



Report of the Chilean National Commission on Truth and Reconciliation¹

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Foreword by William Lewers, C.S.C.

On behalf of the Center for Civil and Human Rights of the Notre Dame Law School, I wish to express our gratitude for the privilege of bringing to the English-speaking world the Report of the Chilean National Commission on Truth and Reconciliation.

Before acknowledging the significant contributions that many persons have made to the successful completion of this project, I dedicate this English edition of the Report to the men and women of Chile who worked so courageously for human rights during the long nightmare of the Pinochet dictatorship. Their endeavor to "speak truth to power" provides an unforgettable example of the human spirit's capacity to struggle for justice against seemingly impossible odds.

Since his inauguration on March 11, 1990, President Patricio Aylwin has guided the Chilean transition to democracy with wisdom and grace. By promptly establishing the National Commission on Truth and Reconciliation, appointing its members and staff director, and giving to it its mandate, he initiated the painful search for the truth that hopefully will make reconciliation possible.

In carrying out its mandate, the members of the National Commission on Truth and Reconciliation and their supporting staff have earned the respect of the international human rights community for the integrity and professional competence with which they conducted their work. As a result, the policies and procedures of this Commission ought to be viewed as models for similar undertakings in future transitions from authoritarian regimes to democratic governments.

After the publication of the Commission's findings, President Aylwin authorized the Center for Civil and Human Rights of the Notre Dame Law School to oversee the English translation and publication of the Report of the Chilean National Commission on Truth and Reconciliation. We trust that we have justified the confidence that he thus placed in us.

All of us at the Center for Civil and Human Rights wish to express our appreciation to Phillip Berryman for the distinguished quality of this English translation. As an author in his own right, and a Latin American specialist with extensive experience living and working in the region, he proved to be an ideal colleague in this venture. And, because of his own personal commitment to human rights as demonstrated by his work in Central America, he readily accepted our request to undertake the difficult task of translating two volumes of the Report.

José Zalaquett, a Chilean lawyer and human rights advocate who served as a member of the National Commission on Truth and Reconciliation, has enriched this English translation of the Report with a perceptive Introduction that places it into context and highlights the lessons that may be learned from the work of the

Commission. His earlier research into the subject of "confronting human rights violations committed by former governments" undoubtedly helped to establish the analytical framework for the work of the Commission.

After accepting the honor of overseeing the English translation and publication of the Report of the Chilean National Commission on Truth and Reconciliation, I asked Ms. Julie Dorrian to serve as Project Director, and this proved to be a very wise decision. Having lived and worked in Chile, she has an excellent working knowledge of Spanish and an understanding of the country. Working quietly and with great skill and efficiency, Ms. Dorrian served as liaison between the University of Notre Dame Press, the translator, and the Center for Civil and Human Rights (and almost succeeded in keeping us on schedule). She undertook this task and brought it to a successful conclusion, not only because of her professional abilities and talents, but, above all, because of her love of Chile and its people and her devotion to social justice.

Many people generously responded to our requests for advice and assistance regarding difficult questions of legal terminology, and I would especially like to commend for their help the following persons: Jorge Correa, Staff Director of the Chilean National Commission on Truth and Reconciliation; Pedro Aylwin and Andrés Sanfuentes of the Commission staff; Isauro Torres, Chilean Embassy, Washington, D.C.; Dan S. McDevitt, a J.D. candidate at Notre Dame Law School; and Ingrid Wittebroodt, a lawyer in the Santiago office of José Zalaquett.

I must express my personal thanks to Garth Meintjes, Assistant Director of the Center for Civil and Human Rights, and Nancy Wesolowski of the Center staff, for their initiative and responsibility, and for the generosity of their assistance in so many ways.

Financial assistance from the Ford Foundation made it possible for us to undertake this project, and I do wish to express my gratitude to the Ford Foundation for its generosity in helping to make the Report of the Chilean National Commission available to the English-speaking public. I am especially thankful to Margo Picken of the Foundation's staff for her patience, insightful questions, wise critiques, and unfailing commitment to international human rights.

(Rev.) William Lewers, C.S.C.
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Introduction to the English Edition by José Zalaquett²

This report is the core of Chile's earnest response to a major ethical and political dilemma of our time. The problem may be summarized as follows: How can a country overcome a legacy of dictatorial rule and massive human rights violations if the new government is subject to significant institutional and political constraints? How, in those circumstances, can the equally necessary but often conflicting objectives of justice and social peace be harmonized? What are the moral tenets which should guide the politician's actions in such ambiguous situations?

Chile came to confront this dilemma after the inauguration of elected President Patricio Aylwin on March 11 of 1990, which put an end to more than sixteen years of military rule. By that time, several other countries in different regions of the world had been through a process of transition from dictatorship to democracy. Although Chile could learn from recent precedents, the sobering lesson they taught was that the political stakes involved in settling accounts with the past are extraordinarily high, that a fully satisfactory outcome can hardly be expected, and that the social tensions brought about by the legacy of human rights violations linger on for a long time.

Chile's solution was also, and inevitably, lacking. However, it was a serious, carefully thought-out policy which achieved salutary results within the country and significantly added to a wealth of relevant experiences from which other nations may draw. Indeed, since the time of the publication of this report in Chile, more countries have come to a similar political juncture and no doubt still others will.

This introduction attempts to explain the rationale and effects of the Aylwin administration's overall human rights policy, of which this report is a central component. The making of this policy was intensely deliberate. During the presidential campaign the coalition of parties from the center and center-left which supported the Aylwin candidacy set up a commission to prepare policy recommendations on human rights. Immediately after inauguration, President Aylwin engaged in consultations with human rights activists, relatives of victims of human rights violations, religious leaders, and representatives from a broad range of political parties.

Defining a policy involved first establishing ultimate objectives. These made themselves evident: to repair the damage caused by human rights violations both to individual victims and to the society as a whole; and to prevent such atrocities from ever happening again. The crux of the matter, however, was to decide on the means to achieve such objectives and on the likely extent to which they could be accomplished.

² Some material in this Introduction is drawn from the Mathew O. Tobriner Memorial Lecture delivered by Mr. Zalaquett at Hastings College of the Law and appeared in 43 HASTINGS L.J. 1425, © Copyright 1992 University of California, Hastings College of the Law, reprinted by permission.

These questions could not be answered in a void. At least four major considerations had to be duly weighted: the nature and extent of the human rights violations committed and the measure of investigation of the truth and justice for which they called; the restrictions imposed by the existing laws and institutions and by the likely reaction of the Chilean armed forces; the relevant experience of other countries; and the duties dictated by international human rights norms, as well as the position adopted on these issues by the international human rights community. An analysis of these factors is necessary to understand this report and the policy from which it stemmed.

On September 11 of 1973 the Chilean armed forces attacked La Moneda, the presidential palace in the center of Santiago. Within hours Chile's elected president, Salvador Allende, lay dead (this report concludes that he committed suicide), and a military junta presided by General Augusto Pinochet took power.

There followed an intense political repression which resulted in political killings and "disappearances," the imprisonment or exile of countless Chileans, and the widespread use of torture. These massive human rights violations shocked the world.

President Allende's three-year government and the more than sixteen years of dictatorial rule that followed it were the most turbulent chapters in Chile's history as an independent country. Chile had a long tradition of democratic institutions and respect for the rule of law. However, in the sixties a process of increasing political polarization, which is described in Part Two of this report, led to growing intolerance and divisions among different sectors of the Chilean society. During the Allende administration's tragically failed socialist experiment this polarization was sharply exacerbated. The 1973 coup d'état was the culmination of this process. Chileans were deeply divided about this outcome. Some considered it an inadmissible violent interruption of democratic rule; others believed it was an inevitable move to prevent an impending civil war.

Adamantly opposite views about the coup still persist, although most Chileans have come to agree to disagree on this issue. However, it is now widely acknowledged in Chile that a distinction must be made between the coup d'état and the human rights violations committed by the military regime. While the inevitability or admissibility of the former could be controvertible, there ought not be two opinions about the utter illegitimacy of the latter. Although the ethical basis of such a distinction is unequivocal, not many supporters of the regime dared to speak out against human rights violations, at least during the most critical years of military rule.

Both in Chile and abroad, political killings, "disappearances," and torture came to be considered as the worst abuses of the military regime. It certainly committed many other human rights violations, including massive arbitrary imprisonment and exile, as well as attacks on other civil liberties. But, notwithstanding the seriousness of these transgressions, the facts were known and the military government did not deny them. Rather, it attempted to justify them on the grounds that the emergency the country

faced permitted the suspension of certain individual rights. Concerning political assassinations and torture, however, there is no possibility of even attempting a justification under international law (whether human rights law or the laws of armed conflict) because the respective norms can never be subject to derogation or suspension. Consequently, those practices were always denied by the military government. These denials were largely believed by most of its civilian supporters (many of them probably preferred not to know for sure). They would accept the official explanations that nothing more than isolated, inevitable excesses could have occurred. At most they would believe that the real extent of the abuses was far less than what was reported by domestic and international human rights organizations and by the foreign press.

As is abundantly documented in this report, the method of "disappearances" was systematically applied during the first four years of military rule. Detention of the victims was not acknowledged. They were kept in clandestine detention, subjected to torture and eventually summarily executed. Their bodies were disposed of in secret. This report documents close to one thousand of such cases. During the first months of military rule these "disappearances" were not centrally coordinated. But with the establishment of DINA, the regime's secret police, toward the end of 1973, "disappearances" became a carefully organized method designed to exterminate opponents considered dangerous and to avoid accountability for such crimes.

The families of the executed prisoners were at least able to bury their dead. However, the relatives of the "disappeared" have endured for many years the cruel uncertainty about the fate of their loved ones, both mourning for them and hoping against all hope. They desperately needed to know the truth.

DINA was dissolved in 1977 and replaced by a new body, the CNI. The systematic resorting to "disappearances" ceased, but other human rights violations, including assassinations and torture, continued although at a lesser scale.

The military government always insisted that it had been waging a war, albeit an unorthodox one, against an insidious, subversive enemy. Yet under no accepted definition of armed conflict could such an allegation be sustained. As established in this report, except for isolated acts of resistance on the day of the coup d'état and in its immediate aftermath, the military government exerted effective control over the country. It was able to suppress any opposition, whether peaceful or not, during the first seven years of its rule. Around 1980, however, as explained in this report, some opposition groups started an organized armed resistance. While they were never able to control territory or to wage military operations in a sustained manner, their actions gave a boost to the government's contention that it was fighting a war. These groups engaged in killings, most of which may be characterized as terrorist acts or, at any rate, as acts in violation of internationally accepted humanitarian principles. Ninety such killings are documented in this report.

Some opposition groups justified the resorting to armed resistance on the grounds

that they were fighting a tyrannical government. The need and justification for armed rebellion could be a matter of controversy, as the coup d'état was (most of those who opposed the military regime, however, rejected either the legitimacy or the effectiveness of armed resistance). But, again, a distinction must be drawn between the reasons for resorting to arms and specific actions of the rebels that violate the laws of armed conflict or other basic principles of humanity.

These realities dictated that the human rights policy of the Aylwin government should focus, as a priority, on revealing the truth about the fatal victims of political violence: victims of assassinations and "disappearances" committed by agents of the government (the vast majority) but also political assassinations committed by rebel groups. The practice of torture by the government also had to be accounted for.

A second factor the Aylwin administration had to take into account was the set of institutional and political constraints it inherited. Among the most salient was an amnesty law decreed by the military government in 1978, following the dissolution of DINA. The effect of it was that, with the exception of one crime (the bomb assassination ordered by DINA of Orlando Letelier in Washington, D.C., in September of 1976) all human rights violations committed prior to the date of that decree would remain in impunity. The worst and most systematic human rights violations perpetrated by the military government occurred in the period covered by the amnesty. Offenses committed after that date could legally be prosecuted. They included some egregious crimes. But most of them would be hard to prove in court without collaboration from the perpetrators or their comrades in arms.

