe sustained injuries in the right thigh and in one leg as a result of the beating he received. He also charged that he had been insulted repeatedly.

B.15 Cristian Marcelo Arcos Hernández and Raúl Antonio Arcos Hernández. A complaint was filed on 4 May 1989 with the Fifth Military Prosecutor's Office of Santiago against military personnel responsible for the offence of unnecessary violence. According to the complaint, at approximately 10.20 a.m. on 18 April 1989, the Arcos Hernández brothers were kicked and beaten with sticks by Carabineros. The beating left the victims in intense pain, particularly in the back and thorax.

B.16 Marta Isabel Vergara Vergara. A criminal complaint was filed on 8 May 1989 with the Eighteenth Criminal Court of Santiago for the offence of causing bodily injury. According to the complaint, on 18 April 1989 Marta Isabel Vergara was hit in the arm as she was on her way home and came upon a demonstration. She was helped by local residents. According to the complaint, her injuries were severe.

B.17 María Cecilia Cuevas Loyola. A criminal complaint was filed on 8 June 1989 with the Tenth Criminal Court of Santiago for the offence of serious injury. As related by the father of the complainant, on 18 April 1989 Maria Cecilia was talking to a group of friends in front of her home. Her father saw a jeep with a person wearing a helmet standing in it, and then he heard a shot. The shot hit María Cecilia, causing her serious injuries in the abdominal region. The victim has been operated on three times and is to undergo a fourth operation.

B.18 Ivan Alejandro Arias Villa. A complaint was filed in May 1989 with the First Military Prosecutor's Office (Case No. 617-89) for the offence of unnecessary violence resulting in serious injury. According to the complaint, Arias Villa went out hunting early in the morning of 31 April 1989, accompanied by Cecilio López, Orlando Alfaro, Adolfo Carrasco and Orlando Alfonso Flores. Arias Villa and his companions stopped for a moment; when they started off again, he felt a pain in his leg and realized that he had received a bullet wound while driving the car. They approached a light truck carrying military personnel to ask for help, but the soldiers responded violently and searched their belongings. The soldier who had shot the victim was some distance away and, according to the complaint, went on shooting like a madman.

B.19 Manuel Antonio Arriagada Canales. A criminal complaint was filed on 12 May 1989 with the Twenty-third Criminal Court of Santiago against members of the Policía de Investigaciones, (one of whom is a man called Briones). According to the complaint, on 8 May 1989 the complainant was arrested by police officer Briones and taken to the police station. He was subjected to various interrogations and a severe beating and had electric shocks applied to his temples and to his left testicle. Another of the officers he saw at the police station was Inspector Raúl Villalón. The victim was released on 9 May as no charges were proved against him.

B.20 Patricio Enrique Chávez Cubillos and Orfilia de las Mercedes Cubillos Miranda. An application for amparo was filed on 12 May with the Santiago Court of Appeals. According to the application, at approximately 8.30 p.m. on 10 May 1989, Chávez Cubillos, the subject of the application, was severely beaten and arrested by Carabineros from the Teniente Merino police station. His arrest was violent, although he had said and done nothing to justify such an arrest. He was punched, kicked and beaten with sticks by the officers. The applicant says that she too was punched by Police Corporal Patricio Geldres, who gave her a beating without taking into account the fact that his conduct was unlawful. They were then taken to the police station, where Chávez Cubillos was beaten, particularly in the lower back. According to the application, he was moved to Santiago Penitentiary on the charge of attacking Carabineros.

B.21 Carlos Amado Rodríguez Aguilera. A complaint of unnecessary violence resulting in serious injury was filed on 22 May 1989 with the Fourth Military Prosecutor's Office of Santiago against police officers. According to the complaint, at approximately 8.30 p.m. on 13 May 1989, the complainant came across a vehicle from which three Carabineros in plain clothes alighted. They did not show or ask for any identification and for no apparent reason, began hitting Rodríguez Aguilera with a sub-machine-gun. The victim was beaten all over the body

and dragged along the ground. He was taken to Lo Lillo police station and later released. The victim's mother, Mrs. Esmerita Aguilera Leiva, and three neighbours, Patricio Contreras Navarro, Rolando Niño González and Mauricio Vásquez Ambul, were also beaten by Carabineros. Manuel Opazo Albornoz, Juan Durán Pincheira and Luis Rodríguez Castro were arrested along with the victim and later also released.

B.22 Claudio Alberto Torrealba Torrealba. A complaint was filed on 25 May 1989 with the Fifth Military Prosecutor's Office of Santiago, against Carabineros, one of whom is called Juan Flores. According to the complaint, at approximately 12.30 p.m. on 18 May 1989, Torrealba Torrealba, a minor, was in charge of a stall at the José María Caro shantytown fair. Carabineros making their rounds brutally attacked him without provocation. They then arrested him and took him to the Eleventh Police Station. According to the complaint, he was subjected to unlawful coercion consisting of the application of electric shocks to his genitals and blows to various parts of his body.

B.23 Robinson Javier Barria Mena. A complaint of unnecessary violence resulting in injury was filed on 28 June 1989 with the Fifth Military Prosecutor's Office of Santiago against the staff of the Lo Espejo Eleventh Police Station, located on Cardenal Caro. According to the complaint, at approximately 12 midnight on Saturday, 17 June 1989, Barria Mena was arguing with someone in the street. Two individuals in plain clothes appeared on the scene and, without identifying themselves, grabbed Barria Mena by the shoulder. Barria Mena managed to escape and get to his home, but one of the two men arrived moments later in a van with Carabineros. He was taken to the Eleventh Police Station, where he was severely beaten and maltreated by the men in plain clothes. One of them burnt him on the chest with a cigarette. On 18 June 1989, he was released under summons to appear before La Cisterna Local Police Court.

