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INTERNAL (for AI members only)

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Amnesty International
International Secretariat
10 Southampton Street
London WC2 7HF
England

TO: National Sections
Chile Coordination Groups
Adoption groups with prisoners in Chile

FROM: Americas Research Department

3rd August 1981

CHILE GROUP LEVEL SPECIAL ACTION: CIRCULAR No 6

PRISONERS OF CONSCIENCE/PRISON CONDITIONS

SUMMARY

Attached is the fifth background paper to be sent out in connection with the Group Level Special Action to take place in September 1981, as described in AMR 22/44/81 (Circular 1).

DISTRIBUTION

This circular is being sent to National Sections, Chile coordination groups and adoption groups with Chilean prisoners.

AI CONCERN

Amnesty International is concerned at the imprisonment of individuals for the peaceful expression of their beliefs. It is also concerned at reports of the continued harassment and ill-treatment of prisoners and their relatives.

RECOMMENDED ACTIONS

1. National Sections/Coordination groups should translate this document and, with the help of adoption groups, distribute the information as widely as possible. It can be also used for publicity.
2. A special appeal should be made during the Special Action for the release of all prisoners of conscience in Chile, giving examples of prisoners adopted by groups in your country.
3. Groups wishing to undertake letter-writing activities related to prison conditions should organize appeals

- urging that all prisoners in Chile be treated according to the

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United Nations Standard Minimum Rules for the Treatment of Prisoners;

- urging that prisoners who have been moved away from Santiago where their trials are taking place be transferred back so that defence lawyers are able to carry out their work effectively;
- expressing concern that the Chilean authorities have broken its agreement with the United Nations Ad Hoc Working Group on Human Rights of 24 July 1978 by ending the segregation of political prisoners. Although Amnesty International does not advocate special status for political prisoners, it is concerned that prison conditions and treatment of the prisoners worsened after the transfer.
- urging that adequate medical treatment be made available to all prisoners

4. Letters should make particular reference to the appalling conditions at the Disciplinary Prison in Victoria.

5. Some letters may be written in Amnesty's name, others in a personal capacity.

6. Appeals should be sent to:

Srta Mónica Madariaga Gutiérrez
Ministro de Justicia
Ministerio de Justicia
Agustinas 1401-1419
Santiago, CHILE

Dr Israel Bórquez
Presidente de la Corte Suprema
Plaza Montt Varas
Santiago, CHILE

Dr Lionel Beraud
Presidente de la Corte de Apelaciones de Santiago
Plaza Montt Varas
Santiago, CHILE

Sr Alcaide
Penitenciaría de Santiago
Pedro Montt 1920
Santiago, CHILE

Sr Alcaide
Cárcel de Santa Cruz
Santa Cruz
Colchagua, CHILE

Sr Alcaide
Cárcel de Rancagua
Rancagua
Provincia de O'Higgins
CHILE

Sr Alcaide
Cárcel de Valparaíso
Valparaíso,, CHILE

Sr Alcaide
Cárcel Pública
Gral Mackenna 1341
Santiago, CHILE

Sr Alcaide
Cárcel de Quillota
Quillota
Provincia de Valparaíso
CHILE

Sr Alcaide
Cárcel de San Bernardo
San Bernardo
Provincia de Santiago
CHILE

Sr Alcaide
Cárcel de San Fernando
San Fernando
Colchagua, CHILE

Coronel Sergio Rojas Bruges
Delegado de Gobierno
Gendarmería de Chile
Rosas 1274
Santiago, CHILE

Sr Alcaide
Cárcel de San Felipe
San Felipe
Aconcagua, CHILE

Sr Alcaide
Cárcel de Melipilla
Melipilla
Provincia de Santiago
CHILE

Sr Alcaide
Cárcel de Buin
Buin
Provincia de Santiago
CHILE

Sr Alcaide
Cárcel de Los Andes
Los Andes, Aconcagua
CHILE

Mayor Jaime González
Cárcel Disciplinaria
Victoria
Provincia de Malleco
CHILE

EXTERNAL (for general distribution)

