Chile

INTERNAL (for AI members only)

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Amnesty International
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To: All National Sections, Chile Coordination Groups and CAT Groups.

From: Latin America Research Department (Erwan Le Bot).

Date: 3 December 1976.

The Amnesty International Campaign for Disappeared Prisoners in Chile

Summary:

The problem of disappeared prisoners in Chile has been one of great concern to Amnesty International since the military coup d'etat in Chile which took place on 11 September 1973. "Disappeared Prisoners" in Chile are persons whose detention by security forces has not been officially recognized by the Chilean authorities. It is a problem with which many of the National Sections and especially the Chile Coordination Groups and CAT Groups are very familiar. As you will have noted from the Action Calendar dated 9 November 1976 which was circulated to you recently, an Amnesty International Campaign for Disappeared Prisoners in Chile will commence in March 1977 and last until the end of April 1977.

In order to give you some initial background information on the problem of disappeared prisoners, we are sending you the following material:

1) Extracts about the problem which have been reproduced from the most recent report of the United Nations Ad Hoc Working Group on the Situation of Human Rights in Chile entitled "Protection of Human Rights in Chile" dated 8 October 1976.

2) Worldwide Appeal from the Relatives of the Disappeared Prisoners which was prepared in Santiago de Chile in June 1975.

3) Copy of an Amnesty International statement about disappearances in Chile which was distributed to delegates attending the recent 19th Session of the UNESCO General Conference which was held in Nairobi in November 1976.

Distribution

All of the above documents are being sent to all national sections, relevant coordination groups and CAT groups.

Recommended Actions

We will be sending you more documentation for the campaign in the middle of January 1977. It will consist of:

1) A general list of disappeared prisoners. Lists of disappeared prisoners by occupation.

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Recommended Actions/Continued

2) A detailed description of some individual cases with photographs and testimonies etc.

3) A general report on the situation of disappeared prisoners.

Please regard the documentation we are sending you now as initial background information for the campaign. You can also regard it as initial publicity material to be used when the campaign begins.

You can also start working now in the context of the forthcoming campaign and you can help us by:

1) Obtaining testimonies (if possible, notarized testimonies) from Chilean refugees in your own country. They should be very concrete and as detailed as possible. They should deal with individual cases (e.g. testimonies of refugees who were eye-witnesses to the arrest of disappeared prisoners - or - testimonies of refugees who witnessed the detention of disappeared prisoners in centres of detention or torture).

2) Preparing the translation into the language of your country of the documents we are sending you now. Some of these documents will be included later in the publication which will accompany the campaign. We will be preparing here at the International Secretariat the English and Spanish versions of this publication. We hope the French, Swedish, German and other sections will prepare versions in their own languages - if they think it useful - in coordination with us.

3) Obtaining copies of the last United Nations Report on Chile. You should study this report and use it as a basis for answering all questions about the human rights situation in Chile.

"Protection of Human Rights in Chile" (dated 8 October 1976)

Reference Number: A/31/253

Available from: Division of Human Rights
Palais des Nations
CH - 1211 Geneva 10
Switzerland.

4) Sorting out personalities and organizations who would be disposed to lending their support to the Campaign when it begins in March 1977.

Note: The CAT Groups have in fact been campaigning for disappeared prisoners in Chile for a long time through the Urgent Action procedure. In 1976 about 10 Urgent Actions were launched on behalf of several dozens of disappeared prisoners. The CAT department is preparing a note on the result of these actions - many of these prisoners have appeared later - but, most of them remain disappeared.

EXTERNAL

November 1976

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CHILE - THE PROBLEM OF DISAPPEARANCES

Introduction:

Reports on the disappearance of detained people in Chile have been received regularly by Amnesty International and other humanitarian organizations since September 1973 when the government of President Allende was overthrown by a military coup. Apart from those known to have been killed or goaled, more than 1,000 people have simply "disappeared".

Arrests in Chile are often carried out by the intelligence services of the air force, navy, army and police. However, the responsibility for the majority of arrests of suspects for political reasons lies with DINA (National Directorate of Intelligence). DINA was specially created by Decree Law Number 521 of 14 June 1974. According to articles 9, 10, and 11 of this Decree Law, this intelligence service was given:

- complete control over all internal security matters
- and made responsible only to the President of the Republic in person.

The members of DINA usually operated in plainclothes without identifying themselves when making arrests.

In the majority of the cases of "disappearances", the families of the disappeared person have had their writs of habeas corpus rejected by the courts on the grounds that the people named have never been detained.

At the present moment, people are continuing to "disappear" in Chile almost every day. In spite of countless testimonies which have been forwarded to Amnesty International from the families or friends of disappeared people which relate in detail the circumstances of arrest, and reports from released prisoners of sightings of disappeared people in torture and detention centers, the arrests of these people remain unacknowledged by the Chilean authorities.