The Chilean Supreme Court, which is sharply criticized in this report for failing to protect human rights, had upheld the validity of the 1978 amnesty decree. President Aylwin did not, of course, have constitutional powers to interfere with the Court's rulings. He could not hope for a repeal of this legislation either. In effect, despite a broad victory in the presidential and congressional elections, the government coalition did not obtain a majority in the Senate due to a provision of the 1980 Constitution which reserved a number of seats for appointed rather than elected senators.

But even if it had been feasible to repeal the amnesty, the Aylwin administration would have had to calculate carefully the likely results of such a move. The 1980 Constitution, although amended prior to the presidential election, did retain other provisions which restricted the powers of the President. Chief among them was a norm securing tenure for the commanders of the armed forces, including General Pinochet, the head of the army, until 1997. The purpose of this provision was to maintain the institutional cohesiveness of the armed forces, which was a major feature throughout the years of military rule, during the initial (and, for the military, unpredictable) period of democratic restoration. The armed forces considered the amnesty and its effects as a settled affair and were most worried about the prospect of widespread prosecutions. They were convinced that in 1973 they had been the last institutional bastion which managed to save the country from drifting into communism. Their argument was that prosecutions would undermine their position,

dangerously depriving the country from the safeguard they represented in case of a new drift towards socialism which could never be ruled out. Further, they felt they had, in an orderly fashion, returned an economically dynamic Chile to democratic rule and that any undesirable costs paled in significance. Thinly veiled warnings that the armed forces would not tolerate a repeal of the amnesty decree were repeatedly made before and after President Aylwin was inaugurated.

On the other hand, one of the planks of the coalition that supported Aylwin had been to seek the repeal of the 1978 amnesty. Short of that hardly attainable goal, the Aylwin government felt that at least it should request from the judiciary that the effects of that amnesty would not preclude judicial investigations of the fate of the disappeared prisoners, even if such investigations could not conclude in trial and punishment.

In fashioning its human rights policy, the Aylwin government also had to take into account the experience of other countries, the principles of international law, and the opinion of the international human rights community.

In Chile, the banner of human rights became the moral counterweight to the force of the military regime, throughout the years of dictatorship. Soon after the coup d'état, a coalition of churches led by the Catholic Church established the Committee for Peace, which as of 1976 became the Vicariate of Solidarity of the Catholic Archdiocese of Santiago. These successive organizations lent moral and legal assistance to thousands of victims of the political repression and to their families. They carefully documented every case which came to their attention and produced numerous and thorough reports on the overall human rights situation in Chile. In parallel, international human rights bodies and organizations, both intergovernmental and non-governmental, focused intensely on the human rights situation in Chile from the onset of the military regime. So did the international press. All of them could rely on the information provided by the Peace Committee, the Vicariate of Solidarity, and other human rights groups which emerged in Chile in subsequent years.

Chile's rich and prolonged experience in the struggle to protect human rights had a remarkable influence in the realm of social values and public discourse. By the time Chile started its transition to democracy, human rights stood as the preeminent notion of political ethics. Chilean politicians who might once have invoked human rights mostly as a means to confront the military government's repressive drive, accepted in subsequent years the universal value of the idea and its place as a central tenet of a democratic system. Politicians who had supported the military regime came to admit openly that they should have paid more attention to the protection of human rights.

At the beginning of the military regime, the nascent human rights organizations in Chile were barely aware of the extent to which an international human rights movement had developed. But soon they become fully acquainted with the international human rights scene and could, in turn, contribute to the development of mechanisms for the protection of human rights at the United Nations or the OAS and

to the work of international non-governmental organizations such as Amnesty International, the International Commission of Jurists, and Americas Watch.

The Chilean case had received far greater international attention than would usually be given to a country of modest geopolitical importance. For years the United Nations and the OAS singled it out for special human rights monitoring. The case of Chile was better known to international public opinion than that of other countries suffering comparable or even worse repression. At the beginning of the military regime this could be explained by the fact that the coup d'état was in poignant contrast with the political tolerance which had come to be expected from Chile. Further, President Allende's experiment with a "peaceful road to socialism" had captured the imagination of sectors of international public opinion. His dramatic death in the governmental palace acquired the lasting power of a symbol.

However, the intense international focus on the human rights situation in Chile was subsequently sustained due to the work of Chilean human rights organizations. The Vicariate of Solidarity had succeeded in documenting the vast majority of all serious human rights violations committed by the military government. Chilean human rights organizations came to be widely considered by the international human rights community as among the most effective groups working within a context of dictatorship.

Given the international status achieved by the case of Chile and the strength of domestic human rights work, the international human rights community followed with great attention how Chile dealt with the legacy of the dictatorial past. This problem had been confronted by one country after another in the recent past. International human rights organizations were still drawing the lessons from these developments and adjusting their own policies.

The vocal, highly visible international human rights movement of today may be said to have started in the sixties. The issue of human rights had been formally in the world agenda since the creation of the United Nations. But although human rights treaties and the corresponding intergovernmental mechanisms are of central importance, it was not until the sixties that a worldwide movement began to be formed. It started at the international level with the creation of Amnesty International and other non-governmental organizations which channeled the activism of concerned citizens all over the world. Later on, domestic organizations were formed in many countries where there was a pattern of political repression.

Until the early eighties these international organizations dealt chiefly with human rights violations being at that time committed by governments. It could be assumed that it was within the power of those governments to continue or to stop such practices. Campaigning for their immediate cessation was thus not only based on clear norms and solid convictions – in addition, governments could not argue that it was beyond them to comply.

However, the positive duty of successor governments to dispense justice for past crimes is of a different nature than the negative obligation of refraining from committing them. These governments' power to comply fully with such a duty may not always be assumed. This problem became evident starting with the case of Argentina, after the downfall of the military regime and the election of President Alfonsín, in 1983.

Before that time, the thinking about dealing with State crimes was largely framed by the foremost precedent of our time: the Nüremberg and Tokyo trials. This precedent emphasized the duty, imposed by the conscience of humankind and by several international legal norms, to prosecute and punish certain crimes and the necessity of such measures in order to preserve the collective memory and to build up an effective deterrent. The role of human rights organizations would be to make sure that in the process of meting out justice the new government respected the rules of fair trial and other human rights norms.

However, the postwar model rested on a necessary material condition: the war criminals who were brought to trial did not lose power through political means but through a complete military defeat. The victors did not have to wrestle with questions of correlation of forces.

Some of the salient cases of political transition before 1983 were not of a nature that would challenge the suitability of the post-Second World War model. For instance, in Nicaragua, in 1979, the Sandinistas won a decisive victory by the force of arms. Likewise, after the overthrow of the military regime in Greece, in 1974, the succeeding civilian government prosecuted many officials of the fallen regime. Argentinean President Alfonsín also prosecuted several of the top military rulers of the previous regime. However, just as it happened with Greece seven years before, the Argentinean military had recently been defeated in an international war outside the mainland. As a consequence they had lost authority and institutional cohesiveness. This factor facilitated the possibility of prosecutions in Argentina, although the military still controlled the weapons. Eventually they regained a measure of cohesiveness which permitted them to put strong pressure on the Alfonsín government to adopt measures of leniency.

After the Alfonsín government's ensuing difficulties and after the rapid succession of political transitions of subsequent years, in all regions of the world (from the Americas, to Eastern and Central Europe, to Africa) the whole array of complex ethical, legal, and political issues involved in the change from dictatorship to democracy became fully apparent. In most of these countries the successor governments did not come to power as a result of military victories but through tortuous political paths. The perpetrators and their supporters were still a force to be reckoned with. Often before they left power they managed to impose institutional and legal arrangements to limit the scope of action of the incoming government. In some cases there had been an internal armed conflict, but it ended in a negotiated peace, with no clear victor; or else, one of the parties did emerge victorious, but feared to antagonize the rival ethnic or

national groups through widespread prosecutions, lest the conflict be reignited.

What are the principles to be applied in all such situations? What can they be fashioned from? This was a novel ethical dilemma, although many of the discrete issues encompassed by this problem have long received the attention of ethicists, jurists, or theologians. For instance, much literature on political ethics has been devoted to the relationship between ends and means in political life and also to the more specific issue of the extent to which politicians should be guided, in the pursuit of morally desirable ends, by the likely outcome of their actions. As to juridical sciences, criminal law theories have for a long time dealt with the social or moral value of penalties as a deterrent or as instruments of distributive justice. Further, since the jurisprudence of the Nüremberg Tribunal, United Nations resolutions and treaties have defined crimes against international law. These treaties include the obligations of States to prosecute certain crimes or to refrain from establishing limitations to their prosecution and punishment. Finally, legal theories, the domestic laws in most countries, and even certain international treaties also refer to measures of clemency, including pardon and amnesties. But the richest depository of doctrines and reflections on mercy is to be found in the teachings of major religions about acknowledgment of wrongdoing and atonement, penance, forgiveness and reconciliation.

However, the sum of principles and theories concerning separate aspects of the problem was not sufficient. A unifying ethical approach was required which would permit the integration of principles and real-life constraints. This was provided by Max Weber's distinction between the ethics of ultimate ends (or ethics of conviction) and the ethics of responsibility, as developed in his famous lecture "Politics as a Vocation," dictated in Munich in 1919. Weber clarifies that an ethic of conviction does not imply lack of responsibility, just as an ethic of responsibility does not imply lack of convictions. Rather he stresses the fundamental difference that exists between acting according to an ethical precept regardless of the outcome and acting taking into account the predictable consequences of one's action.

In Weber's view politicians must always be guided by an ethic of responsibility. All the more so, it must be concluded, they should follow such a maxim in cases where the stakes for the whole of society are as great as they are in the types of situations just described. Political leaders ought not be moved only by their convictions, unmindful of real-life constraints, lest in the end the very ethical principles they wish to fulfill suffer because of a political or military backlash. However, it must also be firmly stated that neither can a politician invoke the need for prudence as an excuse for inaction and cowardice. Responsible politicians do not shy away from pursuing the fulfillment of basic ethical principles, even in dangerous circumstances. Rather, they assess carefully the circumstances so as to be able to attain the desired results to the fullest extent possible.

In retrospect, it is striking how much Weber's distinctions have inspired people who had to make relevant human rights policy decisions or recommendations in different

countries and who, in all appearance, had no contact with each other. At roughly the same time, around 1990, President Aylwin, Czechoslovakia's President Vaclav Havel, and a number of human rights commentators were making express reference to the particular relevance of Weber's concept to situations of political transition.

In what concerned Chile, President Aylwin could draw from recent examples in Argentina and Uruguay. These countries were not only Chile's South American neighbors. Like Chile they had been ruled by military regimes, following a similar process of political polarization. Human rights violations in all three countries were of comparable gravity.

Argentina emphasized truth telling, through an official commission which produced a thorough report on disappearances. It also annulled an amnesty law passed by the military. But eventually the Alfonsín government felt compelled to back off from its initial stance and passed, under pressure, legislation to preclude further prosecutions. Uruguay emphasized forgiveness and some measures of reparation. There were neither prosecutions nor a thorough official report about the truth. This led many discontent citizens to organize a campaign of signature collection to put to a referendum the repeal of a law which precluded prosecutions. Although they lost the vote, the issue bitterly divided the Uruguayan society during the first years of democratic rule.

The lesson for the Aylwin administration was that it should stake out a policy it could sustain. Reparation and prevention were defined as the objectives of the policy. Truth and justice would be the primary means to achieve such objectives. The result, it was expected, would be to achieve a genuine reconciliation of the divided Chilean family and a lasting social peace.

The truth was considered as an absolute, unrenounceable value for many reasons: In order to provide for measures of reparation and prevention, it must be clearly known what it is that ought to be repaired and prevented. Further, society cannot simply black out a chapter of its history, however differently the facts may be interpreted. The void would be filled with lies or with conflicting versions. The unity of a nation depends on a shared identity, which, in turn, depends largely on a shared memory. The truth also brings a measure of social catharsis and helps to prevent the past from reoccurring. In addition, bringing the facts to light is, to some extent, a form of punishment, albeit mild, in that it provokes social censure against the perpetrators or the institutions or groups they belonged to. But although the truth cannot really in itself dispense justice, it does put an end to many a continued injustice – it does not bring the dead back to life, but it brings them out from silence; for the families of the "disappeared," the truth about their fate would mean, at last, the end to an anguishing, endless search. It was deemed further that a thorough disclosure of the truth was feasible, although probably the whereabouts of the remains of most disappeared will remain unknown.