B.24 Manuel Jesús Córdova Pávez. A complaint was filed on 26 June 1989 with the Seventh Criminal Court of Santiago against members of the Policía de Investigaciones. According to the complaint, at approximately 11 p.m. on 20 June 1989, Córdova Pávez was driving with his friend Rodolfo López Segura when they were stopped by three or four Policía de Investigaciones vehicles. The police ordered them to alight, shouting that they were extremists. According to the complainant, without asking to see any identification a number of police jumped on him and began hitting him brutally with their fists and with blunt instruments. López Segura was also hit and similarly mistreated. They were then taken to the Alessandri police station. The next day, the complainant was transferred to the Capitán Yavar prison and from there to the Seventh Criminal Court, where he was released on bail.

C. Right to liberty

C.1 Cristian Saba Valenzuela and Mauricio Díaz Pena. An application for amparo filed on their behalf by Mr. Miguel Angel Saba Ruiz, father of Cristian Saba Valenzuela, with the Santiago Court of Appeals on 21 January 1989 states that they were arrested at 5 p.m. on 19 January 1989 for the alleged offences of assault and armed robbery. As Cristian Saba Valenzuela is a minor, he

should have been transferred to the Thirty-fourth Carabineros Station and not to an unknown location, since to date he has not been transferred to the Penitentiary.

C.2 Martín Rodrigo Quevedo Godoy. An application for amparo filed in January 1989 with the Santiago Court of Appeals by Mrs. Marcela Mansilla Potocnjak maintains that Quevedo Godoy was arrested on 21 January 1989, together with Ricardo Gález and Julio Díaz, and that he is currently being held at the Twelfth Carabineros Station. Mansilla Potocnjak learned that her cohabitant would be placed at the disposal of one of the prosecutors offices of the Second Military Court of Santiago. So far, she has not been informed of the reasons why her cohabitant is being detained or of the charges against him. Quevedo Godoy is being deprived of his liberty and remains on the police premises mentioned.

C.3 Rene Alfredo Lazo Sanhueza. According to an application for amparo filed with the Santiago Court of Appeals, he was arrested on 8 March 1989 at the intersection of Huérfanos and MacIver charged with taking part in an attack on a sauna. The application states that, while the Carabineros Special Operations Group (GOPE) acknowledged the arrest, no legal action has been taken because the Group failed to place him at the disposal of the courts within the period prescribed by law. It is assumed that he is being held at the First Carabineros Station.

C.4 Claudio Andrés Tapia Orellana and Pablo Andrés Parada Apablaza. An application for amparo filed on 6 June 1989 with the Santiago Court of Appeals states that they were arrested by plain clothes officers of the Carabineros. They were transferred to the Las Tranqueras Seventeenth Carabineros Station and on 19 April 1989 they were transferred to Santiago Penitentiary.

C.5 Roberto Antonio Muñoz Albuerno. An application for amparo filed on 24 April 1989 with the Santiago Court of Appeals states that he was arrested by police on 23 April 1989 at Paso Los Libertadores when he was returning to Chile to live. The Policía de Investigaciones say that he was not arrested on their premises, but was placed at the disposal of the Customs Service of the city of Los Andes in connection with the alleged import of banned literature. The Policía de Investigaciones deny that he was arrested. The Secretary of the Customs Administration says that he has no information on the case.

C.6 José Luis Villanueva Vinett. According to an application for amparo filed on 26 April 1989 with the Santiago Court of Appeals, at approximately 11.45 a.m. on 26 April 1989 he was arrested in the street by plain clothes officers who said that they were from the Policía de Investigaciones. A group of people went to the Central Barracks of the Policía de Investigaciones, and were told that he was at the Third Military Prosecutor's Office. The application states that Villanueva was arrested unlawfully, as no arrest warrant was shown to him, and arbitrarily, since he had not committed any offence that would justify the police's action.

C.7 Carlos Alejandro Jara Jara. An application for amparo filed on 19 May 1989 with the President Aguirre Cerda Court of Appeals, states that at approximately 6 p.m. on 18 May 1989, Carabineros, plain clothes officers and soldiers broke into his home without at any time showing a warrant from a competent authority. He was then arrested without anyone being told where he would be taken.

C.8 Verónica Morales. An application for amparo filed on 8 June 1989 with the Santiago Court of Appeals states that at approximately 12.30 p.m. on 8 June 1989, she was outside the main branch of the Bank of Chile when she was approached by a large group of General Pinochet's supporters who urged her to join a pro-Pinochet demonstration. When she was reluctant to do so and expressed little support for General Pinochet, she was beaten until the Carabineros intervened, rescuing her from serious injury. She was then arrested by Carabineros. According to the application, no one knows where the Carabineros took her.

C.9 Roberto d'Orival Briceño, Macarena Vivanco Figueroa, Rosario Puja Mowller and Mónica Naveillan. According to an application for amparo filed on 17 June 1989 with the Santiago Court of Appeals, a group of some 50 people comprising relatives of individuals executed for political reasons and persons involved in the defence and promotion of human rights, assembled on the central reservation of the Alameda, opposite La Moneda Palace, to hold a peaceful demonstration calling for justice for the victims of violations and speaking out against impunity and the Amnesty Law. When the demonstration, which according to the application lasted four minutes, was almost over, Carabineros arrived en masse and arrested the four people named above, although there had not been any verbal or physical violence on the part of the demonstrators.

C.10 Amado Bravo Contreras, Eric Amador Bravo Barria and Arturo Barrera Muñoz. According to an application for amparo filed on 22 June 1989 with the President Aguirre Cerda Court of Appeals by Inés Barria Silva, at 11.30 a.m. on 21 June 1989, Barrera Muñoz was working in his workshop when a Carabinero patrol arrived and asked to see his papers. Barrera apologized that he was working. The police took offence and began to hit him brutally in the testicles and stomach. The application states that, on hearing his screams, Amado Bravo and Eric Bravo came to his defence, and were also beaten and verbally abused. They were all arrested and taken to San Ramón police station.

C.11 Nelson Lozano Zuñiga and Héctor Gómez Hevia. According to an application for amparo filed on 23 June 1989 with the Santiago Court of Appeals, they were arrested at approximately 1.40 p.m. on 23 June 1989 by Santiago Carabinero special forces, while taking part in a protest at the environmental pollution which Santiago has suffered for years and which now seriously threatens the life of the population. They were transferred to the Santiago First Police Station. Journalist Jaime Cavada Alcaide was also arrested at the protest and was later released.