Enclosures:

To give you some idea of the background to the problem of disappearances in Chile we attach extracts from the most recent report of the United Nations Ad Hoc Working Group on the Situation of Human Rights in Chile entitled "Protection of Human Rights in Chile" dated 8 October 1976.

Also attached is an appeal from the relatives of the disappeared prisoners prepared in Santiago, Chile, in June 1975.

Extracts from the report of the United Nations Ad Hoc Working Group on the Situation of Human Rights in Chile: "Protection of Human Rights in Chile" (8 October 1976)

"Procedure of arrest and detention in Chile

Evidence received by the Group from numerous reliable sources indicates that arrest and detention in Chile, with special reference to occurrences since 1 January 1976, are carried out according to the following pattern.

Arrests are usually made in the street, at home, or at times, at the place of employment. Arrests at home generally take place late at night or in the early morning. In most cases, persons effecting the arrests generally do not identify themselves - although individuals are sometimes recognized - and they do not produce a warrant for arrest or search, as is required by supreme decree No. 187. When an arrest occurs in the home, it is sometimes accompanied by threats to the family and often by a search of the premises. It has been reported that a member of the family is often coerced into signing a piece of paper which he is given no opportunity to read, and of which he does not receive a copy. No information is given as to why the person is being arrested nor where he is to be taken. The formalities of arrest which require that an arrest warrant be issued and that the family of the detainee be notified of the official place of detention withing 48 hours, are utterly disregarded.

Description of arrests and detentions

The arrested person is generally taken to a place of detention where he may remain for a period of days, weeks or months. From reliable evidence received by the Group, generally the first place of detention is not one designated by the authorities as a detention centre for political prisoners.

It is at these unauthorized detention centres that rigorous interrogation, accompanied by mental and physical abuse, torture and other cruel and degrading treatment is reported to take place.

In addition to the notorious Villa Grimaldi - which according to the evidence before the Group and despite official statements to the contrary, continues to function as an unauthorized place of lengthy detention - the Group has received reliable written reports and testimony of credible witnesses attesting to the existence of a considerable number of other "unauthorized" places of detention both in Santiago and in the provinces.

The pattern appears to be that those who are able to withstand the rigours of the initial place of detention are then transferred to
* a recognized centre (such as Cuatro Alamos) although on occasion they may merely be released, for example on a street corner. At the stage of transfer to a recognized centre, an arrest warrant may be

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* Note: As a result of a liberation of political prisoners from Puchuncaví, Tres Alamos and Cuatro Alamos - these recognised centres are now empty. This liberation took place in early November - see Amnesty International press release of 18 November 1976.

may be issued by the Ministry of the Interior. The detainee is, however, generally held incommunicado.

Cuatro Alamos appears to be used as a kind of place of physical rehabilitation after the initial torture centre, so that the detainee's overt signs of physical abuse may subside before he is exposed to public scrutiny. The stay at Cuatro Alamos may be for a period of weeks and although the family may at this stage learn of the detainee's whereabouts, he cannot be visited because he is being held incommunicado. Thereafter he may be transferred to Tres Alamos where, although conditions, as reported by various independent observers, are far from ideal, the detainee is permitted visitors, and his diet can be supplemented by food provided by his family. From Tres Alamos he may be removed to Puchuncaví.

The pattern is not invariable reliable information indicates that arrested persons known to be in official custody may disappear, and unconvincing evidence of their release may be exhibited by the authorities. Other persons whose arrest may never have been officially admitted are believed to be held in custody for weeks, months or even years.

As indicated above, the notice to the family required by decree-law No. 1009 is rarely given and the five-day limit on the length of time a person may be held before being released or placed at the disposal of the appropirate authority is generally ignored. The security agencies, such as the DINA, appear to act in complete disregard of legislative and constitutional provisions, without the slightest restraint, and to continue to do so with impunity. The family and friends of the detained person thus become secondary victims of the process. Failure to notify the family within 48 hours of the whereabouts of the detainee disrupts family life, is a cause of anguish and results in time and money being spent to obtain information and legal redress.

This procedure leads to the arrest and detention of a person without any semblance of legality even within the context of the applicable legislation enacted by the present Government of Chile. Since the arrest is made without a warrant and the person is taken to an unofficial place of detention it is impossible to obtain official information with regard to a detainee he is simply "missing" and any enquiry to the Ministry of the Interior will elicit the response that the records do not indicate that the person is in detention. Efforts of the prisoner's family, friends or colleagues to obtain information on his whereabouts, his physical condition or the reasons for his detention are fruitless since the activities of the arresting officers are totally shielded by official ignorance of their acts.