Regarding justice, an important consideration was to assess the duties imposed by international law. The conclusion was that nations have discretion to decide

democratically on measures of clemency, provided that such decisions are informed, namely that the truth about what is being amnestied is known. However, international law imposes on governments the duty always to investigate and punish certain particularly serious crimes. Whether some of the crimes amnestied in Chile, in particular the systematic practice of disappearances, fit the letter of those international norms may be a matter of technical controversy. But there was no doubt that they did fall at least within the spirit of international law. The position of the Aylwin administration was that fulfilling the obligation to prosecute those crimes depended not only on the executive power, but on the legislature and the judiciary as well. If the executive could not, by itself, fulfill it, at least it would refrain from decreeing or proposing measures which would confirm or add to the existing situation of legal impunity.

Criminal justice would be effectively limited to cases committed after the 1978 amnesty and to the only pre-1978 crime exempted from the amnesty, the Letelier case. However, the government would insist in its view that the judiciary should at least investigate the fate of the disappeared prisoners, even if the cases were covered by the amnesty. In addition, other measures of justice, such as compensations and restitution of the victim's good name could be amply applied.

Based on these considerations, the Aylwin administration promised "the whole truth, and justice to the extent possible." Responsibility dictated that during the transition this was the most that could be aimed for. In fact, if the government had made an attempt (however futile, given Chile's existing legality) to expand the possibilities for prosecutions, most likely it would have provoked tensions and reactions resulting in that neither truth nor justice could be achieved.

The human rights policy, therefore, rested mainly on disclosing the truth. The government was conscious that for the truth to achieve the expected purposes it had to be established in a manner that elicited the respect of all Chileans. That is how President Aylwin came to appoint the National Commission for Truth and Reconciliation, a panel of eight people from across the political spectrum, which produced this report.

The reader will find abundant details in this report, particularly in its Parts One and Two, about how the Commission conducted its investigations, nationwide, and about the context within which the violations it investigated occurred. The Commission was also asked to make recommendations on reparations and on prevention. They are presented, in great detail, in Part Four. In the period since the publication and dissemination of this report many of the most important recommendations have been acted upon. Chief among them, the granting of a pension, by law, to the families of all the people listed by the Commission's report as victims and the establishment of an organization which could pursue the investigation of cases the Commission could not conclude and otherwise follow up on its work. Legal reforms also have been proposed, largely based on the Commission's recommendations.

The establishment of the Commission was strenuously objected to by the armed forces. However, in the end, they abided by the President's authority to do so and responded (mostly in form rather than in substance) to the Commission's many inquiries. Political parties which had also objected to the establishment of the Commission finally accepted its need and lent to it their cooperation.

On February 9 of 1991 the Commission delivered its report to the President. On March 4 in a televised address to the nation President Aylwin presented the findings of the Commission and, as the head of State, atoned for the crimes committed by its agents. The report was then widely disseminated. Congress passed a unanimous resolution commending it. All political parties acknowledged the truth of the facts investigated, although some disputed the historical interpretations contained in it. The army and the navy publicly rejected the report, focusing mostly on a historical interpretation of the Allende administration and the role of the military government. They did not deny the individual findings contained in the report. With the passing of time, there can be no doubt that the facts established in the report have come to be widely accepted in Chile as the truth.

The Commission named the victims but not the perpetrators. It mentions the branch of the armed forces or police responsible for the acts and even the specific unit, but it does not attribute guilt to individuals. However, it sent to the courts the incriminating evidence it could gather. The Commission was not a tribunal and was not conducting trials. To name culprits who had not defended themselves and were not obliged to do so would have been the moral equivalent to convicting someone without due process. This would have been in contradiction with the spirit, if not the letter, of the rule of law and human rights principles.

Based on the information channeled by the Commission, some courts reactivated judicial investigations of disappearances. Also a number of notorious political assassinations, including the Letelier case, have been brought to trial. In such cases the Commission's finding probably did not add substantially to the evidence gathered by the courts. But it is safe to say that the climate created by the establishment of the global truth may have encouraged some zealous judges to persist in the investigation of specific cases.

The reader will no doubt find that this report, although confined to the terms of its relatively narrow mandate and restrained in its style, does convey the cardinal ethical importance of the task undertaken. Indeed all those who participated in this endeavor, commissioners and staff alike, were deeply touched by this fact. They held widely different political persuasions but they all felt united by sincere adherence to human rights and by a strong awareness of the uniqueness of their civic mission. This is eloquently reflected in the fact that the report was unanimously approved.

Those who worked to produce this report became keenly aware of the cleansing power of the truth. Interviewing thousands of relatives of victims and other witnesses nationwide was a necessarily rigorous method. But, as the interviewers soon

discovered, it was at the same time a means to heal the wounds, one by one, and thus to contribute to the building of a lasting peace. They were also humbled by the generosity shown by the relatives of the victims they met. Certainly, many of them asked for justice. Hardly anyone, however, showed a desire for vengeance. Most of them stressed that in the end, what really mattered to them was to know the truth, that the memory of their loved ones would not be denigrated or forgotten, and that such terrible things would never happen again.

Guide to the English Edition

To assist the English reader in understanding the Chilean context of the report, we have added several "Editor's Notes" to further explain concepts, institutions, persons and dates. These notes appear at the bottom of the page where the term is first mentioned. An alphabetical index of these notes immediately follows these comments. Original text notes are found at the end of the chapter in which they appear. At the beginning of each volume is an acronym list.

We are especially grateful to a number of Chileans who have helped us in preparing this translation, particularly those persons mentioned in the Foreword. The following books have also proved useful: Arturo Valenzuela's *The Breakdown of Democratic Regimes: Chile*; *The Legacy of Hispanic Capitalism* by Brian Loveman; *La Constitución Política de la República de Chile 1980 Actualizada en 1992*; Mario Bernaschina G.'s analysis of the Chilean Constitution of 1925 *La Constitución Chilena*; *Historia de la CUT* by Jorge Barría S.; *M.I.R. (una historia)* by Carlos Sandoval Ambiado; the Comisión Política MIR's *El MIR Vive en el Corazón del Pueblo*; and *A Nation of Enemies: Chile Under Pinochet* by Pamela Constable and Arturo Valenzuela.

Acronyms

| | |
|------------|--|
| AGP | Agitation and Propaganda |
| CELADE | Latin American Center for Demography |
| CEN | Radical Party Central Policy Committee |
| CNI | National Center for Information |
| CODELCO | Corporation of Copper |
| C.O.F.F.AA | Armed Forces Operational Command |
| CONAR | National Committee for Refugees |
| COPACHI | Committee of Cooperation for Peace |
| CORA | Agrarian Reform Corporation |
| CORFO | Corporation to Stimulate Production |
| CORHABIT | Housing Corporation |
| CORVI | Corporation for Housing |
| COU | Corporation for Urban Works |
| COVEMA | Avengers of the Martyrs Squadron, 1980 |
| CTK | Czechoslovakian News Agency |
| CUT | Unified Labor Federation |
| DINA | National Intelligence Directorate |
| DINAC | National Bureau of Trade |
| DIRINCO | National Bureau of Industry and Trade |
| ECA | Company for Agricultural Trade |
| EMPORCHI | Chilean Port Company |
| ENACAR | National Coal Company |
| ENAEX | National Explosives Company |
| ENAMI | National Mining Company |

| | |
|-----------|--|
| ENDESA | National Electricity Company |
| FENATS | National Federation of Health Care Workers |
| FENSA | National Electronics Manufacturer, Inc. |
| FER-MIR | Revolutionary Student Front |
| FIN | North American Investigatory Source |
| FPMR | Manuel Rodríguez Patriotic Front |
| IANSA | National Sugar Industry |
| INACESA | National Cement Industry |
| INDAP | National Institute for Agricultural Development |
| INDUMET | National Metallurgical Industry |
| JAP | Council for Supplies and Prices |
| KPD | Soviet Company |
| MANESA | Tire Manufacturers Company |
| MAPU | United Popular Action Movement |
| MCR | Revolutionary Peasant Movement |
| MIDEPLAN | Ministry of Planning |
| MIR | Revolutionary Left Movement |
| OAS | Organization of American States |
| ODEPLAN | National Planning Office |
| ORPLAN | Regional Planning Office |
| SADEMI | Mining Supply Company |
| SAG | Agriculture and Livestock Service |
| SENDET | Executive National Secretariat of Prisoners |
| SERCOTEC | Technical Cooperation Service |
| SERVIU | Housing and City Planning Service |
| SICAR | Police Intelligence Service |
| SIRMA | Intelligence Service of the Southern Military Region |
| SOCORA | Agrarian Reform Marketing Association |
| SOQUIMICH | Chilean Chemical and Mining Society |
| UN | United Nations |

Introduction

When he took office, the president stated that one of his most ardent longings was to bring about the reconciliation of all Chileans; he was thereby expressing the fervent desire of the vast majority of the citizenry. No one can question the need for such a reconciliation, given the events of which we are all certainly aware, namely a profound division between Chileans, and a violation of human rights that affected many people and disrupted our traditional observance of the norms of the rule of law.

The president rightly thought that attaining the reconciliation for which people so yearned would require a thorough knowledge of how grossly the norms of humane conduct had been transgressed. He was indeed correct when he expressed this idea in the decree establishing our Commission, and when he said that "only on a foundation of truth will it be possible to meet the fundamental demands of justice and create the necessary conditions for achieving true national reconciliation." It is also true, as the decree states, that only the truth will make it possible to restore the dignity of the victims in the public mind, allow their relatives and mourners to honor them properly, and in some measure make it possible to make amends for the damage done.

Thus our head of state decided to entrust to us the mission of drawing up a report concerning the overall truth of those violations. That mission will certainly be one of the most important any of us will undertake in our lives. That report is being presented to our country to enable it to acquire a rational and well-grounded idea of what has happened. Such knowledge will also provide the different government branches with information that will facilitate their adoption of appropriate decisions in this regard.

The Commission was legally constituted on May 9 of last year and was to conclude its work by February 9. We have finished our work on time.

We are taking the liberty of stating why we accepted the noble task with which we have been honored. We were aware that it would be difficult, and that our own limitations would make it more so. We nonetheless accepted it without hesitation. The members of our group uphold a variety of philosophies of life. We are aware that we adhere to a variety of traditions, that our political loyalties are different, and that we have different perspectives on our country's history. We do, however, believe in the essential identity of our nation, and we think it ought to be protected by a state that remains faithful to the norms of democracy no matter which administrations might legitimately succeed one another. We accepted our task because the same fundamental principle unites us all – respect for human persons simply because they are human persons – and because we believe that the person is protected by inalienable rights which cannot be violated on the grounds of any accidental condition, nationality, creed, race, or ideology. These are rights that no power, no matter how far-reaching, may violate. We are united by an utter conviction that the human person in his or her dignity constitutes inviolable limits to the activity of other human beings. This is the primordial rule of human life in common. Finally, we are united in our yearning to make our country a

land worthy to shelter the children of our species, which is always regarded as the highest expression of creation.

Each person is endowed with numerous rights. All these rights are connected to numerous culturally acknowledged values, and especially those of life, freedom, and justice. The core of our own work, however, had to be an examination of how the most fundamental value – that of life – had been violated.

The primary moral obligation we were fulfilling was to the victims, their families, and those mourning them. It also seemed to us that to maintain silence about these painful events – not a true silence but one imposed by force – was not helpful to our future life together as a nation. Indeed, we thought that to help the Chilean state to establish the truth calmly and impartially would encourage society to acknowledge these facts and thus lay the groundwork for a healthy resistance to such violations in the future. The pain of the past, together with a common desire to condemn what is indefensible, would help prevent such events from recurring, and thus would lead to a consensus that might be conducive to the reconciliation we all desire.

The Commission's task was to draw up as complete a picture as possible of the most serious human rights violations that resulted in death and disappearances which were committed by government agents or by private citizens for political purposes; to gather evidence that would make it possible to identify individual victims and determine their fate or whereabouts; to recommend such measures of reparation and restoration of people's good name as it regarded as just, and also to recommend measures that should be adopted to hinder or prevent new violations from being committed.