D. Right to security

D.1 Edgardo Rojas Toro. According to an application for amparo filed on 22 May 1989 with the Military Appeal Court of Santiago, Rojas Toro was arrested on 14 December 1987 at Talcahuano. He is currently being detained in cell block 7-8 East of Santiago Public Prison. Through his detention, he has endured extremely harsh and degrading treatment. According to the application, the fact that he has never been put with the prison population to which he belongs, i.e., that of political prisoners, or with subversive offenders, constitutes unjustified discrimination and condemns him to virtual isolation, making his stay at the prison even more distressing and oppressive.

D.2 Nelson Darío Suazo Melo. The application for amparo filed on his behalf on 31 January 1989 with the Pedro Aguirre Cerda Court of Appeals states he was arrested at 4 p.m. on 30 January 1989 by a group of civilians who did not identify themselves or show any kind of warrant. He was released on 7 February 1989. Nelson Darío Suazo Melo says that he does not know who arrested him but that they were civilians, not Carabineros. He was asked where the next congress of the Communist Party, to which he belongs, was going to be held and was beaten and threatened. The applicant requests that the amparo proceedings continue to apply, since she fears for the safety of Nelson Darío.

D.3 Manuel Humberto Catalán Prado. According to an application for protection filed with the Santiago Court of Appeals on 6 February 1989, the applicant is commune chairman of the Democracy Party of Independencia commune. At Party headquarters, he found an envelope containing a letter threatening him as follows: "Lito, your time has come, you will die". The letter was signed with the logo of Patria y Libertad, a well known extreme right-wing terrorist group whose leadership and political activities are also widely known.

D.4 Patricia Eugenia Vidaurrázaga, Claudia Lister Vidaurrázaga, Mark Lister Vidaurrázaga and Michael Lister Vidaurrázaga. According to an application for protection filed on their behalf on 13 February 1989 with the Santiago Court of Appeals, on 6, 8 and 9 February 1989 their home was raided by Carabineros. Patricia Eugenia Vidaurrázaga also states that they have been intimidated and threatened and have received anonymous telephone calls in the early hours of the morning.

D.5 José Orlando Prádenas Paredes. A complaint filed on 27 February 1989 with the Third Military Prosecutor's Office of Santiago states that the home of Prádenas Paredes was searched by Carabineros at 1.30 p.m. on 8 February 1989. No one was home at the time. According to Prádenas Paredes, the Carabineros destroyed a number of personal possessions. He fears for his freedom and that of his family. An application for amparo was also filed in February 1989 with the Santiago Court of Appeals on behalf of José Orlando Prádenas Paredes, Mariá Catalán Aguero, Camilo Prádenas Catalán and Salvador Prádenas Catalán.

D.6 Julia Elisa González Acuña, Gersusvaldo Morales Silva, Manuel Benito Soto Soto. According to an early application for amparo lodged with the Santiago Court of Appeals on 9 February 1989, their homes were raided by Carabineros. The raids were unlawful and arbitrary because the police did not produce a warrant from a competent court authorizing them to make a search. According to the application, the raid was more in the nature of a military operation, since some 300 Carabineros and plain clothes officers combined were deployed to an entire block and search the home of the subjects of the amparo proceedings and the headquarters of a union of independent workers in the La Bandera district. The application maintains that the actions described violated the constitutional guarantee of the inviolability of the home. The subjects of the amparo proceedings fear for their personal freedom.

D.7 Julio Solís Maraboli, José Jofre González, Luis Lizana Gallardo, Eduardo Tapia Guzmán, Pedro Castillo Bustamante and Victor Valderrama Rebolledo. An application for protection was filed with the Santiago Court of Appeals on 15 March 1989 on behalf of the above individuals and of all members of the Mutual Corporation of Disabled Craftsmen of Chile. According to the application, the necessary licence and permit to market the crafts produced by the Mutual Corporation were not renewed. The decision to that effect was dated 27 February 1989 and was announced by the mayor's office. The Corporation protested that the decision prevented them from engaging lawfully in a commercial activity that is permitted by law.

D.8 Horacio Blanco Pávez and Cristobal Blanco Pávez. According to an application for protection lodged with the Santiago Court of Appeals on 21 March 1989, they were notified on 8 March 1989 of a decision by the Rector of the Catholic University of Chile barring their admission to the University. On 13 March 1989, their father called at the Main Office of the University to find out the reasons for the decision. He was received by the Director of Administration and Resources, Juan Luis Correa, who, according to the application, explained that the two young men could not attend the University because "they had a history of political activism". According to the application, the political activism to which Correa referred could be deduced from the fact that the brothers had been under investigation by a naval prosecutor's office.

D.9 Jorge Patricio Cárcamo Castro and Pedro Danny Weibel Navarrete. According to an early application for amparo lodged with the Santiago Court of Appeals, on 15 March 1989 the evening newspaper La Segunda reported that the Minister of Government had background information with a view to charging them directly with the alleged poisoning of Chilean grapes for export, with catastrophic results for the Chilean economy. According to the application, the alleged poisoning was attributed to the subjects of the amparo proceedings with a view to reviving the trumped up "Fruit Plan", for which they had been tried by the Valparaiso Military Prosecutor's Office in Case No. 596-86. On that occasion the accused had claimed that they had been brutally tortured. Cárcamo Castro had been forced to read out in front of film cameras, a message to the Communist Party urging it to abandon the policy of popular rebellion, and to read out some typewritten pages which were given to him only at the last moment and which referred to an alleged plan to sabotage fruit shipments and even, according to some paragraphs, to poison them. According to the application, the false accusation of poisoning Chilean grapes puts the two men in a situation which threatens their personal freedom.