During this unlimited period of detention the fate of the prisoner may be decided. The extensive information gathered by the Group suggests that it is at this stage that a substantial number of persons "disappear". Inasmuch as there is no official recognition that the person is in custody, he is deprived of any security. The Working Group has received detailed evidence with respect to many persons who have "disappeared".

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Recent cases of missing persons

Evidence received by the Group from numerous reliable sources indicates that in Chile the pattern prevailing since September 1973 with respect to persons missing or disappeared continues to be followed, probably with greater intensity in some recent periods. As indicated above the arrest and detention powers of the special services dealing with matters of national security are used with almost complete disregard for theoretical constitutional and legal norms and, because of the abdication of the judiciary these powers are subject to no control by the courts. A person is actually deprived of his liberty with no warrant having been issued - thus no official recognition of arrest - and detained in "unofficial" detention centres where he thus may not be "officially" held. Persons subject to this type of detention reappear after variable periods of time, either released - in many cases just dropped on a street corner - or in official detention camps when detention orders - some dated several days after actual arrest - are produced, thus giving legal recognition to the detention. Many persons, however (some 100 since January 1976, according to information from one reliable source which reflects only part of the situation) have never been released or placed in official detention centres; thus they are "missing" or have "disappeared".

Over a considerable period of time the problem of missing persons has been brought to the attention of the Government of Chile both from within the country and by international organizations. Repeatedly, evidence has been presented tending to show that arrest and detention by official organs of the Government of Chile had taken place prior to the person's disappearance. Even when this factual information has been provided to the authorities it has been met with a refusal to undertake an appropriate investigation. The intention to investigate serious and well documented cases involving the disappearance of persons has been expressed by the Chilean authorities, but the Group has been unable to learn of any adequate investigation being undertaken or of the conclusions of such an investigation. In the meantime, misery and anguish continue to plague the lives of the families of missing persons."

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Worldwide Appeal by the Relatives of the Disappeared Prisoners

"The disappeared prisoners is the name we give to members of our families who have been taken from our homes, in front of our eyes, or in their work places, colleges and universities, with eye-witnesses or strong proofs of their detention. The people who detained them were members of the military intelligence services. They are being held in secret and all our efforts like writs of habeas corpus, affidavits of kidnapping, letters and interviews with government officials have been flung back in our faces with the following answer: "This person has never been detained." There are variations like "He has left the country," "He has gone into hiding," "He has been kidnapped by a band of extremists," etc.

These replies can be explained by the fact that those who make the arrests are agents of the National Intelligence Agency (DINA) and that this organization has so much autonomy that it overrides the technical and legal institutions, who can only say "If the prisoners are in the hands of the DINA, we can do nothing."

We call on all men and women of good will to make themselves aware of this sinister development. What has happened to Edwin van Yurick and his wife Barbara, whose detentions were acknowledged to the British Embassy in Chile and who have still not been seen since July 1974? What has happened to the architect Ida Vera whose detention in her own home was accompanied by rifle shots in November 1974 and widely publicized by the media at the time? What has become of Maria Ramirez and her son-in-law Juan McLeod detained when they went to visit Maria Antonieta (their daughter and wife) in Tres Alamos detention camp on 30th November 1974? What happened to Manuel Carreno, a 56-year-old shopkeeper and his son Ivan, only 15, after their detention in front of their family on 12 August 1974? And the many many more like them?

Our questions have always been answered in the same way: "Your relations have not been detained what has happened is that their friends have faked a kidnapping and have taken them off to some unknown place, possibly to Argentina." They stick to this story even when, as in some cases, the prisoners were ill-treated in front of their own families.

Because of all this, we, the relatives of the disappeared prisoners in Chile, mothers, wives, children, brothers and sisters, call on world public opinion, on governments, on the media, on the churches, on groups of workers, professionals, artists and intellectuals; we call on all who are capable of thought and feeling to join our cry and take whatever measures are possible so that the Military Junta returns our relatives to us."

Santiago, Chile, June 1975.

Copy of the text of a speech prepared by the Amnesty International delegate on 26 November 1976 while attending the 19th Session of the UNESCO General Conference which was held in Nairobi 26 October - 30 November 1976. It was not possible for the speech to be given by the AI delegate - however, copies of the text were distributed to delegates.

Mr President, Ladies and Gentlemen,

I am grateful to the conference for allowing me this opportunity to address the plenary session. I speak on behalf of Amnesty International, a non-governmental organization which seeks to encourage throughout the world implementation of those articles of the Universal Declaration of Human Rights which prohibit arbitrary arrest and detention and torture or cruel and humiliating treatment. Amnesty International, in the fifteen years since its foundation, has attempted to carry out this mandate with impartiality. Consequently, I have asked to speak on this important agenda item concerning Chile in a humanitarian rather than a political spirit. I believe that this conference has the opportunity, by its actions, to offer hope to suffering human beings - both those incarcerated in prison on political charges and those others - the families of persons who have "disappeared" - who experience an agony of uncertainty over the fate of their next of kin. I believe that the eighteenth session of the General Conference, by its resolution 11.31, took a step towards aiding such individuals. This conference has the opportunity to continue along that path.