We had to complete our work in nine exhausting months. We had no power to oblige anyone to meet with us, and we had to examine and weigh a vast amount of information in order to come to a conclusion, based on an honest judgement, about what had happened in each case presented to us, as well as to prepare an overall account of what had happened.

We interviewed each person who wanted to present his or her case, and in order to do so we travelled up and down the entire country. In an effort to assure that no family member be prevented from providing us with information, some of us travelled to other countries where we enjoyed the cooperation of Chilean diplomats. Our aim was to be utterly impartial in our work. Hence we were objective, and we pride ourselves on having been both rigorous and understanding. No one can accuse us of having been swayed in our deliberations by prejudices or loyalties to particular groups. It was encouraging to find ourselves agreeing on all our decisions. All the humanitarian organizations that had been gathering evidence on these events offered their cooperation, and they opened their archives to us. We sought relevant information from national and international bodies. We sent out approximately two thousand official inquiries to public and private agencies, and we studied their answers with all the care that the situation required. We took testimony from hundreds of people who

came forward voluntarily, and we examined all the evidence gathered for each case until we were certain of what had happened. The aid of all these persons and organizations was of immeasurable importance to us; the only way we can express our gratitude is to submit this report.

The Ministry of Justice quickly and efficiently provided us with the equipment we needed to carry out our work. We also relied on the self-effacing and loyal assistance of more than sixty people who gave up their normal work in order to devote themselves to the tasks of this Commission with enthusiasm and commitment.

We now turn over to the president the volumes containing our report. We thought we should examine the situation in our country on September 11, 1973, for even though it in no way justifies the violations we are going to relate, doing so will be helpful for recalling the atmosphere in which some of that violence was rooted.

We have documented cases of death and disappearance. In the first few days after September 11, 1973, some people were killed in armed clashes, as well as through political violence perpetrated by both sides. Several hundred political prisoners were then executed. Many of these executions were officially explained in accounts that the Commission has not found convincing or acceptable. Bodies were often left abandoned, or they were hidden, thus bringing about the first cases of disappearance. There was no legal investigation of, or punishment for, these events.

After the DINA (National Intelligence Directorate) was created, victims were selected by its intelligence units, and then generally held in DINA's secret detention centers where they were interrogated and tortured by specialists. The bodies of those who died under these circumstances disappeared in such a fashion that many have been impossible to locate. Normal legal safeguards proved insufficient. Efforts to introduce writs of habeas corpus were fruitless after the Ministry of the Interior denied that detentions were taking place. Judges did not inspect secret prisons or torture centers.

After the DINA was dissolved in August 1977, disappearances became far less common, although torture resulting in death continued. Armed resistance to some military operations led to gun battles, and there were other events which this Commission was forced to conclude were executions. In the early 1980's commando units composed of government agents or operating under government protection carried out some executions.

During this same period, some organized or reorganized extreme left groups opted for armed struggle. Groups reentered the country ready to engage in subversive activity. Their methods and objectives varied. For political purposes they made attempts on the lives of government figures, murdered police who were maintaining public order, set off bombs for terrorist purposes, and carried out attacks in which government agents and civilians were killed.

The nationwide protests that took place beginning in 1983 represented a new stage

in which government agents or unidentified civilians killed political opponents. Some of these opposition groups were also responsible for killing people.

These violations radically changed the lives of the victims' relatives, as this report seeks to show by indicating the pain, sense of rejection, and fear affecting these families even today. The Chilean state must turn to them and urge them to forgive the society that injured them. Our society must ponder deeply what has happened if it is to look toward the future with a clear conscience.

If this Commission has had the arduous task of reestablishing the truth, it is now the delicate but fundamental task of all Chileans to utilize that truth for the sake of national reconciliation. How can the truth that we have sought to present systematically by means of our investigation and report be used to the best advantage? We firmly believe that we Chileans must seize hold of this truth which makes each and every one of us responsible; we must understand that there are some aspects to both repressive and extremist violence whose impact goes beyond the consciences of those directly responsible for crimes. To do otherwise would be tantamount to narrowing the scope of our effort to understand what has happened. Indeed if we yearn to assure that it does not recur, we need a new spiritual attitude.

Such an attitude entails reflecting with civic devotion on how we must conduct ourselves in the future. That reflection should lead to an utter conviction that full democracy and the rule of law are the only dikes that can contain violence, render it useless, and banish it forever. Only in this fashion will our country be secure from new outbreaks that might give lawless force control over our life in common and incline dissidents to routinely resort to criminal behavior. An examination of the tragic series of events that the Commission has had to present makes it imperative that our reflection and education be aimed at bringing about understanding among all Chileans.

The harm done to many Chileans calls for some degree of reparation. A special chapter of this report is devoted to this issue which from a human standpoint is so important.

We conclude by thanking the president for having invited us to participate in the task he set for us. We have fulfilled that task with both sacrifice and gratitude. In this instance those two ideas are not at odds.

We also thank those who put their confidence in us, whether by coming to our office or from afar, and shared their anguish, concern, and hope with us. They have enriched us emotionally with their sincerity, their self-control under affliction, and their faith that they would bring about the restoration of the good name of their loved ones. We ourselves may be better as a result.

We hereby submit our report.

Supreme Decree No. 355

Executive Branch
Ministry of Justice
Undersecretary of the Interior

Creation of the Commission on Truth and Reconciliation

Santiago, April 25, 1990. The following decree was issued today:

No. 355. Considering:

1. That the moral conscience of the nation demands that the truth about the grave violations of human rights committed in our country between September 11, 1973 and March 11, 1990 be brought to light;

2. That only upon a foundation of truth will it be possible to meet the basic demands of justice and create the necessary conditions for achieving true national reconciliation;

3. That only the knowledge of the truth will restore the dignity of the victims in the public mind, allow their relatives and mourners to honor them fittingly, and in some measure make it possible to make amends for the damage done;

4. That the judiciary has the exclusive responsibility, in each particular case, to establish what crimes may have been committed, to identify those persons guilty and to apply the proper sanctions.

5. That the nature of such legal procedures makes it unlikely that the judiciary will quickly provide the country with an overall sense of what has happened;

6. That delaying the formation of a serious common awareness in this regard may potentially disrupt our life as a national community and militates against the yearning among Chileans to draw closer together in peace;

7. That without in any way affecting the responsibilities of the judiciary, it is the duty of the president as the person charged with governing and administering the state and the person responsible for promoting the common good of society to do all within his power to help bring this truth to light as quickly and effectively as possible;

8. That a conscientious report by highly respected people with moral authority in our country, who are to receive, gather, and analyze all the evidence given to them or that they can obtain on the most serious cases of human rights violations, will make it possible for national public opinion to come to a rational and well-grounded idea of what has happened and will offer the various branches of government information that will make it possible or easier to take the measures appropriate to each one;

9. That in order to meet their objective these people must carry out their task in a relatively brief period, and hence the investigation must be limited to instances of disappearance after arrest, executions, and torture leading to death committed by government agents or people in their service, as well as kidnappings and attempts on the life of persons carried out by private citizens for political reasons, so as to provide the country with an overall picture of the events that have most seriously affected our common life together as a nation;

And exercising the faculties conferred on me by Article 24 and Article 32, No. 8, of the Constitution, and in accordance with Article 1, paragraphs 4 and 5, and Article 5, paragraph 2, as well,

I decree

Article One:

Let there be created a National Truth and Reconciliation Commission for the purpose of helping to clarify in a comprehensive manner the truth about the most serious human rights violations committed in recent years in our country (and elsewhere if they were related to the Chilean government or to national political life), in order to help bring about the reconciliation of all Chileans, without, however, affecting any legal proceedings to which those events might give rise.

Serious violations are here to be understood as situations of those persons who disappeared after arrest, who were executed, or who were tortured to death, in which the moral responsibility of the state is compromised as a result of actions by its agents or persons in its service, as well as kidnappings and attempts on the life of persons committed by private citizens for political purposes.

In order to carry out its assigned task, the Commission will seek:

1. To establish as complete a picture as possible of those grave events, as well as their antecedents and circumstances;

2. To gather evidence that may make it possible to identify the victims by name and determine their fate or whereabouts;

3. To recommend such measures of reparation and reinstatement as it regards as just; and

4. To recommend the legal and administrative measures which in its judgement should be adopted in order to prevent actions such as those mentioned in this article from being committed.

Article Two:

In no case is the Commission to assume jurisdictional functions proper to the courts nor to interfere in cases already before the courts. Hence it will not have the power to take a position on whether particular individuals are legally responsible for the events that it is considering.

If while it is carrying out its functions the Commission receives evidence about actions that appear to be criminal, it will immediately submit it to the appropriate court.

Article Three:

The Commission is to be made up of the following persons:

Raúl Rettig Guissen, who will serve as president
Jaime Castillo Velasco
José Luis Cea Egaña
Mónica Jiménez de La Jara
Ricardo Martín Díaz
Laura Novoa Vásquez
Gonzalo Vial Correa
José Zalaquett Daher.

Article Four:

In order to carry out its assigned task the Commission is to:

1. Receive the evidence provided by alleged victims, their representatives, successors, or relatives within the time period and in the manner that the Commission itself will determine;
2. Gather and weigh the information that human rights organizations, Chilean and international, intergovernmental and non-governmental, may provide on their own initiative or upon request about matters within their competence;
3. Carry out as much investigation as it may determine suitable for accomplishing its task, including requesting reports, documents, or evidence from government authorities and agencies; and
4. Prepare a report on the basis of the evidence it has gathered in which it is to express the conclusions of the Commission with regard to the matters mentioned in Article One in accord with the honest judgement and conscience of its members.

The report is to be presented to the president, who will then release it to the public, and will adopt the decisions or initiatives that he regards as appropriate. With the submission of its report the Commission will conclude its work and will automatically be dissolved.

Article Five:

The Commission will have six months to carry out its work. If it cannot do so in that period it may obtain an extension for no more than three months, by passing a resolution to that effect along with providing a justification for so doing.

Article Six:

Jorge Correa Sutil will serve as Commission secretary. The secretary's functions will be to organize and manage the office with sufficient staff to carry out its task, as well as to perform other functions the Commission may entrust to him.

Article Seven:

The Commission will prepare its own by-laws to guide its operation. The Commission's activities will be confidential.

The by-laws will determine which activities the Commission can delegate to one or more of its members or to the secretary.

Article Eight:

Either on its own initiative or upon request, the Commission may take measures to protect the identity of those who provide information or assist it in its tasks.

Within the scope of their competency, government authorities and agencies are to offer the Commission all the collaboration it may request, furnish the documents it may need, and provide access to such places as it may determine necessary to visit.

Article Nine:

The members of the Commission will carry out their tasks without pay. The secretary and the secretariat staff will be paid as contract employees. The Ministry of Justice will provide whatever technical and administrative support may be necessary.

Let it be noted [by the Comptroller General's Office], registered and published [in the Diario Oficial].

PATRICIO AYLWIN AZOCAR, President of the Republic.
Enrique Krauss Rusque, Minister of the Interior.
Francisco Cumplido Cereceda, Minister of Justice.

PART ONE

Chapter One: Methodology and work of the National Commission on Truth and Reconciliation in preparing this report

A. Objectives of the Commission

On May 9, 1990, by publishing Supreme Decree No. 355 of the Ministry of the Interior in the *Diario Oficial*,³ His Excellency, the President of the Republic, created this National Commission on Truth and Reconciliation. Its purpose has been to help the nation come to a clear overall understanding of the most serious human rights violations committed in recent years in order to aid in the reconciliation of all Chileans.

At that time the president believed that for the sake of the nation's moral conscience the truth had to be brought to light, for only on such a foundation, he said, would it be possible to satisfy the most basic requirements of justice and create the necessary conditions for achieving true national reconciliation.

This Commission was charged with four tasks:

- * To establish as complete a picture as possible of those grave events, as well as their antecedents and circumstances;
- * To gather evidence that might make it possible to identify the victims by name and determine their fate or whereabouts;
- * To recommend such measures of reparation and the restoration of people's good name as it regarded as just; and
- * To recommend the legal and administrative measures which in its judgement should be adopted in order to prevent further grave human rights violations from being committed.