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3rd August 1981

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International Secretariat
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PRISONERS OF CONSCIENCE/PRISON CONDITIONS

PRISONERS OF CONSCIENCE

All political parties and activities in Chile have been banned since 1973 when the Military Junta, headed by General Pinochet, issued decree law 77. As a result, thousands of people have been arrested for political reasons during the eight years since then. Although the number of long-term prisoners of conscience has decreased in recent years, short-term detentions have continued at a high level. Reliable sources indicate that during the three months since the new Constitution came into force on 11th March 1981, more than 370 people were arrested, including some 200 during demonstrations to celebrate International Labour Day on 1st May.

Individuals are arrested by police or the CNI for participating in demonstrations, distributing 'subversive' literature or taking part in any other kind of peaceful activities which the Government considers political; they are then held for several days, often in secret detention centres by the CNI, during which time they may be tortured; most are then released without charge. Of the approximately 370 arrests mentioned, more than 300 were released after only a few days in detention. Others are banished by order of the Ministry of the Interior for three months without trial to remote parts of the country. Amnesty International believes most of those banished by decree are prisoners of conscience since they have not advocated or used violence. (See AMR 22/47/81 Banishment). A number, however, are formally charged after the period of incommunicado detention.

Those adopted by Amnesty International as prisoners of conscience have for the most part been charged under decree law 77 or under the Law of Internal State Security for belonging to a banned political party which does not advocate violence. Of those sentenced, most are completing a period of internal exile (see AMR 22/47/81: Banishment), others are still awaiting the outcome of their trials.

Examples of Prisoners of Conscience

Luis AVENDAÑO Bustos was one of the fourteen people arrested between 11th and 14th May 1980 in Talca by unidentified members of security forces. They were held in secret detention until 20th May, during which time some of them were reportedly tortured. They were all eventually released on the orders of the Military Prosecutor. On 30th May, however, they were re-arrested and taken to Curicó Prison, before being transferred to Talca Prison. They were charged under decree law 77 with belonging to a political party, and five with further charges under the Arms Control Law. The nine prisoners charged solely under decree law 77 have been adopted by

Amnesty International as prisoners of conscience, and all except Luis Avendaño Bustos were released on bail in October 1980. The prosecuting judge appointed by the Talca Appeals Court which is dealing with the charges under decree law 77 requested 5 years imprisonment for all except Luis Avendaño Bustos, for whom a sentence of 6 years was passed. Amnesty International has now learned that following an appeal, these sentences have been quashed and that new charges under the Law of Internal State Security are being brought against them.

A number of trade unionists have also been arrested as a result of their activities as leaders of the Coordinadora Nacional Sindical (CNS). The CNS was formed in 1978 and although unofficial, has been tolerated by the Government until recently. On 20th January 1981, however, its president, Manuel Bustos and secretary-general Alamiro Guzmán were arrested on charges of illegally representing workers. They were released on bail after five days detention and in June 1981 given a suspended sentence of 541 days imprisonment. Evidence produced by the Government of their activities consisted of a document of conclusions ratified by some 600 trade unionists at a meeting in Punta de Tralca in November 1980. The two leaders were again arrested on 7th July 1981 along with eight other members of the CNS Executive Committee and charged as before with illegally representing workers under decree 2,347. Article 1 of the decree states that it is an offence against public order and the security of state for associations or groups of persons to assume representation of labour sectors without having legal authorization. The arrests followed the distribution of a national petition (pliego nacional) listing workers demands and criticising the government's social, political and economic policies, as well as its failure to respect basic human rights. The document was signed by some 2,000 trade unionists. Reports have been received that a number of grass roots organizations which had signed the petition have been visited by members of the CNI and warned to disassociate themselves publicly from it. At the time of writing eight members of the Executive have been released on bail and Manuel Bustos and Alamiro Guzmán are still detained in the Cárcel Pública.

