

# **One year of the rule of terror in Chile**

**Stockholm, House of Parliaments  
September 7th, 1974**



**International Commission of Enquiry  
into the Crimes  
of the Military Junta in Chile**

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Adopted by the International Commission of Enquiry  
into the Crimes of the Military Junta in Chile  
at the Secretariat's meeting  
held in Stockholm, House of Parliaments,  
on September 7th, 1974



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This document is intended to give a survey of the most essential legal aspects of the one year long rule of terror of the military junta in Chile. The document is based on the material which was compiled at the First Session of the International Commission of Enquiry into the Crimes of the Military Junta in Chile held in Helsinki, Finland, from 21 to 24 March 1974, the Extraordinary Session held in Copenhagen, Denmark, from 26 to 27 June 1974, the Extended Meeting of the Secretariat of the Commission held in Helsinki from 4 to 5 August 1974 and the meeting of the Legal Subcommittee of the Commission held in Berlin, German Democratic Republic, on 4 September 1974.

The Commission bases its work on various categories of evidence which are listed under the heading "The nature of the evidence". The evidence gathered has been drawn from a number of sources:

by observers who were sent to Chile on behalf of the Commission; delegations of parliamentarians and a number of international organizations which have sent representatives to Chile, such as the International Association of Democratic Lawyers, the International Commission of Jurists, Amnesty International, the Socialist International, the Women's International Democratic Federation, the

Women's League for Peace and Freedom, trade unions and youth organizations.

This document is neither complete nor final. Only part of the crimes committed by the junta and its accomplices have so far been fully exposed. A more detailed list will be given at a later date when the Commission has gathered and analyzed further evidence. But already it is possible to give an overall picture and to assess and qualify those crimes on the basis of the Constitution and the laws of Chile, as well as from the point of view of international law.

## **Armed rebellion and establishment of the military regime**

### **Overthrow of the constitutional government by force**

1. The Chilean Armed Forces on 11 September 1973 overthrow the Government of President Salvador Allende which was constitutionally established and which throughout its existence acted in conformity with the powers conferred upon it by the Constitution and the laws of the Republic of Chile.

By definition, then, the military takeover was unconstitutional. It constitutes, following Article 3 of the Constitution, "armed rebellion", which is punishable according to Article 121 of Chile's Penal Code and Article 267 of the Code of Military Justice.

### **Destruction of the constitutional institutions and the system of political democracy**

2. The "Supreme power of the nation" is now exercised by the military junta (Decree-Law No. 1, section 1).

All constitutional institutions have been destroyed in Chile.

The Chilean people no longer has any means to form and express its will. Indeed one of the first acts of the junta was to dis-

solve the elected legislative body—the Congress (Decree-Law No. 27 of 21 September 1973).

The four members of the Junta have instead assumed the “constituent, legislative and executive power” (Decree-Law No. 128, reaffirmed by Decree-Law No. 527 of 26 June 1974 on the “legal status” of the junta), and have taken for themselves the arbitrary power to alter the Constitution in making the decree-laws which change the Constitution “an integral part of its text” (Article 3 of Decree-Law No. 128). The will of the commanders of the Armed Forces is converted into law vested with supreme legal force.

### **Establishment of the military and bureaucratic state apparatus**

3. Under the junta composed of the 3 military commanders and the chief of the militarized police—carabineros, institutions of the President and Parliament have been replaced by military organs of dictatorship.

The Government now consists of 14 generals and admirals subordinated to the junta.

The commanders of military units have been vested with extraordinary administrative powers and act as local governors for the junta. Officers appointed “chiefs of the zones of the state of emergency” enjoy unrestricted rights for the “preventive safeguarding of internal security” and control of movement (to, from and through the zones). They can “give any orders considered necessary to maintain internal order”, which includes orders for reprisals against the population (Decree-Law No. 243, Law No. 12927, Articles 33–34).



## **Proclamation of a continuous "state of internal war"**

4. The military junta has laid the whole country under an unconstitutional "state of siege" (Decree-Law No. 3) and proclaimed the nation to be in a fictitious "state of war" (Decree-Law No. 5).

According to the Chilean Constitution it is only the President of the Republic who may pronounce a "state of emergency", and then only in case of an "external war", and proclaim a "state of siege" in case of an "attack from outside" (Article 72, section 17, para 1). In case of internal riots Congress has the power to pronounce a "state of siege" in one or more regions. If Congress is not in session the President may act in its place and pronounce a state of siege for a limited period (Article 72, section 17, para 2).