As it began to operate, the Commission believed that its primary duty was to determine what really had happened in every case in which human rights had been seriously violated. Only by clearly determining what had happened in each individual instance would the Commission be able to draw up as complete a picture as possible of the overall phenomenon of the violations of these basic rights. Knowing this individual truth was also the indispensable basis for measures to repair, insofar as possible, the harm done to families, to identify the victims, and to recommend measures that might be taken to prevent such actions from recurring.

³ *Diario Oficial*: Chile's journal in which all presidential decrees and laws must be published, and therefore made public, within five working days following processing. It is published daily.

As will be explained in the following chapter, the decree itself set clear limits to the actions that were to be investigated. The president judged that in order to meet its objectives the Commission should complete its task in a relatively short period of time. Accordingly, only the most grave violations could be considered and investigated. The decree defined such violations as disappearances of people who had been arrested, executions, torture leading to death when committed by agents of the government or people in its service, and those kidnappings and attempts on peoples' lives committed by private citizens for political purposes. The decree also specified that those events leading to death or disappearance should be brought to the Commission only if they were committed between September 11, 1973 and March 11, 1990. Events outside the country could be considered if they were connected to the Chilean government or to the nation's political life.

The investigation of these events was to be published in a report containing the Commission's conclusions on these matters in accordance with an honest and conscientious judgement by its members.

The decree stated that because the judiciary could not be expected to quickly provide the country with an overall understanding of what had happened, this Commission was charged with that task. That document also made quite clear the differences between this Commission and the courts. In accordance with a solid and well-established principle in the area of human rights, it was determined that in no case was the Commission to take on legal functions proper to the courts nor to interfere in cases already pending. In order to make the matter even more explicit, the Commission was expressly prohibited from making pronouncements on whether and to what extent particular persons might be responsible for the events it investigated.

In order to achieve its purposes the Commission was empowered to carry out whatever inquiry and measures it judged appropriate, including requesting reports, documents, or evidence from government authorities and agencies. The same decree obligated government officials and bodies to offer their full collaboration within their own specific area of competence. The Commission did not have the authority to oblige anyone to appear before it and testify.

Thus the task was understood as being moral in character: to examine as much evidence as possible about the most serious human rights violations of this period and report its findings based on its honest and considered judgement. The aim was to enlighten the country and its government officials, so that knowing this truth might help them to make the decisions they determined most apt for bringing about national reconciliation.

B. Knowledge of the truth

1. Deciding which cases the Commission should consider

After approving an overall work plan and by-laws, and hiring the first staff members, the Commission sought to invite all the relatives of the victims of these events to register their cases, and to make an appointment to meet with the Commission. They could register in the Commission's offices in Santiago, in regional offices of the national government, and in many of the provincial governorships, which provided space for this purpose. Outside the country they could go to Chilean embassies and consulates. Notices were published several times in different publications. Cases were registered during June 1990.

Meanwhile, as the Commission was planning its work in greater detail and approving procedures for the work of its staff, lists of those who had died as a result of human rights violations were sought and received from the various branches of the armed forces and from the police as well as from other organized groups, such as business, labor, and professional organizations, which had gathered evidence of such violations. Thus seven professional associations, the army, the navy, the air force, the police, the investigative police, the Socialist party, the Communist party, the MIR (Revolutionary Left Movement), the Vicariate of Solidarity, the Chilean Human Rights Commission, FASIC (Christian Churches Foundation for Social Welfare), CODEPU (Commission for the Rights of the People), the Pastoral Office for Human Rights of the Eighth Region, the Sebastian Acevedo Movement Against Torture, CORPAZ (the National Corporation to Defend Peace), FRENAO (National Front of Independent Organizations), the Group of Relatives of those Arrested and Disappeared, the Group of Family Members of those Executed for Political Reasons, the CUT (Unified Labor Federation), and the National Commission of the Organization of Democratic Neighbors all brought their lists of victims to the Commission.

Through registration by family members and information presented by these agencies, the Commission was able to decide on the overall body of cases it should examine. After duplications and errors had been eliminated, a little more than 3,400 cases remained.

When the family members registered their cases with the Commission, in addition to the basic information about what had happened, they were asked to mention which agencies, groups, or organizations had already made some inquiry concerning the case. These agencies were then asked to provide the evidence they had been able to gather. Copies of initial court records were requested. Thus began the effort of consulting the archives of human rights organizations, particularly that of the Vicariate of Solidarity. The

Commission could thus draw on a great deal of information already gathered about these matters.

2. Staff organization

Determining the overall body of cases that the Commission should investigate made it possible to organize the staff more specifically. Certified lawyers and law school graduates were hired. Each lawyer, working with a law school graduate, began to study approximately two hundred cases.

The Commission also hired a group of social workers in order to come to a proper understanding of the effects of these events on the victims' families, to reflect this truth in its report, and to lay the groundwork for its recommendations for reparation. The staff was aided by a computer team which was responsible for properly storing and retrieving all the information the Commission gathered, and a files and documentation unit, which was responsible for filing all documents received. Together with secretaries, technicians, and their assistants, the staff consisted of more than sixty people.⁴ All the professional people were chosen by the Commission, while support staff was proposed by the secretary and appointed by the president of the Commission. No more than ten percent of these people had prior experience with human rights organizations. The Commission's intention was that its staff take a fresh look at the cases it was to examine and report upon.

In accordance with the terms of the decree, Commission members were not paid for their work, while the staff was hired to work by contract. All Commission expenses were paid with government funds provided by the Ministry of Justice, which offered continual support and assistance.

3. Testimony from family members

By the end of June, the Commission had a file on each case received, including the registration form and the request for an interview, along with all the relevant evidence previously gathered. The family members in the Metropolitan Region [Santiago and environs]⁵ who had requested an interview session were assigned a particular date and time.

The lawyer, the social worker, and the law school graduate were present at these sessions; however, during the busiest periods only two of them might be present and in a very few exceptional cases only one of these people was able to be present. There was always one Commission member present in the office, taking part in the sessions and helping resolve any emergency problems that might present themselves.

⁴ Commission staff members' names are listed in the appendix of Volume 2.

⁵ There were 1,845 such requests in the Metropolitan Region.

Each session lasted from forty-five minutes to an hour, although some lasted much longer. The Commission sought to obtain from relatives any information they could supply about the events. It particularly wanted any evidence that might serve to advance the investigation, such as the names of witnesses, and any information concerning proceedings initiated in the courts, human rights organizations, and other agencies. Relatives were also asked to explain the impact of these events on the family so that this aspect of the truth could be made known. This information was also intended to help provide the basis for devising policies for making reparation. The families were amazingly willing to put their trust in our group. For many of them, this was the first gesture made by the Chilean government to acknowledge their situation.

When the Commission had determined how many sessions had been requested through the regional and provincial government offices throughout the country,⁶ it organized a schedule of visits to all these places and set dates for giving testimony. From July to September two members of the Commission, one or two social workers, and a varying number of lawyers and law school graduates visited each regional capital and practically all provincial capitals. Families were gathered in small groups so that they could express what they had suffered as a result of the grave human rights violations. This method proved very valuable, since it enabled many of them to share their experience and support one another. After these joint meetings, each family group met with a law school graduate and a lawyer, who after becoming familiar with the cases and gathering evidence where possible, recorded their accounts and testimony. Commission members organized their time so as to be present during as many interviews as possible.

4. Subsequent investigations

Once the interviews had taken place and the materials had been obtained from human rights organizations and the families themselves, further steps were taken to obtain new evidence and corroborate the accounts already received. The Commission approved a general plan for that purpose. Article 4c of Supreme Decree No. 355 authorized the Commission to carry out all the investigation it deemed useful in order to accomplish its task, including requesting reports, documents or evidence from government officials and agencies. In addition, Article 8, paragraph 2, of that decree declared that these officials and agencies were obliged to "offer the Commission all the collaboration it may request, furnish the documents it may need, and provide access to such places as it may determine necessary to visit."

Many of the procedures ordered were of a general nature. Thus the Civil Registrar's Office was asked to supply the birth certificates for all those presented as victims, so as to assure from the beginning that their existence

⁶ The number of interviews requested in other regions of the country was 1,688.

was legally recognized. Death certificates and autopsy reports were requested for those reported as having been killed, so as to provide information on the date and cause of their death and relevant evidence. In the case of those presented as disappeared after arrest, death certificates were always requested along with birth certificates, in view of the possibility that a death might have been registered unbeknownst to the family. In addition, the international police [whose task is to monitor entrance into, and departure from, the country] was asked if the victims might have left the country. Inquiries were also made with the Civil Registrar and the Electoral Registrar to see whether they might have registered in some fashion during the period in which they were presented as disappeared. These initial inquiries were useful for corroborating the basic aspects of the accounts of relatives and of human rights organizations and to weed out a few instances in which people had simply left home without informing their families. All the agencies mentioned here were helpful to the Commission, although it proved impossible to locate the documentation for autopsies carried out in some remote rural areas.

Whenever there had been a judicial investigation, the Commission sought to obtain copies. In the metropolitan area law students were especially contracted for this purpose; elsewhere regional officials of the Ministry of Justice or of the bar association or other persons often provided help. Many official requests were sent to hospitals in order to provide documentation for the medical treatment mentioned in the evidence that had been gathered. The National Archives, the General Comptroller's Office,⁷ and the Chilean Police were also frequently consulted. The Commission sent out more than two thousand formal requests and received a response in approximately eighty percent of the cases.

In practically all cases in which the evidence gathered indicated that agencies of the armed forces or police might have been involved, the head of the respective branch was consulted as well as the chief of staff when appropriate, and they were asked for any evidence their institution might have on those events. The Chilean Army replied to more than two-thirds of these requests. In most of its replies it pointed out that in keeping with the legislation in force and its own by-laws, the evidence on such events that might have existed had been burned or destroyed when the legal period for doing so had passed. In other cases the response was that the institution did not have any evidence or could not respond unless the Commission provided further information. In those cases in which the army turned over the requested information, it proved

⁷ General Comptroller's Office: An autonomous body which acts independently of the executive, legislative, and judicial branches. It oversees the legality of acts of the administration, thereby registering decrees and resolutions and objecting to them whenever they are unconstitutional or contrary to existing delegatory law. This institution also controls revenues and investments of the National Treasury, municipalities and other state agencies and agents. The General Comptroller is appointed by the president with Senate approval and remains in office until he/she reaches 75 years of age.

valuable for determining what had happened.

The Chilean Police almost always responded to such requests by indicating that the documents from that period had been legally burned. In most cases they indicated that they had made some investigation to find the requested information, but these efforts proved fruitless except in a small number of cases. On other occasions, the police answered that the evidence was part of a judicial investigation, and they invoked legal provisions currently in force to justify not sending it. The Chilean Air Force sometimes provided the evidence requested; in other cases, however, it said that it did not have records of the events or that they had been legally burned. The Chilean Navy replied to all the Commission's requests and sent material that proved very useful for the investigations. In some cases, it replied that it did not have evidence on the situations about which inquiries were being made.

The Commission made repeated efforts to obtain copies of the war tribunal records. It did not find them in the National Archive. The navy sent the Commission copies of sentences handed down by the naval wartime courts. The Chilean Air Force gave the Commission permission to examine all documents of any trial it requested. The Chilean Army stated that some of these records had been burned on army property in a fire started by a terrorist attack in November 1989, and did not respond to requests for the remainder of such records. Examining these records would have been very valuable for carrying out a more profound study of the legality of such war tribunals.

When information on the involvement of their security agencies was requested, the army, the navy, and the air force pointed out that they were legally prohibited from providing information having to do with intelligence activities.

On a number of occasions the Commission requested the internal investigation reports that could or should have been made within the armed services and police forces about particular events, many of them having to do with members within their own ranks who had been victims of terrorist actions. The navy sent the rulings given in all such reports requested; the air force added a good deal of direct and circumstantial information about such events; the police did not send them for various reasons, such as the fact that they had been legally burned or that they had already been sent to the courts; the army sent copies of the rulings in the reports drawn up when its members were killed.