PRISON CONDITIONS

Amnesty International also continues to be concerned at the treatment of prisoners, in particular reports of harassment, solitary confinement and the arbitrary transfer from one prison to another which has led to a further deterioration in their prison conditions. A number of prisoners of conscience are among those transferred. Despite regular visits by court officials, and the submission of several complaints to the courts, treatment and conditions of political prisoners appears to have worsened in 1981. Male political prisoners in Calle 5 of the Santiago Penitentiary had been granted special status and other privileges, including segregation from other prisoners, as a result of an agreement between the United Nations Ad Hoc Working Group on Human Rights and the Chilean Government on 24 July 1978. Nevertheless, harassment has continued not only against the prisoners themselves, but also against their families and relatives.

On 21st July 1980, following a raid on the cells on 19th July and the suspension of visits on 20th July, they joined women political prisoners in the Centro de Orientación Feminina, a women's prison run by an order of nuns, in a hunger strike to demand political status for women prisoners,

resumption of family visits, an end to the harassment of political prisoners and the removal from solitary confinement of 4 of them who had allegedly been found in possession of 'subversive' literature. The prisoners alleged that their cells were frequently raided by prison guards, personal possessions confiscated or destroyed and visiting restrictions imposed.

Although the hunger strike ended on 29th July after the Government agreed to look into the situation of the women prisoners, the harassment of political prisoners in Calle 5 continued and family visits were arbitrarily suspended as 'punishment'. On 25th August 1980, during a raid on Calle 5, prison guards took away handicrafts made by political prisoners and the following day more goods which were being taken out of the prison officially for sale were impounded. As a result, they were deprived of their weekly income with which they were able to buy food to supplement the poor prison diet. Prison guards described the goods as 'subversive'. Despite the fact that a writ of protection (recurso de protección) was submitted to the Santiago Appeals Court on behalf of all 62 political prisoners, prison guards again confiscated the handicrafts. On 7th October, Liliana CONTRERAS, a member of the Agrupación de Familiares de Presos Políticos (Association of Relatives of Political Prisoners), was stopped as she was leaving the prison with a parcel of handicrafts. She was held by the prison guards for two hours before being allowed to leave but was almost immediately arrested in the street by plainclothes members of the CNI. She was held in a secret detention centre for eleven hours, during which time she was reportedly badly tortured, before being released without charge. Following her release, a writ of protection was submitted to the Santiago Appeals Court on behalf of 107 relatives of political prisoners, 12 of whom had been arrested by CNI in July and August. In spite of this, other relatives of political prisoners have also been arbitrarily arrested. On 4th January 1981, at least ten were arrested during a peaceful demonstration outside the Santiago Penitentiary to protest at the suspension of visits from 27th December. Some were eventually released by police, but on 5th January four of them, Cecilia GOMEZ, Lucia BRAVO, Rosa LINAO and Gabriela DURAND were removed from the la Comisaría (police station) and taken to a secret detention centre by the CNI for further questioning. They were held there until 7th January, when they were released without charge.

Visits have often been suspended when a political prisoner has brought a complaint against the prison authorities. Alfonso OGALDE Villafana was arrested on 17th August 1978 and badly tortured in secret detention before being charged with belonging to an armed resistance group. He has since suffered from ill-health, partly because of a stomach ulcer, and is in need of medical treatment. On 3rd May 1980, the Military Court granted him permission to visit a hospital outside the prison as the necessary treatment was not available internally. The prison director, however, refused to allow him to leave the prison. On 13th October, during a regular inspection visit by the President of the Supreme Court, Alfonso Ogalde informed him of the prison director's decision. Afterwards, he was called to the prison director's office, and asked to put his complaint in writing. As a result, he was not allowed to receive family visits for thirty days. He later submitted a request to the Military Court to be attended by an independent doctor. Despite the approval of the Court, the prison director refused to let the doctor enter the prison. Other reports have also been received of inadequate

medical treatment and access denied to independent doctors.

On 12th January 1981, Amnesty International issued an Urgent Action appeal (AMR 22/03/81) on behalf of political prisoners in Calle 5 who were reportedly being harassed and whose visits had been suspended on 27th December. They had also been refused permission to celebrate Christmas in the prison.