Quite apart from the fact that only the President or the Congress are entitled to initiate such measure there were none of the grounds provided for by law for proclaiming the "state of siege" or the "state of war". There was neither any attack of an external enemy nor a real war, only the unilateral military oppression of the Chilean people by the junta.

These manipulations served as a pretext for establishing special military courts which apply drastic wartime punishments and reprisals.

In defining the reasons for proclaiming a "state of war" the junta plainly underlined the "necessity of drastic oppression in its strictest sense" and the need for "granting full scope to the military courts" (the reasoning behind the law actually set out in items b and c of the Decree-Law No. 5). Under this cover extremely harsh penalties including capital punishment for a number of actions directed "against the security of the state" have been applied (Decree-Law No. 5, Article 4, paras a, b, c, d).

## The rule of terror

### Extra-judicial reprisals by the military and the police

5. From the first day of the seizure of power and throughout the twelve months of its rule the junta has been carrying out arbitrary arrests on a massive scale in order to subdue its political opponents and to create a situation of insecurity and permanent fear. Official materials and estimates of experts show that approximately 30,000 Chilean citizens were murdered without trial or preliminary proceedings.

Sports stadiums, barracks, military bases (El Bosque and Cerro Moreno), military institutions and academies (in Santiago, Valparaiso, Antofagasta) were turned into prisons and interrogation centres where human beings were and still are being humiliated in the most atrocious way.

Concentration camps—Pisagua, Tejas Verdes, Chacabuco—were added to the long list of places of torture.

The prison barracks on Dawson Island, where leading members of political parties of the Popular Unity coalition and the Government of President Allende were kept imprisoned for months under harsh conditions, have become the symbol of political revenge and cruelty.

Recent figures show no decrease in the number of those arbitrarily arrested. Official data indicate that another 10,838 persons were arrested in the second half of July 1974. By the first days of September 1974 the number had gone up to 21,154. On certain days the number of those arrested exceeded 1,600. Consequently, new concentration camps have been set up in Chacalluta, Santa Cruz Castro and Puerto Natales.

As a rule, arrests are made for "preventive" reasons alone without any charge or statement of grounds for the arrest and without respecting the right of personal defence or free choice of defence counsel. This flagrantly violates the guarantees enshrined in Art. 13 to 15 of the Chilean Constitution. In addition arbitrary arrest is a crime under the Penal Code of Chile, Articles 141, 148 and 149.

6. In compliance with Article 16 of the Chilean Constitution the Code of Criminal Procedure stipulates that any person who is detained or anyone who is acting on his behalf may apply to the judiciary demanding that the guarantees of the Constitution against arbitrary and unreasonable arrest or arrest made by authorities without competence to do so shall be observed. The courts of appeal are bound to investigate into such complaints at first instance (**habeas corpus—recurso de amparo**) (Law on the organization of the Judicial System, Article 63, para 4b).

The junta, of course, has not paid any attention to these fundamental guarantees. However, even the courts have avoided their responsibilities under the law. Under the unacceptable pretext that they lack jurisdiction over measures taken by the military authorities during the state of siege, the courts of appeal have resorted to a position of "non-interference" as regards the arbitrariness of the military and the police (see for example the ruling of the Santiago court of appeal on the petition No. 516-73) regarding the arrest of Carlos Briones, Clodomiro Almeyda, Jorge Tapia and others).

The Supreme Court of Chile itself which subserviently expressed its support for the junta in a declaration of 13 September 1973 and in a declaration of 25 September 1973 has sanctioned the arbitrariness of the administration by referring to the "extraordinary" character of the arrests.

The Supreme Court, which rejected the appeal in the case of the 15-year-old Luis Adalberto Munoz, who was arrested for political reasons by the military authorities, declared that "under the conditions of the state of siege measures for the protection of the rights of minors cannot be given preference to the instructions of the authorities". This means that the Chilean Supreme Court refused to fulfil its constitutional duties and has surrendered completely to the military dictatorship.

To illustrate the junta's contempt for the rule of law reference can be made to the promulgation of Decree-Law No. 228, Article 2, which flatly states that all arrests made between 11 September 1973 and the date when the decree-law was issued (i.e., 3 January 1974) are "in conformity with the law". The same decree-law stipulated that administrative arrests under the conditions of the "state of siege" should be considered to be in conformity with the law if the order of the arrest carries the formula "by order of the junta".