When the evidence gathered indicated the involvement of uniformed personnel not identified by name but by rank, by their unit, or by the functions they were carrying out at a particular moment, official inquiries were sent to their institutions requesting their names or the names of all those who were serving on a particular squad or unit. Pointing to Article 436 of the Military Justice Code, the Chilean Police claimed that they were legally prohibited from responding to

such requests, since that article made confidential the lists of military personnel. The Commission stated that it was not seeking such lists but inquiring about the names of persons who had served on a particular unit. Subsequently the police sent the names of retired officers who had been in charge of each unit. The Chilean Air Force and Navy always responded by giving the requested names of officers in charge of particular units.

In almost every case in which the evidence gathered made it possible to pick out a particular person, the Commission asked that person to give testimony in order to learn his or her version of the events and to take it into account in discerning what had happened. If the person was still on active duty, the Commission made such a request through the commander-in-chief of each branch and through the chief of staff where appropriate. After explaining that the individual member had been mentioned in a document the Commission had received, noting that such testimony was voluntary and could be made confidentially, and that it was not the Commission's role to determine whether individuals were guilty of crimes, these officers were asked to inform the individual members how important their testimony was considered to be. The Commission requested the testimony of one hundred and sixty members of the armed forces and the police. The commanders-in-chief answered that the names of some of these people were not listed as belonging to their institution or were now retired. Even in these cases, the police attempted to locate these people and inform them of the Commission's interest. In other cases, the heads of these branches did inform those cited that the Commission wanted to receive their testimony. With the exception of a few cases, which will be noted below, those who were on active duty refused to offer testimony to this Commission. They offered a number of reasons for doing so: they generally indicated that they had no knowledge of the events for which they had been summoned; that they had already stated all they knew in court proceedings; or that, since compliance was voluntary, they chose not to appear. One member of the police who was on active duty and one in the air force indicated their willingness to offer testimony. A considerable number of policemen and one air force officer agreed to answer questions in writing. When such persons did not belong to the armed forces or were now retired, these requests were delivered directly to them. In these cases a larger number came forward to testify.

The investigative police passed on all the Commission's requests except those in which it was noted that there were no records in its files. Its members were often willing to provide testimony to the Commission.

Because of the limited amount of time, it was impossible to take testimony from all persons who were mentioned as witnesses of the events under investigation. Hence the Commission chose those it regarded as more relevant and whose testimony was not to be found in other reliable documents. The lawyers and law school graduates visited almost all regions of the country a second time in order to record the testimony of the most important witnesses.

5. Individual decision on each case

By the beginning of October, the Commission had established a schedule and laid down a procedure whereby each of the lawyers could prepare information on the cases he or she had been assigned to investigate under the supervision of the Commission members. At this point the lawyers focused on drawing up a written report in accordance with Commission guidelines in order to give an account of all the evidence they had gathered in each case and to suggest that the Commission adopt a particular conclusion.

Only the material in this report constitutes the Commission's opinions and consensus. The documentation in its archives has merely served as the basis for its work.

The first cases were presented to the Commission at the end of October 1990. In sessions lasting until mid-January 1991, the Commission individually examined about 3,400 cases, until it had reached agreement over how it was going to present each case in which human rights had been gravely violated or in which people had been killed as a result of political violence. In other cases it concluded that it had not been able to come to such a determination or that the case was beyond its competence. In only a small number of instances did it reach agreement by a simple majority, and in none of these cases were the differences over matters of principle. Hence the Commission agreed to leave dissenting opinions only in its minutes and to omit them in this report.

As a result of the time available to the Commission for completing its tasks some of its official inquiries remained unanswered and consequently a number of cases were left unresolved. Hence in this report the Commission recommends that the government continue to investigate these situations to determine whether they also constituted grave human rights violations.

6. An account of the truth about individuals and the country as a whole

As it was weighing information, the Commission was also deciding the structure and characteristics of the present report. In order to provide an account of the episodes in which the Commission concluded that grave violations of human rights had taken place, the staff first had to provide concise accounts of these cases and present them in draft form to the Commission. Given the nature of this report, information on many circumstances connected to the most serious violations, such as prior surveillance or pursuit, treatment in prison, and arrest procedures had to be omitted, except where they were necessary for the Commission's decision. Hence what is written in the accounts are basically those elements that directly or indirectly led the Commission to conclude that a grave human

rights violation had taken place. This procedure has enabled the Commission to identify every single victim of grave human rights violations, as well as the people who were killed as a result of political violence, and to indicate its conclusion and reasoning in each case.

The examination of these particular situations served as the basis for the overviews which outline the major features of events in each period considered in this report. These overviews highlight the most common and relevant features of the events, the organizations involved, who the victims were, and the methods used in these violations, such as the location, treatment, and disposal of dead bodies. Testimony given by important actors of that period and by people who were involved in organizations and groups which violated human rights, as well as the contributions of those who have studied these matters, were very important for drawing up this overview.

The Commission was also charged with providing evidence that might make it possible to determine the fate of the victims and their whereabouts. From the beginning efforts were focused on this vital task. Whether it could be accomplished was basically dependent on whether people who could offer evidence were willing to appear voluntarily before the Commission. The information thus gathered can be found in this report as well as in what was presented to the courts, since whenever evidence concerning the whereabouts of the remains of someone who had disappeared after arrest was obtained, it was immediately submitted to the courts.

Since this task was so important, the Commission did not want to finish its work without first sending out a confidential official request for any evidence that could directly or indirectly help determine what had happened to those persons identified as disappeared. These requests were sent to agencies or government bodies whose members were said to have participated in some action of arresting or imprisoning these persons and to those government figures who might have ordered investigations into such matters. Although almost all of these requests were answered, none of the answers offered any information that could substantially serve that purpose.

The final volume [not included in the English translation] of this report is simply auxiliary in nature. It provides an alphabetical list of all of those persons whom this Commission has regarded as having suffered grave human rights violations or political violence. It seeks to indicate who these persons were and is limited to a brief mention of the events that led to their death or disappearance, in accordance with the Commission's conclusion, as presented in the body of this report.

C. Sending evidence to the courts

The second paragraph of Article 2 of the Commission's founding decree states that if "while it is carrying out its functions," the Commission "receives evidence about actions that appear to be criminal, it will immediately submit it to the appropriate court."

In compliance with this obligation, the Commission sent to the courts all the evidence it gathered of whatever seemed to be an illegal burial in order to help determine the fate or whereabouts of those who disappeared after arrest. In other cases, the Commission decided to send the courts whatever evidence it gathered that seemed new, useful, or relevant for judicial investigations. Thus when the evidence the Commission gathered did not go beyond what was already in the possession of the courts, or when it did not seem relevant for a judicial investigation, it was not sent to the courts; the intention was to send only evidence that could make a difference. In no case did the Commission refrain from sending evidence because a criminal action might be ruled out, or because the amnesty law might go into effect. The Commission determined that such decisions were to be made by the courts, and hence it should not decide such circumstances on its own.

In sending evidence to the courts, the Commission was careful to observe the norms laid down in its founding presidential decree, namely that the identity of those who wanted to testify confidentially should be protected. In no case has this concern hindered the Commission from sending to the courts all available evidence about sites where the remains of someone who disappeared after arrest might be found.

D. Acknowledgement of harm inflicted and proposals for reparation and prevention

As has been noted, from the beginning the Commission did not want to stop at presenting the truth about human rights violations. It understood that when the Commission's founding decree spoke of the overall truth of what happened, the report could not neglect the effects of these events on the victims' families. Hence the Commission discussed this matter with the relatives in each interview and testimony session. Chapter Four of Part Three of this report seeks to present the Commission's findings as faithfully as possible.

In addition to examining what the relatives of the victims of grave human rights violations had suffered, the Commission consulted with relevant experts and persons who could offer guidance on proposals for reparation and prevention such as the decree had urged it to prepare. The Commission consulted with a large number of national and international organizations by asking them what they believed would be the most fitting measures of reparation and prevention. Naturally, the Commission was quite aware that complete reparation for the damage done was impossible, and that any proposal for reparation should be made with complete respect for the dignity of the people involved. Moreover, the

Commission had to bear in mind that its primary duty was to clarify the truth, which in itself had undeniable effects in terms of reparation and prevention. Starting with these premises, the Commission consulted each one of these organizations and institutions and inquired which measures of symbolic or cultural reparation, whether legal or administrative, or in the form of services or aid, they regarded as most fitting for repairing, insofar as possible, the harm that has been done. Likewise they were asked about measures that might strengthen the legal order and institutional framework, or promote a culture more respectful of human rights in order to assure that such events never again take place in our country. One hundred and nine organizations were consulted in this fashion, including those of the victims' family members, human rights agencies, the main universities and centers of learning, the political parties, the churches, and other moral authorities. Internationally, the request was sent primarily to those intergovernmental and private bodies with the greatest experience in protecting and promoting human rights. The Commission received more than seventy extensive and well-documented presentations, which it then studied and carefully processed, until it finally came to the proposals and recommendations included in this report.

E. Chapters dealing with relevant prior circumstances

Since Decree No. 355 stated that the Commission was responsible for preparing us complete a picture as possible of the most serious human rights violations, along with their antecedents and circumstances, the Commission also decided to include with these accounts some observations it believed to be essential to a better understanding of this matter. Thus, before beginning its accounts of the events themselves, this report notes some of the legal, political, and social features of the period that are more directly related to human rights violations. While fully aware that nothing can excuse or justify these violations, the Commission has sought to take into account some characteristics of the climate in Chile before and after September 11, 1973 that may have contributed to such violations. The Commission believes it is thereby carrying out a duty imposed by the decree that it should set forth the antecedents and circumstances of these violations, while also helping recall the climate that enabled such violations to take root. The purpose of these observations is to help prevent them from ever occurring again.

We have also considered the main legal institutions which made such violations possible, as well as those legal mechanisms that proved most effective for countering them. The Commission believes that acknowledging such antecedents will always be useful for enabling us to examine our cultural and legal institutions and as a basis for determining the changes required in order to prevent such events from recurring.

How the judiciary and the main actors in society reacted to these grave violations is also described. It will be the task of social scientists and

historians to determine what happened with greater precision and depth. The Commission, however, believes it has been very important to connect the phenomena of human rights, as well as their gradual eclipse, to the greater or lesser commitment by various actors in society to protecting, defending, and promoting the rights of all Chileans.

In working on these chapters, the Commission first set about gathering the literature and documentation of the period, and sought the opinion of experts in these areas. When all this material was in hand, one or more Commission members were assigned to prepare drafts of each chapter. After being reviewed by the whole Commission, these drafts became chapters in this work.

F. A truth for reconciliation

The tasks assigned to the Commission were clearly and precisely described in its founding supreme decree, as were its duties and powers. In carrying out these tasks, the Commission worked with complete and utter independence. The administration that had created the Commission did not seek to influence its decisions in any way nor did any other branch or agency in the government do so. The Commission's decisions were always made in accordance with the members' conscience.

Nevertheless, from the beginning the Commission understood that the truth it was to establish had a clear and specific purpose: to work toward the reconciliation of all Chileans. In view of the magnitude of such a task, the Commission sought the opinion of the main actors in our national life and especially those most concerned with this undertaking, in order to draw upon their ideas about the work that was to be done. Thus from the time it began its work until it moved into the stage of analyzing cases, the Commission met with all of the groups of victims' relatives, human rights agencies, those professional associations that sought meetings, and all the political parties. Discussions with groups of relatives and human rights organizations dealt primarily with the objectives and methods the Commission was to use to gather the evidence they had in their possession and to seek the truth both in individual cases and as a whole. The Commission also sought to keep in mind the expectations of the organizations of family members about its work, and it often sought the opinion of those who brought individual cases before it. In the case of the churches, the moral authorities in the country, and the political parties, the Commission sought to become familiar with, and analyze, their perspectives about how the Commission, within its limitations, could best reach the truth and truly aid national reconciliation.

Thus after a hundred working sessions, this Commission has come to the end of its task and presents to His Excellency, the President of the Republic, this report on its work.

Chapter Two: Norms, concepts and criteria on which the Commission's conclusions have been based

The previous chapter indicates how the Commission worked in a material sense, that is, how it was organized and what tasks it carried out in order to meet objectives. The Commission also believes it should explain the norms, concepts, and criteria that provided the framework for its deliberations and conclusions. Given the seriousness of what is presented in this report, readers must be fully informed about its moral and theoretical foundations.