D.10 Ema Hortensia Molina Martínez and Mario Bastias Morales, Alex Fabián Bastias Molina, Roberto Mario Bastias Molina, Francisco Eduardo Bastias Molina and José Molina Martínez. According to an early application for amparo lodged with the Santiago Court of Appeals, on 22 March 1989 armed individuals entered the home of Alex Fabián Bastias Molina when he was there on his own. He was questioned about the occupants of the building. His home was searched by individuals who struck Alex Fabián with the butt of a weapon. According to the application, the subjects of the proceedings fear for their personal freedom.

D.11 Eliana Vilches Santelices. According to an early application for amparo lodged with the President Aguirre Cerda Court of Appeals on 31 March 1989, a group of members of the Policía de Investigaciones raided her home at approximately 11 p.m. on 29 March 1989. Her granddaughter's boyfriend, student Aldo Ronald González Meneses, was arrested and is accused of violating the Firearms and Explosives Control Act. According to the applicant, her home was watched between 6 p.m. and 10 p.m. on 30 March 1989. She fears that such surveillance may become permanent and that her home may be raided again.

D.12 Luis Ernesto Tricot Novoa, Rocio Reyes Abovich and Takuri Tricot Reyes. According to an early application for amparo lodged on 3 April 1989 with the Santiago Court of Appeals, at approximately 9 a.m. on 23 March 1989, the applicant and his son were followed. On 31 March 1989 his home was watched and he and his family were again followed. He explains that, in November 1988, he was released pending trial by the Second Military Prosecutor's Office where he is awaiting trial for infringing the Firearms and Explosives Control Act. During his detention, he had been interrogated and tortured, particularly using electric shocks, causing serious spinal injury. He says that he is constantly followed.

D.13 Carlos Dupré Silva, Verónica Bueno Rivas, Ximena Dupré Bueno, Marcela Dupré Bueno and Javier Dupré Bueno. According to an application for protection lodged on 10 April 1989 with the Santiago Court of Appeals, Carlos Dupré Silva is a political leader and national adviser of the Christian Democratic Party. According to the application, Mrs. Bueno Rivas received the following anonymous telephone call at approximately 5 p.m. on 2 April 1989: "This is Patria y Libertad calling to warn you that your whole family is going to disappear". Five minutes later she received a second call: "This is Patria y Libertad calling to warn you that your whole family must leave the country ... if not, the whole family will die ... there will be five calls and then we will act". Mrs. Bueno Rivas says that she received two calls on 8 April 1989 and thus the fourth warning that they would die. She fears that someone in her family may be affected by some serious or irreparable situation.

D.14 Carlos Alfonso Alvarez Molina, Inés Tapia Riquelme, Yuri Andrés Alvarez Tapia and Carolina Andrea Alvarez Tapia. According to an early application for amparo lodged on 24 April 1989 with the Santiago Court of Appeals, at approximately 8.30 p.m. on 23 April 1989, a Carabineros van arrived at the home of Alvarez Molina. A Carabinero told him that he had been accused by a group of witnesses of attempting to plant a bomb on 18 April, the day of the general strike. Alvarez Molina says that the Carabinero at no time showed any warrant authorizing him to investigate and question him; nor was he summonsed before a competent court nor any Carabinero unit.

D.15 Llamil Hussein Belmar Vilches. According to an application for protection lodged with the Santiago Court of Appeals on 6 June 1989, in early May 1989 a group of young students at the Spanish-Chilean High School were discovered painting slogans inside the school. One of the group, Belmar Vilches, was also a member of the student organization CODE or "Democratic Committees". According to the application, Carabineros with the clear intention of intimidating Belmar Vilches, questioned him about the activities of some of his schoolmates and the activities

of a group of young socialists, ordering him to become a member of the Socialist Party and at the same time to continue as a member of CODE.

D.16 María Soledad Nielbalski Ajagan. According to a disciplinary complaint lodged on 10 May 1989 with the Santiago Military Appeal Court, since 4 May 1989 Mrs. Nielbalski Ajagan has been kept in complete isolation within the prison compound. She cannot receive visits from her lawyer or from her husband, family, priests, etc. She is also not allowed to receive correspondence. An application for amparo was earlier (10 April 1989) lodged on her behalf with the Santiago Court of Appeals (Case No. 772-89). A complaint was also lodged with the Supreme Court on 8 May 1989 against a decision of the Military Appeal Court which failed to protect her against her present unlawful detention.

D.17 Roberto Iko Andaur Rodríguez, Ivar León León and Víctor Fernández Febres. In July 1988, Andaur Rodríguez testified that he had been arrested by members of the National Information Agency (CNI) on 5 May 1988. In the course of his arrest, one of the agents shot him in the stomach and in the left leg. He was also kicked. He was taken to the Naval Hospital where he was subjected to physical and psychological torture. He remained there until 26 May, when he was moved to Valparaiso Prison by the gendarmería. At the prison he is being held separately in a special compound. In a written deposition submitted in 1989 by the three individuals named above to the Valparaiso Naval Prosecutor's Office it was requested that the measures restricting visits and imposing solitary confinement be lifted at the San Antonio Prison in the case of Ivar León León, the Quillota Prison in the case of Víctor Fernández Febres and the Valparaiso Prison in the case of Roberto Iko Andaur Rodríguez.

D.18 Julio Máximo Aranguiz Romero, Jenny Nora Sherman Files, David Esteban Aranguiz Schermann and Tatiana Rocio Aranguiz Schermann. According to an early application for amparo lodged with the Santiago Court of Appeals on 9 May 1989, Aranguiz Romero is currently free on bail awaiting trial by the Second Military Prosecutor's Office in Concepción. He was released on 26 January 1988. According to the application, he was watched and followed by various people in plain clothes on 4, 5 and 20 April 1989. On 5 and 8 May, he was watched and followed by individuals in a moss-green Subaru car, model J10GL, registration number AU 46 87. He fears for his personal freedom and that of his wife and children.

D.19 María Leontina Solis Delgado and Armando Vásquez Solis. An early application for amparo was filed on 19 May 1989 with the President Aguirre Cerda Court of Appeals. The application states that on 18 May 1989 two individuals came to the home of Solis Delgado at about 4 p.m. They were using an official van of the Policía de Investigaciones, to which they said they belonged. Solis Delgado says that they looked all over her home and asked about what went on next door and whether the young people there belonged to the Manuel Rodríguez Patriotic Front. According to the application, she refused to co-operate and they threatened to return the following week for more information.