Even a person's refusal to appear for arrest, if his or her name is included in the published list of persons wanted, or a five-day delay in reporting for imprisonment are considered independent crimes punishable by the special military courts according to the laws valid in times of war (Decree-Law No. 81, Article 1). Moreover, anybody can be put on trial before a military court for granting shelter or aiding and abetting a person who is wanted by the military authorities (Decree-Law No. 81, Article 5 and Decree-Law No. 189).

Thus the rule of terror through arbitrary arrests and imprisonment as applied by the junta are in obvious violation of the

constitutional standards and the provisions of the criminal procedure.

The military junta is internationally responsible for these acts. A number of authoritative instruments on the protection of human rights, which Chile has solemnly undertaken to respect have been completely ignored. Mention can be made of the International Covenant on Civil and Political Rights (1966), Art. 9, the Universal Declaration of Human Rights, Articles 8 and 9, and The American Convention on Human Rights (1969) Art. 7.

### **Use of torture and other forms of violence against prisoners**

7. A constant feature of the regime enforced upon the Chilean people by the junta is the use of torture and other forms of violence and maltreatment against prisoners and the creation of unbearable conditions for them.

Torture and other forms of force have resulted in the death or complete physical breakdown of a large number of prisoners. A number of Popular Unity leaders have been subjected to extremely harsh conditions in the prisons.

The common aim of torture or maltreatment is to break the will of the prisoners and force them to "confess" and make false statements about other persons. According to still incomplete data published by the press 44 persons including the Former Vice-President of the Republic of Chile, Jose Toha, and General Alberto Bachelet, died in 1974 as a result of torture during "the preparation of trials". Many prisoners were driven insane by torture, such as Pedro Sunini Silva (see indictment in case No. 1-73, item 6).

The methods of physical and mental torture are comparable to the practices of the medieval Inquisition and the Gestapo. Testimonies and statements of victims, medical experts and Chilean lawyers and clergymen reveal that prisoners have been subjected

to various types of torture such as: suspension from a rope by wrists tied behind the back, suspension from arms and legs, electric torture, squeezing of the skull, immersion in cold water and petroleum, tearing out the finger nails, whipping, tearing off the male genitals, strangulation, burning with cigarettes and acids, withholding water from the prisoners for several days, breaking the handbones, throwing into pits, locking in a room infested with insects, interrogation of undressed and blindfolded prisoners with simultaneous beatings.

The use of torture is a grave violation of the international norms on human rights. Torture is banned in Article 5 of the Universal Declaration of Human Rights, in Article 7 of the International Covenant on Civil and Political Rights and in Article 5 of the American Convention on Human Rights. The use of torture is a crime under the Constitution and Chilean legislation. In conformity with the Constitution (Article 18, para 2) the Penal Code of Chile provides for severe punishment for those who inflict "torture on an accused or treating him with excessive severity" (Article 150, part 1). The second para, part 1, of Article 150 provides maximum penalty if torture results in physical injury or death.

The responsibility under criminal law covers those directly involved in torture as well as their investigators and accomplices. The members of the junta and the high-ranking officers who order, encourage or tolerate torture and inhuman treatment bear the ultimate responsibility for these crimes and violations of the human rights.

### **Military tribunals as an instrument for political oppression**

8. One of the chief methods of political persecution is the system of extraordinary military justice in times of war enforced by the military junta.

The special military courts are designed to provide the junta with a semblance of legality in order to veil the true purpose of death sentences and long terms of imprisonment imposed on innocent people. It has been confirmed that at least 98 persons have been executed in 1974 following sentences handed down by the military tribunals. The actual figure is probably far higher.

The special military courts are at work in the whole of Chile. The largest number of persons have been sentenced by the special military courts in Osarno, Rancagua, Valdivia, Santiago, San Fernando, Concepcion, Temuco and Arica. Most of these cases are tried in closed session. In a few cases the junta has staged show trials to which a limited number of newsmen and observers have been admitted, as in the trial held by the special military court of the Air Force which sentenced 61 persons (Case 1-73) on 30 July 1974.

9. The extraordinary proceedings in military courts applicable in times of war are held in violation of the provisions of Article 72 of the Chilean Constitution. The Code of Military Justice (Article 73) and the State Security Act (Article 35) No. 12927 of 6 August 1958 set forth certain conditions, which have to exist before extraordinary military justice can be applied.