A. Norms

1. Human rights

The decree creating the Commission on Truth and Reconciliation stated that its purpose should be to contribute to the overall clarification of the truth about the most serious violations of human rights committed in recent years. The decree defines those "most serious violations" to be situations of those persons who disappeared after arrest, who were executed, or who were tortured to death, in which the moral responsibility of the state is compromised by acts of its agents or persons in their service, as well as kidnappings and attempts on the life of persons committed by individuals for political reasons.

The Commission wishes to make the following observation about the meaning of human rights and how the most serious violations are to be defined:

1. The norms set forth in the Universal Declaration of Human Rights and other relevant international documents proclaim rights which were already substantially part of Chile's legislation and its best civic traditions. Nevertheless, the expression "human rights," which is now consecrated by its wide use, appropriately emphasizes that such rights are inherent in every person and also points to the universal acceptance they enjoy. Moreover, current international norms on human rights make it clear that previously our nation's legislation was defective in a number of ways and was therefore unable to effectively protect the rights it proclaimed.

2. The relevant international norms encompass a wide range of civil, political, economic, social, and cultural rights. Although this report deals only with the violations of some of these rights, the importance of other rights is by no means thereby denied. It can be said, nonetheless, that the major values which human rights norms seek to defend are respect for life, the dignity and the physical and psychological integrity of persons, as well as the ideals of freedom, tolerance, respect for

diversity, and mutual support among all human beings. During Chile's recent experience, very serious excesses of intolerance and division occurred among Chileans; the most extreme manifestations of those excesses were killing and torture. Hence for the purposes of this report, and with no intention of offering a universally valid judgement applicable to other situations, it is reasonable to characterize as the most serious human rights violations those that led to the death of persons.

3. The Commission has studied all denunciations of violations of this nature case by case and has come to a determination concerning each.

Torture also must be regarded as one of the most serious of such violations; this report also considers the practice of torture during the period under consideration as indeed it was obliged to do. Nevertheless, it does not make a case by case determination on those who were victims of torture unless such torture led to death, or unless the fact that torture occurred has been important for coming to a judgement on aspects essential to a case (for example to establish irregularities in war tribunal proceedings or to note the unlikelihood that prisoners were in fact trying to escape as claimed). The Commission's founding decree formally restricts the consideration of individual torture cases to such instances. The Commission itself, however, understood that this limitation had been imposed for a substantive reason: to have carried out a detailed investigation of individual complaints of torture—which in all likelihood would have been very numerous—would have inevitably delayed this report, and the country had a right to expect it to be concluded quickly. Moreover, given the time that had elapsed and the circumstances under which torture had been applied, it would have been virtually impossible to come to a conscientious conclusion in a vast number of specific cases. Such obstacles are not a factor, however, if the aim is to come to an overall assessment of the practice of torture. Indeed, the Commission encountered abundant and convincing evidence on the characteristics and extension of this most serious practice.

The Commission also sought and received confirmation from the president that it should make a case by case examination of politically motivated assassination attempts and kidnappings committed by private citizens only when such actions ended in the death of the intended victims. This decision did not preclude making overall observations on such terrorist practices and on other similar unlawful actions committed by private citizens.

2. Laws of war or international humanitarian law

The norms of humane behavior governing armed conflict (also known as the laws of war or international humanitarian law) are likewise part of

Chilean legislation and tradition. Specifically, Chile has ratified the 1949 Geneva Conventions.

The norms of international humanitarian law do not consider the question of when it is lawful to resort to war or armed rebellion. Traditionally, it has been specialists in social and political ethics who have dealt with such issues. According to the most well-established positions, turning to war is justified when what is at stake is the legitimate defense of the nation or its allies, or of other similarly important values, or in response to unjust aggression; armed rebellion against a regime is justified only as a last resort in order to end a tyranny and provided that other important requirements are met.

To apply these moral principles to specific situations entails interpreting social and political circumstances, about which people's opinions are often very deeply divided.

The Commission has refrained from taking a stand on whether the use of force on September 11, 1973, and immediately thereafter was legitimate, both by those who sought to overthrow the government of President Salvador Allende and by those who sought to defend it. In addition to the obvious difficulties that would have been involved had this point been debated, the Commission did not believe it to be necessary for its assigned purposes. Indeed, whether having recourse to weapons was justified or not, there are clear norms forbidding certain kinds of behavior in the waging of hostilities, both in international and internal armed conflicts. Among these norms are those that prohibit killing or torturing prisoners and those that establish fair trial standards for those charged with a criminal offense, however exceptional the character of the trial might be.

The main sources of those norms are international humanitarian law, the essence of which is part of Chilean law, as has been noted. Such norms are also clearly part of the universal ethical consciousness and the traditions of military honor.

Certainly, these and other norms are often violated in practice and certain factors may make such violations more likely. Such transgressions, however, are never justified, as is made clear further on.

3. Other norms governing the use of force

Besides the norms mentioned above, the Commission has kept in mind the general norms governing the use of force:

* The state, through its bodies and officials duly empowered by the

constitution and by law, enjoys a monopoly over legitimate force, namely that which can be rationally used to enforce the laws and maintain public order. The use of force should be justified and in proportion to the end being legitimately pursued; otherwise, it may be deemed unjustified or excessive.

* Private citizens may use force in legitimate self-defense or to defend others through means reasonably aimed at repelling imminent attack, as well as in exceptional circumstances such as a citizen's arrest.

4. Who is guilty of violating human rights?

When committed by a government official, the very same illicit act can be defined in different terms without falling into contradiction. For example, if in the context of an internal armed conflict, a soldier or police officer tortures a prisoner, the act can be termed a crime, because the law declares it to be such. It can also be termed a human rights violation because it specifically violates the norms of various human rights agreements and conventions. Finally, it can be termed a violation of international humanitarian law, which expressly prohibits such behavior in situations of armed conflict.

If an individual involved in guerrilla warfare against a government commits the same act against a member of the military or police who has been captured or kidnapped, it can be termed a crime and a violation of the norms of international humanitarian law. But may such an act be termed a human rights violation as well?

Although this issue would seem to be purely academic, it has been the object of a good deal of controversy. One reason that it is so controversial is that the term "human rights violation" has taken on a symbolic power far beyond its technical meaning both in our country and in the concert of nations. Hence, while some take one side or other of the issue without any ulterior motive, others do so for political reasons. Since this matter has also been discussed in Chile, the Commission is bound to explain what the controversy is about and state its own position.

Until recently, the traditional position of the most respected human rights organizations was that such rights norms primarily govern relations between the state and citizens, and that it is therefore inappropriate to call actions committed by private citizens "human rights violations." Today there is a tendency to move away from this position, although many human rights organizations still maintain it.

The traditional grounds for this position are as follows. The Universal Declaration of Human Rights was proclaimed and human rights covenants were signed and ratified by states. Certainly, the actions of

private citizens may also affect human life or other important values, but such attacks can appropriately be called crimes, acts of terrorism, or something else, depending on the case. To designate them "human rights violations" diverts attention away from how serious it is when the state, which wields public force and is charged with protecting the rights of citizens, uses that force to violate those rights. If private citizens commit crimes, even for political motives or pretexts, the state has at its disposal the judicial system, the police, the press, and public opinion, that is, an array of powerful institutions and means at hand for denouncing, investigating, and punishing such crimes. When the state itself uses such power to assault the rights of its citizens, they are rendered utterly defenseless.

Those who argue that it is preferable to speak of human rights violations only in connection with actions by the state and its agents also point out that various governments from a wide range of countries often designate violent actions committed by those in opposition "human rights violations" as though doing so might justify their own abuses, which they present as necessary for responding to such actions.

Granting the power of such arguments, those who hold that the term should also apply to actions of non-governmental agents can also draw on valid theoretical arguments. Furthermore, in practice it has been observed that when the expression "human rights violations" is limited to government actions, public opinion very often tends to interpret it as an effort to condone or justify abuses or atrocities that may be committed by certain opposition political groups. There is no doubt that public opinion overwhelmingly condemns resorting to abuses or atrocities whether in order to retain or seek power or to resolve political conflicts. The idea that there are certain values of humane behavior that not only the state but all political actors must respect has become enshrined in the public conscience. Those norms of humane behavior derive partly from the norms of human rights and partly from the norms of international humanitarian law or the laws of war. In peacetime, they govern all political actors, governmental or non-governmental; and in the case of armed conflict, whatever its nature, they are obligatory for all combatant forces. Public opinion has a deep intuition of these norms of humane behavior, which it has taken to be synonymous with the expression "human rights." Thus in practice people have been moving beyond the more restricted historic or technical meaning of this term.

The Commission believes that these reasons explain why its founding decree regards as human rights violations not only certain acts committed by agents of the government, but also other politically motivated acts of private citizens.

The Commission is certainly bound to follow the terminology set down in the decree. However, it wants to make clear that in carrying out its assigned task, it also accepts the need to acknowledge this broader interpretation of the term "human rights" that has gradually become prevalent in public opinion. This does not mean that such broader interpretation is to be regarded as universally valid, nor does it entail a disregard for the power of the arguments that originally led to a more restricted use of the term. Indeed, the Commission believes that it should always be emphasized that acts of terrorism or other illegitimate actions committed for political reasons cannot be used to seek to justify human rights violations committed by the state and that the state's use of its monopoly over public force to violate the rights of persons is a matter of the gravest concern.

B. Concepts

5. Responsibilities

During the period when the Commission was at work, national public opinion witnessed the intensification of a debate already underway. At issue was the kind and degree of responsibility to be attributed to individuals, political parties, the armed forces and police, or other institutions and sectors involved in the events this Commission was to examine.

It is appropriate and indeed unavoidable that the Commission articulate its position on this matter.

a. The relationship between the political situation prior to September 11, 1973, and the subsequent human rights violations

One of the issues being debated at the time the Commission was formed and while it was at work was the period that its report should cover. Some argued that the Commission should also consider human rights violations, or the political situation, or both as they were prior to September 11 (and opinions differed about how far back the investigations should extend). They believed that events before and after that date were inextricably interconnected, or at least that it was important to keep in mind that connection. Others, however, pointed out that the human rights violations that took place starting on September 11, 1973, were uniquely grave, systematic, and numerous, and had not been acknowledged by the state nor was the public properly informed about them. Thus this Commission's report could justifiably be limited to the period of military government.

This Commission has devoted itself to a case by case analysis of the most serious human rights violations committed between September 11, 1973 and March 11, 1990, whether by government agents or politically motivated private citizens. Such was its specific assignment. However, the Commission believes it must take into account the situation of the country leading up to September 11, 1973. That situation led to a break in our institutional life and a deep division between Chileans which made it more likely that human rights would be violated. One of this Commission's assigned tasks is to propose preventive measures, that is, to suggest what should be done so as to prevent the recurrence of the kinds of infractions we have investigated. Hence, it is imperative that we examine not only such deeds and their immediate circumstances but also the circumstances that created a climate that made their perpetration more likely.

Nevertheless, the Commission wishes to assert very firmly that even when certain circumstances increase the likelihood that certain acts will be committed, or weaken the institutional and social defenses that help prevent them, by no means do such circumstances constitute the slightest justification or excuse for the violation of legal and ethical norms which are absolute, such as those governing the situations that this Commission has been charged with examining.

The argument sometimes proposed, directly or indirectly, that it is naive to expect certain norms to be observed in a situation of war or some other disturbance, is unsustainable. Indeed, the ethical and legal norms governing armed conflicts have been devised precisely for those situations that are known to be prone to excesses. These norms do not seek to completely avoid all conflict but rather to set certain limits upon them. Moreover, although such regulations are often violated or overlooked in practice, the validity of such norms and the need for them is not thereby diminished. The situation is not essentially different from that of the laws governing peacetime, which are not made less valid or necessary by the fact that they are often violated. Thus instead of emphasizing how much the norms governing armed conflict tend to be violated in practice, the focus should be on what would happen if there were no applicable norms at all.