D.20 Liliana del Carmen Montenegro Rebolledo. On 19 May 1989, an early application for amparo was filed with the President Aguirre Cerda Court of Appeals. The application states that at approximately 3 p.m. on 18 May 1989, a

group of some seven Carabineros and one civilian went to the home of Montenegro Rebolledo and questioned her mother about her. The Carabineros said they had received an "anonymous telephone call" claiming that a van used in an attack against the Carabineros could be found at the home of Montenegro Rebolledo, as could extremists. Montenegro Rebolledo states that she has been threatened by her husband, Francisco Basaure Herrera, from whom she is separated. The situation she reports could, she believes, be connected with the threats made by her husband.

D.21 Luis Alfonso Muñoz Rojas. On 19 May 1989, an early application for amparo was filed with the President Aguirre Cerda Court of Appeals. The application states that, at 7 p.m. on 18 May 1989, an unknown number of Carabineros and civilians broke into the home of Muñoz Rojas. After searching the house and questioning his son about the family situation, they arrested Muñoz Rojas and took him to the la Castrina police station, located next to bus stop No. 18 on Santa Rosa street. There, he was interrogated about the Fifteenth Congress of the Chilean Communist Party, at which he had been a guest participant.

D.22 Juan Ramón Díaz Espinoza. On 6 June 1989, an application for amparo was filed with the Pedro Aguirre Cerda Court of Appeals. The application states that, at about 1 p.m. on 2 June 1989, Díaz Espinoza was ordered off a bus by two armed individuals who took him to a car where he was thrown to the floor and beaten. He was questioned repeatedly about his activities and those of his family and, more specifically, whether he was active in any political party. He was then released. He says that since his arrest he has been followed.

D.23 Manuel Humberto Valencia Acuña, Eliana Calderón Veliz, Claudio Sánchez Henríquez, Patricia Eugenia Valencia Calderón and Eliana Ivonne Valencia Calderon. On 16 June 1989, an early application for amparo was filed with the Pedro Aguirre Cerda Court of Appeals. The application states that, at about 12 noon on 15 June 1989, a group of 20 Carabineros came to the applicant's home and asked whether there was a blue stolen car there. The Carabineros then asked them about the death of Manuel Eduardo Valenzuela Calderón, who had been killed in "Operation Albania". The Carabineros later left the house in a radio patrol car with the number plate R.P.-381. The applicants are afraid that one of them may be unlawfully arrested.

D.24 Mónica Gonzá Mujica, Rodrigo González López and Margarita Estrada. An application for protection filed with the Santiago Court of Appeals on 16 June 1989 states that they have been followed and have received anonymous telephone calls and constant threats from unidentified individuals. González Mujica says in the application that she believes these incidents were prompted by a series of articles published by her in recent weeks in the magazine Análisis, in which she described various aspects of the well-known organization DINA, and by an article of hers which appeared in the Diario Nacional of Caracas and later in issue No. 32 of the magazine Cauce and which concerned Roberto Fuentes Morrison (a member of the Joint Command and a former member of the Chilean Air Force, now dead) and the role played by him. The applicants fear for their lives and for their physical and psychological integrity.

D.25 Heriberto Mena Bastias and 30 other "political prisoners". On 26 July 1989, an early application for amparo was filed with the Santiago Court of Appeals. According to the application, all the persons mentioned above are "political prisoners" detained in the Centro de Detención Preventiva Norte (formerly the public prison) in Santiago. According to the facts stated in the application, the prisoners are applying for amparo in the face of constant and repeated threats to their safety and their physical and psychological integrity. During the first week of July 1989, five military prosecutors came to the former public prison and inspected the cell blocks in which the "political prisoners" are being held. In the second week of July, the prison buildings were searched and unusual, inexplicable and unlawful violence was used against the prisoners' belongings, resulting in a variety of damage in some cells and even the loss of some articles. According to the application, the search was carried out by members of the gendarmería who do not serve in this particular penal establishment. In addition, visits were suspended for 15 "political prisoners", who were not notified of this measure.

D.26 Juan Cuadrado Katusich. On 7 August 1989 she lodged a complaint of threats and unlawful association before the Third Criminal Court of Valparaíso. The application states that at approximately 3.45 a.m. on 2 July 1989, the applicant received a telephone call at home. A man's voice said: "May I speak to Juana Cuadrado? Tell her she has six weeks left to live." What makes this situation worse is that it involves the existence of unlawful groups who have for some time been threatening members of the Committee for the Defence of the People's Rights, to which the complainant belongs. She previously filed an early application for amparo on 4 July 1989 before the same Court of Appeals, on the same grounds.

E. Right to a proper trial and to procedural guarantees

E.1 Vicaría de la Solidaridad. A disciplinary complaint was filed on 13 January 1989 against Military Prosecutor Sergio Cea Cienfuegos (Case No. PR 5161 of the Supreme Court of Chile). The complaint criticizes the judicial conduct of Sergio Cea Cienfuegos because in Case No. 782-86 he issued a decision ordering the confiscation of medical records from the Polyclinic of the Vicaría de la Solidaridad and the inspection and search of a place of religion. The complainant considers this decision an "abusive and arbitrary action by the Ad Hoc Military Prosecutor". Case No. 782-86 is continuing against Germán Alfaro Rojas, on grounds of the attack on the Lautaro bakery and the murder of Carabinero Miguel Vásquez Tobar. The defendants in this case include lawyer Gustavo Villalabos Sepulveda and doctor Ramiro Olivares Sanhueza, officials of the Vicaría de la Solidaridad accused of infringing article 8 of Act No. 17,798 on the Control of Firearms and Explosives.