In its Decree-Law No. 13 the junta announced that the "state of siege" and the "internal state of war" give the special military courts jurisdiction in accordance with Article 73 of the Code of Military Justice. In this way the junta creates the impression that there were reasons for introducing the system of extraordinary justice applicable in times of war. In reality, there did not exist such conditions nor do they exist today. Article 73 of the Code of Military Justice stipulates that the special military courts operating in time of war assume jurisdiction only when the armed forces must take action "against an enemy from outside or organized seditious forces". Article 35 of the State Security Act No. 12927

provides a very precise and unambiguous definition of the term "time of war": "A state of emergency . . . or war against a foreign enemy or organized seditious forces acting in support of an aggression from outside." These conditions were not present in Chile at the time nor are they present at this moment.

The Court Martial of the Chilean Air Force has attempted to justify the jurisdiction of the special military courts by claiming that the declaration by the junta of a state of war was *de facto* equivalent to the emergence of a state of war (Case No. 1-73, special ruling, p. 1799 et seq.). This is an untenable legal construction. In fact, the argument admits that there never was any real state of war.

10. In the overwhelming majority of the trials by special military courts and in the cases now before courts martial a rigid standard pattern of charges is being used. The political opponents of the junta have as a rule been charged with crimes such as "treason", "espionage", "sedition" (under Article 245, para 1 and Article 274 of the Code of Military Justice) and with "conspiracy" aiming at sedition (under Article 278).

11. In "justifying" the sentences Article 245 of the Code of Military Justice, para 1, assumes a central place. According to Article 245 a maximum term of detention in a fortress or death penalty may be applied for certain acts listed in para 1 of the Article as constituting High Treason, namely, "transmission of information or data that might contribute to the success of the enemy or be detrimental to the operations of the country's armed forces". The data not to be transmitted under the penalties for treason are specified as: "Passwords and code words, orders and military secrets (with which a member of the armed forces has been entrusted), plans of fortresses and fortifications, either permanent or provisional, explanations of signals, data on the general state of the forces,



the position of mines, the location of torpedoes or related equipment."

Two conditions emerge from the text of Article 245, para 1: Firstly, the act must be committed in conditions of war since the article twice mentions the "enemy", indeed a foreign enemy. This is particularly confirmed by the fact that Article 245 is in the chapter (Part III, title 2 of the Code) under the heading "Treason, espionage and other crimes against the sovereignty and external security of the state". Secondly, the information passed on must be of a kind conducive to the success of enemy operations or detrimental to the operations of the national forces. Neither of these conditions has existed or exists in Chile.

The terms "treason" and "espionage" imply that these grave crimes have been committed in the interests of foreign powers. This being so the junta has to resort to another construction. Article 245, para 1 is combined with Article 419, para 2 of the Code of Military Justice. The result is an artificially created "enemy" for whose benefit the treason is committed. Article 419, para 2 stipulates that "the word 'enemy' not only denotes a foreign enemy but also any other seditious or rebellious militarily organized forces." By an absurd interpretation, which distorts the meaning of this Article, the constitutional Government of President Salvador Allende is declared to be an "internal enemy". The indictment for Case No. 1-73 also lists all parties of the Popular Unity coalition (and other leftwing movements) as the enemy.

On the basis of these fictions Courts Martial have sentenced completely innocent Chilean citizens to death, life imprisonment and detention in fortress for 20 to 30 years on charges of "treason", "espionage" or "sedition" although, in reality, they have not committed any crimes.

12. In particular, charges of "participation in a conspiracy to stage a rebellion" (under Article 273 of the Code of Military Justice) have

been very widely applied in the recent past. On such charges approximately half of the defendants (31 persons) were sentenced in the so-called Air Force trials (section III, Sub-section II-III, No. 12-42).

Consequently, what is involved here is not the administration of justice but the application of a system for the repression of political opponents by distorting elementary and generally accepted rules of application of the norms of criminal law.

## Abolition of Fundamental Civil Rights and Liberties

### Disregard for socio-economic rights

13. Another aspect of political terror is the disregard for civil, economic and social rights, including in particular the rights of trade unions.

With regard to trade unions a number of actions have been taken by the junta among which the following can be mentioned:

- the junta has dissolved the United Trade Union Centre of Chile (CUT) and stipulated that those who fail to respect the ban shall be prosecuted and severely punished (Decree-Law No. 12);
- the junta has imposed general restrictions with regard to all trade union activities for the entire period of the “state of war” and the “state of siege” and put the unions under strict control by the **Carabineros** (Decree-Law No. 198, Article 4, “provisional” article);
- the junta has impaired the trade unions’ right to freely dispose of their funds, and has confiscated funds and property of the central organization of workers (Decree-Law No. 133, Art. 2–3).