Transfer of Prisoners

Two weeks later, during the night of 29th/30th January, prison guards and members of the CNI raided Calle 5, and took away some 50 political prisoners without warning, transferring them to prisons elsewhere in Santiago and in other parts of the country in violation of the agreement with the United Nations. During the raid, it is alleged that prisoners were beaten up and their possessions destroyed. Adopted prisoners of conscience Nelson ARAMBURU Soto and Carlos MONTES García were among the 26 prisoners taken to the Cárcel Pública in Santiago.

In a statement to explain the reasons for the transfer, Colonel Sergio ROJAS Brugues said the political prisoners had been dispersed because a nucleus had been discovered in the prison responsible for "planning terrorist activities". To Amnesty International's knowledge, however, no official charges have been brought against any of the political prisoners in connection with these alleged activities. He also stated that segregation and other privileges granted to political prisoners would now end. (Colonel Rojas had been appointed by the Government to look into prison irregularities after a journalist for the daily newspaper La Tercera had posed as a criminal and been taken to the Cárcel Pública. On his release he published a report describing the inhumane conditions and brutality of guards in the prison).

On 2nd February, the Agrupación de Familiares de Presos Políticos sent an open letter to Colonel Rojas urging him to reconsider the decision. They received no reply and on 9th February, 9 of them peacefully occupied the Austrian Embassy in Santiago. Political prisoners throughout the country also began a hunger strike, on 16th February, to protest at the dispersal and to demand the drawing up of a set of rules for the treatment of political prisoners. Both hunger strikes ended at the beginning of March when a delegate from the United Nations was appointed to hold talks with the Chilean Government.

Prisoners in Antofagasta Prison, where twenty prisoners adopted by Amnesty International spent six-seven months before being sentenced to banishment in January 1981, also began a hunger strike at the same time in protest at treatment by prison guards. The move was provoked by the beating up of three prisoners. They also alleged that prisoners are taken away and whipped, and that one prisoner was hit by a prison guard during a visit by his mother.

Shortly after the transfer, a series of incidents occurred in which political prisoners were badly treated. On 3rd February, some 100 prison guards and officials are alleged to have raided row 9 and 10 of the Cárcel Pública, where some of the political prisoners were being held. Prisoners were reportedly dragged from their cells, beaten up and made to stand for two hours in the football pitch, where some were forcibly undressed. Per-

sonal belongings were destroyed in the raid and paraffin stoves which they used for cooking overturned. When questioned afterwards about the raid, the prison director described the procedure as "routine".

In another incident on 18th February, political prisoners in the Cárcel Pública were taken out of their cells at 10.00 pm, their special uniforms removed, and they were then dispersed to different parts of the prison. A number were being held in solitary confinement in punishment cells.

Two prisoners who had been transferred to Valparaíso Prison, Fernando ALBA Sanchez and Heraldo AVENDAÑO Cheuquen, submitted a complaint to the Valparaíso Appeals Court, alleging that since the transfer, their cells had been raided at different times of the day and night. They also stated that on 26th February, after they had been on hunger strike for ten days, they were taken to punishment cells and badly beaten up, despite their weak physical condition. They were reportedly denied medical treatment of any kind, although Heraldo Avendaño was quite ill because of a duodenal ulcer.

A number of prisoners taken from Calle 5 to prisons outside Santiago are still being tried by courts in Santiago and have not yet been sentenced. Alfonso OGALDE (see above), Fernando BASTIAS Silva, Jaime SEPULVEDA Astudillo, Angel SANHUEZA Garrido, Carlos SILVA Villegas and Heriberto MENA Bastias were arrested in August 1978 and their trial, on charges of forming armed resistance groups under the Arms Control Law, has not yet been completed. The prisoners were taken to Quillota, Melipilla, Talagante, Rancagua, San Fernando and Santa Cruz. Amnesty International is concerned, not only at the length of time the trial has taken, but that the transfer has interfered with the work of defence lawyers who now have to travel long distances to see their clients. Family visits are also severely limited since journeys to the prisons are in some cases long and expensive.