E.2 Ramón Rojas Beltran. The Supreme Court Prosecutor issued a ruling on 19 January 1989 upholding the request for the extradition of Rojas Beltran. The ruling states that Rojas Beltran is currently residing in Uruguay and must stand trial for the offence envisaged in article 8 of Act No. 17,798 on the Control of Firearms and Explosives (organizing or helping to set up and operate private militias). The Government of Uruguay has been asked to extradite him.

E.3 Cristian Alfonso Vargas Barahona and Juan Ramón Olea. On 7 February 1989 the Military Court of Santiago convicted them of attacking the Tenth Police Station at La Cisterna and killing two Carabineros. Cristian Alfonso Vargas Barahona and Juan Ramón Diaz Olea were sentenced to death. According to their lawyers, the charges upheld by the military judge were based on self-inculpatory confessions extracted under torture. They add that the convicted men are innocent because they were somewhere else at the time when the acts of which they are accused took place.

E.4 Lautaro Cruz Sandoval, Osvaldo Quezada and Héctor Figueroa Gómez. According to a written submission of 17 February 1989 presented to the Second Military Court of Santiago (Case No. 1919-86), the proceedings brought against them for the attack on the presidential convoy have been going on in secret for 28 months. Article 130 of the Code of Military Justice states that pre-trial proceedings shall last 40 days. According to the writ, this time-limit has been exceeded 22 times over.

E.5 Rodrigo Andres Rojas de Negri and Carmen Gloria Quintana Arancibia. A ruling was issued on 22 December 1988 by the Ad Hoc Military Prosecutor investigating the quasi-delicts of homicide and serious bodily harm committed against them by Pedro Fernández Dittus. The ruling sentenced Pedro Enrique Fernández Dittus to 300 days of reclusión menor (minimum degree), plus the legal consequences, as the perpetrator of the quasi-delict of homicide and serious bodily harm against, respectively, Rodrigo Rojas de Negri and Carmen Quintana Arancibia committed in the city of Santiago on 2 July 1986. According to the ruling, Rojas de Negri died in the Intensive Care Unit of the Central Clinic, at 3.50 p.m. on 6 July 1986, as a result of second and third degree burns on the head, neck, trunk and extremities. That same day, Quintana Arancibia, who suffered injuries clinically described as serious, was transferred to the Hospital del Trabajador at her father's request. By written submissions dated 6 and 22 February and 4 April 1989, the defence lawyer contested before the Military Prosecutor the recorded statements made by a number of witnesses.

E.6 Chilean Freemasons (Grand Lodge of Chile). According to an application for protection filed on 10 May 1989 with the Santiago Court of Appeals, article 141 of the National Navy Ordinance reads: "Members of the Navy shall not belong to corporations, orders or societies which are secret or esoteric and hierarchical". This provision, the application states, violates the formal and material integrity of the legal order. Specifically, it infringes the guarantee in article 19, paragraph 15, of the Constitution, which gives everyone the right to associate without prior permission. In this case, the application continues, the affected persons are the Chilean Freemasons, in that the provision in question prevents them from including distinguished persons within their ranks, and members of the Navy, in that they are barred from belonging to the Chilean Masonic Order. On 16 June 1989, the Court rejected the application on the grounds that, since the applicant was not a member of the Navy, it was not affected by the Navy Ordinance in question. Finally, on 19 July 1989 the Supreme Court confirmed the ruling but with the dissenting votes of two members, who felt that the applicant was justified in filing the remedy for protection.

E.7 Manuel Gallardo Olate. A written application submitted on his behalf to the Second Military Court of Santiago on 18 May 1989 requested that Gallardo be released on bail because he had already served a period of 1 year and 10 months in pre-trial detention. The application states that Gallardo is a man of irreproachable conduct and his employment record shows that he cannot be considered a danger to society; he should therefore be released on bail.

E.8 Amelia de la Maza Yungue. According to a written application submitted on 22 May 1989 to the Second Military Court of Santiago (Case No. 1797-86), Amelia De la Maza Yungue is requesting that she be released on bail since she has been detained continuously since September 1987, a period so far amounting to 20 months of pre-trial detention. The application states that Amelia de la Maza is a woman of irreproachable conduct and exemplary character, has a spotless employment record and has no history of political or terrorist activity. When the Ad Hoc Prosecutor refused to release her on bail, she filed a complaint on 29 May 1989 with the Military Appeal Court.

E.9 Raúl Cárdenas Alvarez. On 24 May 1989, the Military Prosecutor's Office filed a complaint with the Supreme Court against the First Chamber of the Military Appeal Court for having upheld the appeal on facts submitted by the defence counsel of Cárdenas against a decision by the Ad Hoc Military Prosecutor. In his decision, the Ad Hoc Military Prosecutor had denied the request to nullify the decision commuting Raúl Cárdenas for trial (Case No. 1510-87). In the complaint, the defence counsel of Raúl Cárdenas maintains that, under article 123 of the Code of Military Justice, a committal decision is, as a matter of principle, appealable.

E.10 Eduardo Pizarro Arriagada and Angel Erasmo Moya Romero. According to a complaint lodged on 9 March 1989 before the Valparaíso Court of Appeals against the Parole Board of the Chilean Gendarmería, Pizarro Arriagada and Moya Romero have been detained as "political prisoners" in Valparaíso Social Rehabilitation Centre since June 1985. According to the facts set out in the complaint, both political prisoners have fulfilled the necessary conduct, education and work requirements to request prison concessions. Having served the larger part of their sentence in January 1989 the prisoners submitted daytime release requests to the Parole Board of the establishment in which they are being detained. The prisoners were notified of the outcome of their requests and Major Ruíz Gamboa and Lieutenant Reyes, who had been present during the proceedings, told them personally that the Board had not taken a decision, giving them no further explanations about this arbitrary state of affairs. The lawyer Díaz representing the Chilean Gendarmería informed the prisoners' defence counsel that there had been a "misunderstanding".

VI. OTHER COMPLAINTS RECEIVED BY THE SPECIAL RAPPORTEUR

107. The Special Rapporteur has recently received complaints of alleged violations of fundamental human rights committed at Colonia Dignidad, most of whose residents are of German nationality. The complaints include allegations of ill treatment and torture, unlawful detention and sexual abuse of minors.