These acts are in flagrant violation of the principles and standards laid down by the International Labour Organization as well as the

principles enshrined in the International Covenant on Economic, Social and Cultural Rights of 1966 (Article 8, para 1 a-c).

14. The economic rights of ordinary citizens, and in particular the right to work, have been shattered by a whole series of acts by the junta.

Decree-Law No. 43 abrogated "all norms of whatever nature or origin pertaining to the fixing or regulation of wages, remuneration, salaries, bonuses, wage supplements or payment in general both in the public and private sector" (Article 1).

All safeguards against arbitrary dismissal were likewise annulled (Decree-Law No. 32). The provisions of section 4 of that Decree-Law served as a pretext for dismissing tens of thousands of workers and salaried employees because of their political views and their activities in the past, including their trade union work.

This again violates basic provisions of the International Covenant on Economic, Social and Cultural Rights (Article 6-7) and the Convention of the International Labour Organization No. 111 on the prevention of discrimination in the field of employment and occupation (1958). Both the Covenant and the Convention have been ratified by Chile.

The junta must also be held responsible for consequences of the disastrous deterioration of the country's economic situation. Under the reign of the junta the material wellbeing and social welfare have been drastically cut down for large segments of the population. Some 500,000 men and women now stand without work in Chile. While wages have been frozen the prices of consumer goods have risen substantially since September 1973. The accelerating inflation has forced the junta to devalue the national currency eleven times within a year. Thus, the anxiety and fear generated by political terror is compounded by social insecurity and growing poverty for a vast majority of the Chilean people.

## **Suppression of civil and political rights**

15. In this first year of the rule of the junta civil and political rights have been totally suppressed. The freedoms of speech and information guaranteed in the Constitution (Article 10, section 3, para. 1-3) have been eliminated. In utter contempt for cultural values books have been burned in public. Numerous literary works (including classics of world literature) have been taken out of circulation under official instructions, "because of their character, which is inconsistent with the ideals to which the military junta is committed". These acts constitute a flagrant violation of the UN convention on protection of cultural values, signed also by Chile. Papers have been closed down or put under the surveillance of the military censorship boards.

The most important mass media and cultural institutions have been put under the strict control of the military authorities, the management of the broadcasting service has been vested in a "council" made up of five members, four of them representing the Armed Forces (Decree-Law No. 258, Article 5). "Authorized rectorors" have been appointed by the junta from high-ranking officers in order "to unify the criteria in the management of higher education for the better implementation of the foundations enshrined in the junta's Decree-Law No. 1", i.e. the Decree-Law on the seizure of state power by the junta after the rebellion (Decree-Law No. 50). That particular "unification" in reality means the expulsion of thousands of professors and students from the universities; the express elimination of all discussions on political matters from all universities; the introduction of a sustained course on "internal security", which amounts to an extremely reactionary indoctrination for all.

Under the fictitious "state of war" which has been proclaimed by the junta the commanders of the "state of siege zones", (which

cover the whole of the country) exercise censorship over the press, television and radio (Decree-Law No. 3, 5, 243, Act. No. 12927, Article 34, para. c). The commanders of the zones are authorized to "oppress anti-patriotic propaganda including the dissemination thereof through press, radio, cinema, theatre and any other means" (Article 34, para. a).

16. The military dictators fear all forms of political activity on the part of the citizens. Direct military oppression was employed to put an end to the lawful activities of the Popular Unity parties. These parties were then formally banned by the junta in Decree-Law No. 77. Finally the activities of all political parties were suspended by Decree-Law No. 78.

Thereby the junta has violated the freedom of association guaranteed in the Constitution of the country (Article 10, para. 5) and disregarded pledges to respect the International Covenant on Civil and Political Rights (Article 22) and the American Convention of Human Rights (Article 16).

17. To disguise the extent of the political terror the junta systematically falsifies or distorts information. The obscure demagoguery of the junta has been cynically manifested in various statements and declarations such as the Declaration on the Principles of Public Administration of Chile (11 March 1974).

Under the pressure of a horrified world opinion the junta has attempted to attach a semblance of legality to its acts of political terror. Some changes in the forms of violence employed have thus been brought about. The junta has been compelled to release quite a number of prisoners, although many more in turn have been arrested, to commute death sentences or give "pardon" to some innocent victims, who have been condemned on false charges.

These manoeuvres do not, however, mark any change in the nature

of the political terror practised by the junta. Although these achievements of international solidarity with the people of Chile must be welcomed, there are still no signs of a substantial relaxation in the terror enforced by the junta. No one should be misled to believe that the dictatorship of the junta has been changed in essence.