Seven lawyers defending political prisoners charged under the Law of Internal State Security and the Arms Control Law have submitted a writ of protection to the Santiago Appeals Court against Colonel Rojas Bruges alleging that the arbitrary transfer is disrupting their freedom of work ". . . By ordering the dispersal of prisoners far away from the place where their trial is being held he has contravened the code of penal procedure, which states that a person on trial must be in the place where the trial is being held; the measure is therefore illegal".

Since the dispersal of political prisoners in January, a number of other transfers have taken place. On 23rd March, Nelson Aramburu Soto, who had been transferred to the Cárcel Pública, was informed at 9.30 pm that he was immediately being taken back to the Santiago Penitentiary. After a two hour journey, however, he was taken to the prison at the port of San Antonio, where conditions are said to be damp and overcrowded. Nelson Aramburu Soto was arrested in October 1974, and after being amnestied of charges under the Law of Internal State Security in 1978, he is now being tried for a crime which took place during the period when he was being held in secret detention by the Chilean secret police, known at the time as DINA (Dirección de Inteligencia Nacional), and for which he still has not been sentenced.

On 20th April 1981, he submitted a complaint to the magistrate at the 1st Civil Court in San Antonio protesting at the arbitrary transfer from Santiago for which no reason has been given, his prolonged detention and trial irregularities. He also claimed that he has not been allowed to visit the hospital to replace his glasses which were broken during the transfer, as no one knows whose responsibility it is to authorise the visit.

Two other political prisoners, José BENADO Medvinsky and Ulises GOMEZ Navarro were also transferred at the same time, José Benado to Los Andes and Ulises Gómez to Peumo. A further seven political prisoners were transferred without warning on 1st May after they had reportedly organized a May Day celebration in the prison.

Amnesty International does not advocate special status for any prisoners. However, it is concerned that a number of the transfers were carried out in such a way that suffering was inflicted on the prisoners. It is concerned that in some cases, prisoners were subjected to beatings and other forms of ill-treatment and that there is a likelihood the transfers will further impede a fair and speedy trial for those prisoners who have not yet been sentenced.

Disciplinary Prison, Victoria

On 10th July 1981, Amnesty International issued an Urgent Action appeal (UA 167/81: AMR 22/42/81) on behalf of Fernando ESPINOZA Espinoza when it learned of the conditions in which he was being held.

Fernando Espinoza, who was sentenced in December to 38 years imprisonment for participating in armed robberies and belonging to the banned Movimiento de Izquierda Revolucionario (MIR), was among the 26 prisoners taken to the Carcel Publica from Calle 5 in January 1981. On 16th May, he was transferred again without warning to the Disciplinary Prison in Victoria in the South of Chile after an incident in which he and another political prisoner, Carlos García, were reportedly attacked by a prison guard. During the struggle, it is alleged that Carlos García hit the guard, and both men were held in solitary confinement for 15 days as punishment. Fernando Espinoza was then taken away and it was three days before it became known that he was in Victoria. On 22nd May, a well known Chilean lawyer, Fabiola Letelier, tried to visit him but was told that Espinoza would not be allowed to receive visits for a month, that he was being held in solitary confinement, and that he would be held there for a year.

Conditions in the prison are said to be extremely harsh and reports have been received that many of the common criminals who have been sent there have suffered mentally as a result of their stay.

On arrival, it is alleged that each prisoner is beaten up by the guards; their heads are shaved and they are given a number by which they are known throughout their stay. For the first three months they are held in a special part of the prison and are denied letters and parcels and visits from their family. During this time they are held in solitary confinement. They are not allowed to talk to anybody or to smoke. For six hours a day they are taken out onto a small patio, together with other prisoners, but they are not allowed to move around, sit down or talk. After three months, if their behaviour is considered to have improved, they are taken to another part of the prison where they can receive occasional visits of no more than five minutes. They may talk with each other, if given permission by the guards, and also take exercise.