108. These complaints prompted the Government of Chile to request the Supreme Court of Justice to appoint an investigating judge to look into the situation at Colonia Dignidad.

109. The Government's request was met and the investigating judge pursued his investigation to the point of recommending that proceedings be brought for two offences. He was unable to continue his investigation, however, because the Supreme Court decided to terminate his appointment and to hand the investigation over to an ordinary criminal judge. Since then, nothing has been heard.

VII. CONCLUSIONS

110. During the six months covered by this report, the human rights situation in Chile improved, confirming the favourable trend towards the establishment of a system of respect for fundamental freedoms, a trend which the Special Rapporteur noted in his previous eight reports, produced since he began his task in February 1985.

111. The situation now is quite different from that in 1985, when the country was under a state of siege; administrative internal banishment was widespread; torture and unlawful coercion abounded as part of a system of generalized repression; two other states of emergency were in force; political parties were banned; the Government controlled the universities; the President of the Republic enjoyed excessive powers under the Constitution which conflicted with its democratic principles and lent themselves to abuses prejudicial to fundamental rights and in particular to the administration of justice; opponents of the régime were frequently subjected to intimidation, generally with serious results; thousands of Chileans were in exile; police, security forces and the armed forces acted violently, exceeding their functions to the detriment of Chileans' basic rights; and freedom of the press and freedom of assembly were tightly controlled by the President of the Republic.

112. The most recent event favourable to the protection of human rights in Chile was the plebiscite called on a number of important constitutional reforms. The reforms, which included an end to the special vertical powers of the President of the Republic, respect for political pluralism and the strengthening of the rule of law and of a representative political system, were approved by the Chilean people on 30 July 1989, reinforcing the movement towards representative democracy and thus more effective legal and political protection for human rights.

113. The change described above was the result of the efforts of the Chilean people and also of the more open attitude taken by the Government, including its very satisfactory co-operation, up until March 1989, with the Special Rapporteur in the performance of his mandate, a co-operation that was also forthcoming from various Chilean organizations. This whole process of working towards favourable conditions for the effective exercise of human rights in Chile will culminate in December 1989 and March 1990, the dates when the presidential elections and elections to the Senate and Chamber of Deputies of the National Congress, will be held and when the Senate and Chamber of Deputies will take office. A democratic and representative

political régime will thus emerge whose basic purpose will be the promotion and protection of the essential dignity of every individual.

114. In writing these conclusions, the Special Rapporteur trusts that the political process in Chile will continue to develop without any major setbacks. In this context, and in order to contribute to the happy outcome sought by the Chilean people and desired by the international community, the Special Rapporteur wishes to draw attention to certain situations which continue to have an adverse effect on the protection of basic freedoms in Chile and which could jeopardize the current democratic process unless a way is found of putting an end to them.

115. For example, torture still persists although used selectively and on a lesser scale. This is a very disturbing situation. The Special Rapporteur believes that until all use of torture ends, the human rights situation in Chile will conspire against the Chileans' desire to build a democratic political system.

116. Along with torture, there are still complaints of violations of the right to life, to physical and moral integrity, to a proper trial and to procedural guarantees, attributed to various government bodies or groups apparently close to government forces, which would seem to suggest that there are still forces at work that are opposed to the present political process.

117. Military justice is still one of the most disturbing factors in Chilean life and poses a threat to fundamental freedoms. The removal of Colonel Fernando Torres from his post as Ad Hoc Military Prosecutor was a great relief for those being tried for offences against the security of the State and related offences. However, his promotion to Chief Legal Adviser to the Army enables him to interfere in both civil and military justice since it makes him an automatic member of the Supreme Court of Justice.

118. Civil justice has been freed from the restraints imposed upon it by the Constitution, whose provisions regarding states of emergency have been revised. The Special Rapporteur trusts that there is now nothing to prevent the law courts from fulfilling their delicate task of acting as the foremost guardians of liberties. Of course, the courts' main problem has been their own attitude, since, with a few notable exceptions, they have succumbed to pressures from the Government.

119. No progress has been made in the investigations into the serious attack on the staff and facilities of the Intergovernmental Committee for Migration (ICM) in Santiago on 31 December 1986, for which a group calling itself Comando 11 de Septiembre claimed responsibility.

120. Nor has any progress been made in the notorious cases of the persons whose throats were cut, those who were burned, the "Corpus Christi" killings and the September 1986 murders.

121. The old cases of disappearances going back to 1973 have not been solved because of the implementation of the Amnesty Law.

122. No progress has been made in the investigations into the five new cases of disappearances that took place in September 1987.

123. The judicial banishments of Manuel Bustos and José Martínez, well known trade union leaders, continue seriously to affect the interests of organized labour.
124. The conditions of imprisonment and evolution of the trials of those detained for crimes against the security of the State and other related offences continue to be unsatisfactory. Only in a few cases has there been any improvement in conditions.
125. The objective of ensuring that those detained and placed in solitary confinement by court order have legal access to doctors of their choice has yet to be attained.
126. The constitutional act on the National Congress, which is of urgent importance for the enjoyment of political rights and the transition to representative democracy, has yet to enter into force.
127. The situation of the indigenous population continues to be unsatisfactory and to give cause for concern.
128. Terrorism continues seriously to disrupt the lives of Chileans and to create an enormous obstacle to the exercise of human rights. Terrorism also fosters the ignoble causes of those who are striving to install a reign of anarchy destructive of the noblest ideas whose purpose is to promote the common good.
129. Co-operation by the Government, which the Special Rapporteur cited in his previous reports and also in parts of the present report, came to an end in May 1989. This is highly detrimental to the cause of human rights in Chile, as in other parts of the world.
130. When, for health reasons, the Special Rapporteur was unable to continue with his mandate, the Government of Chile expressed its condolences but at the same time announced that it would end its co-operation with the Special Rapporteur and with the United Nations Commission on Human Rights, alleging that the Commission's attitude towards Chile is discriminatory.
131. The Special Rapporteur deeply regrets this decision by the Government of Chile, which he considers to be a misguided move and contrary to the interests of the Chilean people, as is confirmed by official spokespersons for groups in the country who are working to promote respect for basic freedoms. Although there is some truth in the Government's claims of discrimination, he trusts that the co-operation with his mandate will be resumed. The permanent, higher interests of a people must take precedence over those that are sometimes manifested in political organs of the international community.
132. The replies by the Government of Chile to the complaints of human rights violations reproduced in earlier reports of the Special Rapporteur, which are to be found in section III of this report, represent an effort by the Government to meet the request for information on the cases included in that section. Nevertheless, the replies do not cover all the cases reported (see paras. 19 and 21 of this report). Moreover, in some cases the reply is incomplete and unsatisfactory,

particularly as regards complaints of torture and ill treatment and also some cases of violent death.

