

INTERNAL (for AI Members only)

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ORIGINAL

FROM: Americas Research Department

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CHILE ACTION NETWORK

FOLLOW-UP TO CHAN 09|85

DEATH IN CUSTODY OF CARLOS GODOY ECHEGOYEN

Summary

Attached is information about the arrest of four policemen in connection with the death in custody of Carlos Godoy. It is the first time, to Amnesty International's knowledge, that investigations by a military prosecutor into the torture and death of a political detainee have resulted in the identification and committal for trial of those alleged to be responsible.

Recommended Actions

Further appeals should be sent welcoming the progress made in the investigations into the death of Carlos Godoy, at the same time expressing concern that the majority of other complaints of torture submitted to the courts by political detainees have apparently not been fully investigated. Urge that the allegations of torture made by the ten detainees arrested with Carlos Godoy be fully investigated and those responsible brought to justice.

Appeals should continue to request detailed information about the charges against the ten who have been charged under the Anti-terrorist Law, and about the current state of the trial.

Please note General Rodolfo Stange is no longer Subdirector of Carabineros. He has since been promoted to Director, and Member of the Junta. Appeals to him should be addressed:

General Rodolfo Stange
Miembro de la Junta de Gobierno
Edificio Diego Portales
Santiago, Chile

Copies of appeals should be sent to the addresses given in the original action.

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CHILE

DEATH OF CARLOS GODOY ECHEGOYEN: FURTHER INFORMATION

According to information received by Amnesty International, four carabineros (uniformed policemen) have been arrested and charged with unnecessary violence resulting in the death of Carlos Godoy. The Fiscal Militar (Military Prosecutor) responsible for investigating his death concluded that there was enough evidence to charge them under article 330 of the Code of Military Justice which punishes with imprisonment:

"Any member of the Armed Forces who by carrying out an order from above or, in the exercise of his military duties, uses or orders to be used, without reasonable cause, unnecessary violence in the executions of the actions that he has to carry out...If the violence used against the detainee is perpetrated with the aim of obtaining information, reports, documents, or goods related to the investigations of a criminal act, the penalties will be increased by one grade."

To Amnesty International's knowledge, it is the first time investigations by a military prosecutor into allegations that a political detainee died under torture have led to the committal for trial of those responsible.

Two of the accused, Captain Héctor Díaz Anderson and Sergeant Victor Navarro Soto, were charged with causing Godoy's death. Captain Díaz was Comisario (head) of the police station in Quintero where Godoy was detained, and is also said to have been a member of the now disbanded DICOMCAR (Dirección de Comunicaciones de Carabineros - Carabineros Communications Directorate.) The other two accused, Captain René Carmona Figueroa and Corporal Julio Hurtado Lazcano, have been charged with being accomplices. All four are reported to have been suspended from their jobs.

A fifth carabinero, former head of DICOMCAR, Colonel Luis Fontaine, was arrested on 23 August in connection with Godoy's death but has since reportedly been released on bail. Defence lawyers are said to have appealed against his release.

At the end of August 1985, Colonel Fontaine and Captain Héctor Díaz were also charged with the kidnapping of four teachers in March 1985. The four were abducted and tortured at the same time as three government opponents who were abducted and found dead. (See below.) Colonel Fontaine is now reported to have been rearrested.

Carlos Godoy died in the custody of police on 22 February. Police said he developed breathing difficulties and died on the way to hospital. They also said he had had previous heart problems. His family denied this. Others detained with Carlos Godoy said they heard him being tortured, and it is believed he died in the police station as a result of the treatment to which he was subjected.

The ten people arrested with him and whose torture testimonies were included in AMR 22/45/85 are still thought to be in prison. It is thought that the official complaints of torture they submitted are still being investigated by the courts.

BACKGROUND

The Fiscal Militar's decision to charge the four carabineros came only a few days after a civilian judge attributed responsibility for the abduction and murder of three government opponents in March 1985 to Carabineros, charging two of them and ordering twelve others not to leave the country.* Most were said to be members of DICOMCAR and GOPE (Grupo de Operaciones Especiales - Special Operations Group.) The director of Carabineros and member of the Government Junta, General Cesar Mendoza, immediately resigned and was replaced by General Rodolfo Stange. He announced on 6 August that DICOMCAR would be dissolved.

Carabineros have since been implicated in another death. Another civilian judge, in Concepción, recently charged three carabineros with falsifying documents in connection with the death of student José Randolph after his arrest on 26 May 1985. His body was found the next day at the bottom of a cliff. Police said that he had escaped and committed suicide but relatives disputed the official version. An autopsy report concluded that the body had no signs of fractures, and that the cause of death was severe blows to the vertebral column and abdomen causing rupture of the liver and acute anaemia. The three carabineros have been charged in connection with two police reports about Randolph's escape. One report said he escaped from a hospital where police had taken him for alcohol tests, the other said he had escaped from the police station. The judge is continuing his investigations to establish where Randolph died and those responsible for his death.

AI CONCERN

Amnesty International welcomes the progress made in the investigations into the torture and death of Carlos Godoy. It is concerned, however, that the majority of complaints of torture submitted by political detainees to the courts have not been fully investigated. In the case of the ten detainees arrested with Carlos Godoy, it is urging that their allegations of torture be fully investigated and that those responsible be brought to justice.

It is also seeking further clarification of the charges against the ten detainees. They have been charged under the Anti-terrorist Law but have denied the charges against them. Lawyers have appealed against the charges on their behalf to the Supreme Court.

*See AMR 22/51/85: José Manuel Parada and others.