

# amnesty international

CHILE ORIGINAL

## THE IMPRISONMENT OF CLODOMIRO ALMEYDA MEDINA

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Clodomiro Almeyda, the 65-year-old former vice-president, defence and foreign affairs minister in the Unidad Popular (Popular Unity) government of Salvador Allende, and current leader of the Izquierda Unida (United Left - a coalition of left-wing parties) and the Socialist Party (Almeyda branch), has been in detention since his return to Chile in March 1987. Three different charges have been brought against him. First, he was charged with "commending the use of violence" (apología a la violencia) on the basis of public statements he made while living in exile. He has been found guilty of this charge and is serving a prison sentence of 541 days. Second, he was tried on charges of entering the country illegally, after having been expelled years ago. He has also been found guilty and given another sentence of 541 days, but this sentence is deferred, meaning that he has to present himself on a regular basis to sign his name, but does not have to remain in prison. Third, he has been tried by a constitutional tribunal on charges of violating Article 8 of the Constitution, which prohibits doctrines promoting violence or of a totalitarian nature, and for this he has been barred from holding public office for 10 years.

After 12 years in exile, Mr. Almeyda crossed the Andes from Argentina in March 1987, to "defend before the courts by all legitimate means my rights as a Chilean citizen to live in my country". He is one of several thousand Chileans who went into enforced or voluntary exile following the 1973 coup and one of several hundred Chileans who, until the end of last month, were banned from returning to Chile.\* Prior to his expulsion in 1975, he had spent two years in various detention camps.

A few days after entering the country, he presented himself to the courts to answer charges brought against him in the mid-1970s of misappropriation of funds. He was acquitted of these charges, but the government immediately issued an arrest warrant and he was detained. He was banished (relegado) for three months to Chile Chico, a remote village in the south of the country. Those banished by administrative order by the authorities have no right of appeal to the courts against the measure.

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\*On 1 September, the authorities announced the lifting of the banning order on some 430 exiles prior to the run up to the plebiscite on 5 October when Chileans will vote whether to accept or reject General Pinochet as president for a further 8 years.

On completion of the 90 days Mr. Almeyda was transferred to Santiago where following the intervention of the Ministry of the Interior, he was charged on 26 June under article 1.13 of the Anti-terrorist Law (Ley Antiterrorista) with "commending the use of violence" and was transferred to the Anexo Capuchinos Prison. He was subsequently also charged with illegal entry under Law No. 18.015 which penalises those who enter the country after being expelled by administrative order.

At the same time, the Attorney General, Ambrosio Rodriguez, requested the Constitutional Court to take measures against Sr. Almeyda under article 8 of the Constitution. In December, he was convicted under article 8, which sanctions, "any person or group who spread doctrines that (endanger) the framework of the family, who promote violence or a conception of society, the State or the juridical order of a totalitarian nature or based on the class struggle ..." ("Todo acto de persona o grupo destinado a propagar doctrinas que atenten contra la familia, propugnen la violencia o una concepción de la sociedad, del Estado o del orden jurídico, de carácter totalitario o fundada en la lucha de clases ...") As a result, he has been banned from holding any public office for 10 years which means that he cannot hold office in, for example, an educational establishment, political party, trade union, or business, even if elected.

Amnesty International has studied defence statements presented to the Constitutional Court by Mr. Almeyda in which he gave a detailed analysis of how his statements had been manipulated by the government to suggest that he justified the use of violence. He cited, for example, that where he had said "I prefer forces that are disciplined to a violence that is unleashed and vindictive which gives rise to terrorism." ("Prefiero las fuerzas organizadas que la violencia desatada, suelta y contestaria que da origen al terrorismo," the injunction stated that he preferred "organized violence". He also complained that the injunction had left out his real thoughts on violence, that are stated in amongst other places, the founding manifesto of the Izquierda Unida. The manifesto states, "We do not want violence and as a result, we are seeking to build a new regime in which the legitimate differences can be resolved through political, pacific and democratic means." ("No deseamos la violencia, y por ello buscamos la construcción de un nuevo régimen en el que las legítimas diferencias sean resueltas por medios políticos, pacíficos y democráticos.")

#### Amnesty International's position/concerns

- Amnesty International believes that individuals should not be imprisoned for exercising the right to live in their own country, and therefore calls for the quashing of the sentence imposed on Clodomiro Almeyda on this account.

- With regard to the charge of "commending the use of violence", Amnesty International is concerned that the Anti-terrorist Law is being applied to actions that do not constitute direct advocacy of or participation in violence. Amnesty International understands that the statements about violence made by Clodomiro Almeyda were made as part of his analysis of the political situation in Chile, where armed opposition groups are active, and were not intended as a recommendation or incitement to use violence. The Socialist Party, of which Mr. Almeyda is a leader is not involved in armed opposition. Mr. Almeyda himself has a long history as a democratic politician and official of an elected government.

- Concerning the third charge against Mr. Almeyda under Article 8 of the Constitution, Amnesty International takes no action as it does not involve imprisonment. However, it should be noted that a heavy sanction which could mean the barring of Mr. Almeyda from public office for the rest of his public life (he is at present 65 years' old) has been imposed solely on the grounds that he supports an ideology banned by the government.

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INTERNAL (for AI members only)

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CHAN/05

COUNTRY: CHILE  
SUBJECT TITLE: THE IMPRISONMENT OF  
CLODOMIRO ALMEYDA MEDINA

RECOMMENDED ACTIONS

Please ensure that all relevant people in the section have received copies for their attention, and that the document is centrally filed for future reference. In addition please undertake as many of the following recommended actions as possible.

1. Approaches to the Chilean authorities: Please send letters to the Chilean representative in your country. These should be carefully and courteously worded. Ask the ambassador/consul to relay your concern to the authorities in Chile. In your letters, you should:

- state that everyone has the right to live in his/her own country and ask that his sentence be quashed;

- express concern that Article 1.13 of the Anti-terrorist Law concerning "apología a la violencia" appears to have been applied to punish political analysis, and ask for clarification of the way in which the law has been applied in this case, pointing out that Mr. Almeyda and his party do not participate in armed activities.

2. Many socialist parties and leaders throughout the world are already aware of the case. You may want to encourage the socialist party in your country to intervene on Mr. Almeyda's behalf.

DISTRIBUTION BY THE IS

This circular has been sent direct by the IS to: Sections, Chile/CHAN coordinators.