133. With regard to the situations described in section III of this report, the Special Rapporteur wishes to point out that the purpose of requesting information on specific cases is to determine whether the judicial proceedings instituted have shed light on the reported violations and provided for appropriate compensation in each case. According to the information currently available, that purpose does not appear to have been achieved.

134. These conclusions have taken into account the information received by the Special Rapporteur from various sources, both governmental and non-governmental, duly compared. Account has also been taken of the information contained in sections II to IV of this report. Conversely, the Special Rapporteur has not based his conclusions on the information contained in section V of this report which refers to complaints of new human rights violations which it has brought to the attention of the Government of Chile to enable it to submit its reply. Consequently, the Special Rapporteur will refrain from assessing those complaints until it receives the information requested from the Government.

VIII. RECOMMENDATIONS

135. If new goals are to be met in the protection of human rights, it is essential that the present political process should continue smoothly until a democratic, representative system of government is established on 11 March 1990.

136. With the weaknesses inherent in any political régime arising out of the popular will as expressed in free and fair elections contested by a plurality of political parties, the new régime to be installed in Chile must single out the safeguarding of human rights as a special objective that will characterize the new stage in the life of all its citizens.

137. The short-term situations that may arise at the start of the new régime should not be an obstacle to the establishment of a system for the effective jurisdictional protection of all freedoms. Accordingly, putting the interests of the country's citizens first will be more important and urgent than any other issue involving the interests of political groups, however respectable and worthy of consideration they may be.

138. Torture must end immediately. There can be no justification for this cruel and barbaric practice. Its continuation, even in the attenuated form in which it still arises, is an insuperable barrier to the establishment of genuine democratic institutions, as well as an affront to the Chilean people.

139. Similarly, the Government must take the initiative in ensuring that its agencies do not violate the rights to life, physical and moral integrity, freedom and legal security of persons.

140. The Government should also give attention to the activities of groups apparently close to it, or some Government forces, which threaten or violate freedoms.
141. Among the paramount and most pressing tasks confronting both the present Government and its successor is the firm promotion of a fundamental change in the organization and conduct of military justice, as a commitment to the rule of law and hence to the full enjoyment of human rights.
142. Civil justice, too, must come under close government scrutiny, both in order to impel it by all available means and to spare it political setbacks. This is particularly necessary at the present time, when the recent constitutional reforms favour action by the law courts and when the country is on the threshold of a political régime in which the judiciary can play the role in the protection of human dignity that is assigned to it under the constitutional system. Of course, in order to achieve this, it is essential that the impetus for reform should come from members of the courts themselves, particularly the Supreme Court of Justice.
143. It is essential to move ahead with the investigation into the 1986 attack on the staff and facilities of the Intergovernmental Committee for Migration (ICM). Failure to do so would encourage the perpetrators of the outrage, and would also be a disincentive to prestigious and valuable humanitarian organizations such as ICM.
144. To ensure that justice is done, thereby strengthening the democratic process that is under way, the Supreme Court, the law courts, the Government and political forces must give much greater priority to the investigations into the extremely serious cases of the persons whose throats were cut, those who were burned, the "Corpus Christi" killings and the murders of José Carrasco and three other people in September 1986.
145. The fight against terrorism is one of the main obligations of the Chilean people, so as to ensure that collective efforts to foster the enjoyment of human rights are not thwarted by the totally unjustifiable folly of terrorism.
146. A determined effort must be made to find a new legal channel for investigating the forced disappearances that occurred from 1973 on. At the same time, new disappearances deserve to be given maximum attention by the Government and the Supreme Court of Justice in order to track down the culprits and punish them in accordance with the rules of a State where the law prevails. Forced disappearances are one of the most damaging phenomena that can occur in a society, given the prolonged suffering they inflict upon the relatives of the victims.
147. In order to create a climate of harmony conducive to the transition to representative democracy, the Special Rapporteur repeats his recommendation that the Government should pardon Manuel Bustos and Arturo Martínez, prominent trade union leaders who have been judicially banished.

148. The Special Rapporteur repeats his recommendation that those detained and on trial for crimes against the security of the State and other related offences should be treated with respect for their human dignity. For that purpose, the corresponding proceedings must be speeded up through strict observance of the right to a proper trial. Care must also be taken to ensure that such detainees are segregated from common criminals, to avoid serious conflicts detrimental to their welfare.

149. The act governing the National Congress and its duties and functions must be put into force without further delay, so as to avoid the consolidation of situations contrary to the monitoring of the process of protection of human rights by members of Congress.

150. The situation of indigenous peoples, particularly the Mapuche Indians, must be changed to make it consistent with the enjoyment of human rights.

151. For the good of the cause of human rights, the judiciary should zealously pursue the investigations under way into the reports of alleged violations of the freedoms of people living at Colonia Dignidad, in southern Chile, by those who run the colony, allegedly in collaboration with some government force. It would also be desirable for the Government to give the judiciary all appropriate assistance in carrying out its task.

152. Without prejudice to other recommendations that may arise out of this report, and to recommendations contained in previous reports that have not been implemented, the Special Rapporteur again stresses the need for the Government of Chile to resume its co-operation with him, in view of the positive effect that such co-operation has had on the human rights situation in the country.