### 3. Reports and other material

from international organizations and observers

3.1. Reports from commissions of specialized and regional inter-governmental organizations.

3.2. Reports and other documents of international non-governmental organizations.

3.3. Reports and expert opinions from groups of observers, particularly those of the following categories:  
The nature of the evidence may be divided in the following August 1974.

3.4. Reports from individual observers who visited Chile between March and August 1974.

#### 1. Material submitted to the Commission

1.1. More than 500 "decrees-laws and acts" of the junta, and "supreme decrees" and "decrees" of junta authorities, military orders (mandos), resolutions and official declarations of the junta as well as statements made by its members.  
1.2. Acts of indictment and sentences drawn up or passed by the special military courts.

1.3. Complaints and pleas filed by lawyers and clergymen with regard to arrests and court rulings and formal rejections of such complaints and pleas by superior judicial authorities.  
1.4. Material officially published in the Chilean press and reports of the junta's own news agency.

#### 2. Testimony of witnesses and other items of proof

2.1. Testimonies of victims and eye-witnesses delivered at the public sessions of the Commission and written testimonies submitted to the Commission.

## Nature of the Evidence Presented

The nature of the evidence may be divided in the following categories:

### 1. Material submitted to the Commission

1.1. More than 500 "decree-laws and acts" of the junta, and "supreme decrees" and "decrees" of junta authorities, military orders (**bandos**), resolutions and official declarations of the junta as well as statements made by its members.

1.2. Acts of indictment and sentences drawn up or passed by the special military courts.

1.3. Complaints and pleas filed by lawyers and clergymen with regard to arrests and court rulings and formal rejections of such complaints and pleas by superior judicial authorities.

1.4. Material officially published in the Chilean press and reports of the junta's own news agency.

### 2. Testimony of witnesses and other items of proof

2.1. Testimonies of victims and eye-witnesses delivered at the public sessions of the Commission and written testimonies submitted to the Commission.



- 2.2. Documentary films and photos taken by correspondents and observers in Chile.
- 2.3. X-ray pictures and medical reports.

**3. Reports and other material  
from international organizations and observers**

- 3.1. Reports from commissions of specialized and regional inter-governmental organizations.
- 3.2. Reports and other documents of international non-governmental organizations.
- 3.3. Reports and expert opinions from groups of observers, parliamentarians and lawyers who visited Chile between April and August 1974.
- 3.4. Reports from individual observers who visited Chile between March and August 1974.

For the expert opinions and analyses as well as for consultations on individual legal matters the International Commission relied on distinguished legal scholars and practising lawyers from many countries who provided valuable aid and support.

## Conclusions

In conclusion, the Commission reiterates that the military junta which staged the criminal armed rebellion and overthrew the legitimate government of President Salvador Allende, has destroyed the constitutional institutions and political life of society, and disregarded the elementary legal safeguards and political and civil rights and liberties.

The country is in the grip of absolute arbitrariness, a fascist-type system of total political terror having been established.

A permanent state of "internal war" has been proclaimed in violation of the provisions of the Constitution and a system of extraordinary military justice and draconic punishment applicable only in wartime has been introduced.

Reprisals by the military and the police, arbitrary arrest, the systematic use of torture and other forms of violence and intolerable conditions of detention for prisoners have resulted in the death of, or grave injury to, a large number of Chilean democrats.

In view of the junta's efforts to dissimulate the nature and extent of the political terror there is reason to fear that political prisoners, among them the leaders of Popular Unity and the Government of President Allende, are to be physically destroyed by creating in-

– a direct and extraordinary threat to the life and health of broad sections of the Chilean population, to the physical and moral development of youth and the entire rising generation in Chile.

The junta and the heads of their central organs and authorities and their agents are to be held responsible under international law as well as under national legislation. Responsibility also lies with the immediate executors of the crimes who are factual accomplices in the crimes of the junta, among them officers and soldiers killing people without trials and investigation, those in charge of concentration camps and prisons in which innocent people are detained, officers and other members of the secret services and investigating bodies who are subjecting people to torture and other forms of violence, the presidents and members of the special military courts imposing unjust sentences.

In accordance with the generally accepted norms for the punishment of crimes against humanity reference to the execution of orders from superiors does not relieve the perpetrators of such crimes from penal responsibility.

The Chilean-military junta bears full responsibility both before the people of Chile and before the world community.

Stockholm, September 7th, 1974

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