The situation in Chile has been of concern to Amnesty International for several years, and my organization has noted with appreciation the active interest taken in human rights violations in that country by international organs such as the United Nations Commission on Human Rights. The most recent report of a working group of that body, issued last month, is a damning testimony of the abuses which continue to take place in Chile. Such information is confirmed by Amnesty International's own findings.

The recently-announced release by the Chilean authorities of over 300 prisoners who were being held without trial under the state of siege has been publicly welcomed by my organization. However, Amnesty International has also pointed out that these releases in no way absolve the Chilean government from the responsibility for continuing violations of human rights. The releases do not appear to cover all untried political prisoners. They do not cover those sentenced or on trial, who at a conservative estimate number over 1,000. Most significantly, they do not relate at all to the problem of "disappearances".

The appalling phenomenon of the "disappearance" of political dissidents after arrest by security forces, is, sadly, not unique to Chile. But in Chile alone Amnesty International estimates that well over 1,500 people have "disappeared" in this way since the coup of September 1973. These are individuals who have been arrested but never subsequently located by their families and friends. It is impossible to know whether they are dead or are being held incommunicado in prisons or camps. Writs of habeas corpus presented by relatives have been rejected. The authorities refuse to acknowledge the detention of these persons despite

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numerous eye-witness accounts of the arrests which indicate their responsibility for these "disappearances".

- Although "disappearances" have occurred ever since the coup of September 1973, a recent disturbing trend shows that the practice is becoming more prevalent. Amnesty International's Annual Report written in May 1976, noted that even at that date over 1,500 people had "disappeared" since September 1973. The Vicaria de la Solidaridad, an organization of the Roman Catholic Church in Chile, reported that over 50 per cent of persons arrested in August 1976 subsequently "disappeared" In recent months victims of such "disappearances" have included: Guillermo Galvez Rivadeneira, a writer and journalist arrested on 28 July; Dr. Carlos Godoy Lagarrigue, a medical doctor and former head of the Department of Rural Medicine, arrested on 4 August in San Bernardo; Dr. Ivan Sergio Insunza Bascunan, another medical doctor, also arrested on 4 August, in Santiago; and Alejandro Rodriguez Urzua, an architect and former Vice-President of the Housing Services Corporation, arrested on 27 July while leaving his office.

The discovery in July and September of the bodies of Carmelo Soria, an official of the UN Latin America Centre for Demography, and of Marta Ugarte Roman, a teacher and former official in President Allende's government aroused profound anxiety over the fate of other "disappeared" persons. On 17 September 1976 another "disappeared person" - Octavio Boettinger - political scientist and member of the Central Committee of the Socialist Party was found murdered.

There are therefore many questions which remain to be answered before international concern at the situation of human rights in Chile can cease. These questions concern untried prisoners held under the state of siege and yet to be released: prisoners held in provincial prisons who do not appear to have benefitted by the recent releases: those sentenced or on trial on political charges (under procedures of arrest and trial which cause the gravest misgivings); and, most importantly, those who have "disappeared". It is this last question, which is underlined in the recent report of the working group of the UN Commission on Human Rights, which Amnesty International considers to be of crucial importance. It remains for the Chilean authorities to provide a convincing answer.

Mr. President, I cannot conclude without referring to a further topic which is directly related to the present situation in Chile - namely the circumstances of those Chilean refugees or exiles who are forced to live outside their mother-country. The fate which has overtaken some of these individuals approximates what might have befallen them had they remained in Chile. Sergio Letelier Sotomayor, economist; Monica Maria Ines Lucero Marinello, professor of English; Sergio Martin Munoz, sociologist and political scientist; Dr. Enrique Sepulveda Quezada, pediatrician and journalist; Srano Costagliola Leonardo, former professor of

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philosophy. Alvaro Augustin Vargas Zepeda, architect - all these are Chileans who by their professions merit the special concern of this conference. They are all imprisoned in a country in which they sought refuge - Argentina. In a sense they are symbolic of the repression which has, especially since March of this year, overtaken not only Chilean academics and professionals resident in Argentina, but also, to a proportionately greater extent Argentinian professors, teachers, and students. Amnesty International has recently commissioned a report on this problem, and this has been made available to delegates at this conference.

Mr. President, Amnesty International continues to be gravely concerned at the violations of human rights which are taking place in Chile. It is our hope that this conference will share that concern. Only then can those who are presently suffering know that they have not been deserted by what is now virtually their sole hope - the powerful and compassionate force of international opinion.

Thank you, Mr. President.