The argument we are here seeking to refute is even less defensible with regard to the cases this Commission has had to

examine, since for the most part the events did not take place in the heat of an armed clash nor immediately thereafter. Rather, these were assaults on people who were unarmed or imprisoned.

In short, this report takes into account the situation prior to September 11, 1973, and notes that that situation and its consequences objectively jeopardized human rights and made it more likely that they would be violated, but by no means did it justify such violations.

b. The state's "moral responsibility"

The decree creating the Commission mentions "acts in which the moral responsibility of the state is seen to be compromised as a result of actions by its agents or by persons in their service." As far as the Commission has been able to determine, this concept of the "moral responsibility of the state" does not have a precise legal or technical meaning.

The Commission has understood that phrase to mean the kind of responsibility which may rightly be attributable to the state due to acts committed by its agents (or by persons serving them) in compliance with policies or orders from state agencies, or due to actions carried out by such persons without specific policies or orders, provided that their actions were subsequently approved by state agencies or that the protection of, or inaction by, state agents allowed their behavior to go unpunished.

This meaning of "moral responsibility" is the one that the Commission members have established in accordance with their own judgement; it does not have any legal effects other than to lay the groundwork for measures of reparation which the branches of the government, within their own proper functions, may decide to award. Finally, the Commission wishes to make it clear that its own judgement of moral responsibility has no effect on other judgements of responsibility that may be made on the government or individuals by the judiciary or other competent bodies.

c. Other kinds of responsibility: those which fall on individuals and those which fall on the institutions to which they belong

It is generally accepted that the same action can give rise to different kinds of responsibility and hence to different kinds of punishment. From a legal standpoint, responsibility can be criminal, administrative, civil (contractual or noncontractual) or political. From the standpoint of ethical or social norms, one can

speak of responsibility being moral or historical, and in a different sense of the term, of political responsibility as well.

This is not the occasion to discuss these distinctions in detail. However, it must be noted that except for responsibilities of a civil character, which can affect juridical persons and even government bodies (and which are generally translated into the obligation to pay damages), other types of responsibility generally only affect natural persons. In the case of moral, historical or political responsibilities (not understood in the strictly legal sense), however, it is often and correctly said that such a responsibility may fall on one sector or institution or another, and even on all of society.

The Commission believes that it must state clearly its opinion on the individual and institutional responsibility that may stem from the human rights violations it has had to examine. More explicitly it must state what responsibility-if any-should fall on the armed forces and security forces for human rights violations committed by individuals on active duty in their respective institutions.

One opinion repeatedly expressed by representatives of a wide range of political parties as well as by other voices which help shape public opinion in our country, holds that the responsibility for such actions is always that of individuals and in no way affects the institutions they serve. Underlying these statements, the Commission believes it discerns conceptual assumptions, value judgements, and motivations which it shares. It is also of the opinion, however, that to deal with the issue simplistically runs the risk of not only making conceptual errors, but also of jeopardizing the higher interests of the military and police forces themselves, as well as the higher interest of the country to the extent it overlaps with the interest of those forces.

Indeed it is correct to say that the responsibilities of a criminal character and other legal responsibilities that may derive from human rights violations are personal in nature and do not affect the institution to which the perpetrator belongs. It is also true that the fundamental role played by the armed forces and security forces in the history of the country should be fully appreciated, as should be their character as permanent and essential national institutions. Finally, it is praiseworthy to strive to avoid any use of the issue of human rights to attempt to sully these institutions, or to detract from their contribution to the country and the role they are called to play in the future.

Nevertheless, these points cannot be invoked to deny the historic or moral responsibility that may befall one institution or another as a result of the practices it ordered, or to which it consented, or with regard to which it failed to do all that was required to impede or prevent their recurrence. Just as we have spoken of the moral responsibility of the state, which would be inconceivable if the actions of its officials could never affect it, we can also speak properly of the moral or historical responsibility of political parties, of other institutions or sectors of national life, and of society as a whole. The armed forces and the security forces are no exception. It is human beings who forge and make institutions great, and it is also human beings who can affect them negatively.

It is not a purely conceptual concern, however important it might be, that prompts this Commission to make these distinctions. This Commission believes that if matters came to the point that an institution would always be immune from any harm or loss of respect no matter what the behavior of its individual members might be, there would be a danger of falling into an attitude of complacency, the result of which could be serious damage to the institutional integrity and prestige that everyone rightly seeks to preserve.

When the nation's institutions acknowledge their historic and moral failures-and few if any are completely free of such failures-they are in fact ennobled, made better, and enabled to serve more fully the high purposes for which they were created.

6. Some forms of human rights violations

The Commission believes that at this point certain kinds of human rights violations frequently mentioned throughout this report should be defined.

a. Disappearance after arrest⁸ [detenidos desaparecidos, literally "disappeared prisoners"]

The expression "disappeared prisoners" became common in Chile and outside the country during the period covered by this report. It refers to the situation of those who were arrested by

⁸ The term "arrest": The Spanish text version of this report uses the term *detener* in referring to persons who were deprived of their liberty by Chilean armed or security forces or civilian agents in their service between September 11, 1973, and March 1990. The literal translation of this word is "to detain." A more commonly used English term is "to arrest." Although both in English and Spanish there are legal differences between *detener-arrestar* and "detain"-*arrest*," the exact definition is not preserved in either text. Therefore the translator has chosen to use the more commonly recognized term "to arrest" when referring to the deprivation of a person's liberty.

government agents or by persons in their service and about whom the last information is that they were apprehended or that they were seen later in a secret prison. Officials deny having arrested them, claim to have freed them after a certain period of time, offer other unsatisfactory explanations, or simply say nothing.

This situation is quite different from that of persons whose fate or whereabouts are simply unknown, even though they may be described in similar terms. These latter are matters for the police, and may involve suicide, a common crime, some other kind of misfortune or someone's free decision to move away from his or her circle and break ties with relatives and friends.

In the case of disappeared prisoners, however, this Commission has arrived at a moral conviction that the so-called "disappearance" is not a disappearance at all, as will be explained in detail in Part Two. In fact, all the cases which this Commission treats under this term involve an arrest along with, or followed by, measures to conceal it and official denials. Torture was generally used during such detention, and there is a moral certainty that it ended in the victim's death and the disposal of the remains so as to prevent their being discovered.

The Commission became familiar with two main forms of this practice of "disappearance." In the kind of disappearance most common after September 11, 1973, arrests seem to have been made throughout the country by different units of official forces, sometimes accompanied by civilians. These basically consisted of a summary execution or murder of the victim and the disposal of the body (generally by throwing it into a river or burying it secretly) followed by a denial or false stories. In such cases disappearance is primarily a way of hiding or covering up crimes committed, rather than the result of centralized coordination aimed at eliminating predetermined categories of people. [The second form of] "disappearance" was carried out primarily during the 1974-1977 period, mainly but not exclusively, by the DINA. The Commission is convinced that behind most of these cases was a politically motivated and systematically implemented effort to exterminate particular categories of persons.

Even though both kinds of disappearance constitute extreme forms of human rights violations, which deserve absolute condemnation, the Commission believes that this intention to exterminate certain categories of persons makes this second

form singularly reprehensible.

b. Executions⁹

This Commission encountered cases of executions carried out in accordance with a death sentence issued or supposedly issued in a war tribunal. Without seeking to take a position on the more general issue of the legitimacy of the death penalty, the Commission regards these executions as human rights violations, since these trials, when they in fact took place, lacked the minimum guarantees for a fair trial.

The Commission also examined various kinds of executions in which there was no trial whatsoever. In the technical terminology of international organizations these are known as extrajudicial or extralegal executions.

During the months after September 11, 1973, the so-called "law of escape" was often invoked in connection with such executions. In the well-worn official explanations offered in these cases, it was generally claimed that government troops had shot prisoners who were trying to escape and who paid no attention to orders to halt, and therefore were killed.

Even if these explanations were plausible, it would not have been justified to shoot to kill at people who could have been subdued in some other manner. However, the Commission found that these explanations were implausible in all the cases of the "law of escape" which it examined, and hence it judged them to be extrajudicial executions, and that the false story of attempted escape was used as a justification. In a few isolated cases, narrated below, the circumstances are somewhat

⁹ The term "execute": The Spanish text of this report uses the term *ejecutar* in referring to persons who were killed by Chilean armed or security forces or civilian agents in their service and whose deaths were certified to the victims' families. They are distinguished from those persons identified as "disappeared after arrest" (*detenido-desaparecido*), whose deaths were not certified and whose corpses were never returned to their families. A more thorough explanation of these categories is cited above. In the individual case material, *ejecutar* as well as *ser muerto* (literally-"to be killed") are used in describing executions and other killings resulting from use of undue force, the abuse of power, or torture. The translator has preserved the Spanish word *ejecutar* and in both instances used "to execute" or "execution" in the translation. In English these terms usually carry the connotation of being a killing sanctioned by the State as a punishment for a crime. Although in some instances the victims were killed as a result of a war tribunal sentence (see Part Two, Chapter Three) and all the killings were committed with the impunity of the State, the nuance here is not the same. In the translation of this report the words "execute" or "execution" will refer to the deliberate killings committed by the agents of the State in an extra-judicial/extra-legal manner or which were ordered during a trial that lacked the minimum guarantees of fairness.

different, without however, altering the unlawful character of killing committed by government authorities.

The Commission also examined many instances of execution in which there was no effort to offer any justifying explanation. In some of these cases the victims were physically under the control of their captors.

In some instances the remains of disappeared prisoners have been discovered subsequently and hence they may also be regarded as executed. This report nonetheless refers to them as disappeared prisoners in order to make it clear that their remains were not found for a long time. As has been noted, however, this Commission regards the fate of both categories of victims, executed or disappeared prisoners, as the same. The only difference lies in the fact that in some instances the remains have been found, while in others they have not.

c. Use of undue force

The Commission also examined many cases of human rights violations which it has qualified as the use of undue force. These are killings committed by on-duty government agents which were not a premeditated action against a previously chosen victim. Use of undue force specifically includes situations in which the use of force was unjustified as well as others in which the use of force may have been justified in principle, but was excessive and bore no proportion to the requirements of the situation.

Specific situations varied a great deal. They included cases such as police officers who while arresting a drunk person needlessly beat him with their rifle butts so badly he died; shots fired at participants in a demonstration causing the death of one or more, when circumstances would have permitted imposing order through other means; or shooting to kill an unarmed boy who instinctively ran down the street at the sight of men in uniform, out of the mere vague suspicion prompted by such a reaction.

d. Killings during curfew hours

The Commission learned of many cases of killing during curfew hours. Many of these took place in rather obscure circumstances and hence could not be called human rights violations. The persons who were killed in this fashion are nevertheless regarded as victims, as is stated further on in this chapter.

The Commission judged that many other cases fell into the previous category of the use of undue force, because from the evidence (described in each case) it could be deduced that the reaction had been excessive. The Commission decided that in some cases an execution had taken place.

e. Abuse of power

The Commission was told of many instances in which government agents killed people not for political reasons but out of revenge or for other private reasons unrelated to their tasks as government agents or to superior orders. If the government took administrative measures or prosecuted the case, the Commission has regarded it as a common crime, and hence as excluded from its mandate. If, however, officials condoned the deed, either by failing to condemn it or by providing the means whereby the perpetrator could enjoy immunity, the Commission has judged that the moral authority of the state has been compromised, and that a human rights violation has thereby been committed.

The Commission is aware that at various periods in our country's history people have been killed as a result of the abuse of power. Nevertheless, such acts remain human rights violations, if the government, instead of punishing them, itself becomes a participant by condoning or supporting them. In other periods of our country's history, there have also been deaths due to the use of undue force or during curfew periods. It does not follow, however, that such acts should not always be judged in accordance with the criteria set forth here.

f. Torture

The Commission has made use of the definition of torture in Article 1 of the Convention against Torture, and Cruel, Inhuman or Degrading Treatment or Punishment (which according to the Constitution is in force in Chilean law) which states:

For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is

inflicted by or at the instigation of, or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions.

The Commission has had to determine reasonably and honestly in which cases a victim has died as a result of torture, as specified further on in this chapter.

g. Terrorist acts

The Commission has examined many cases of politically motivated killings committed by private citizens and judged them to be human rights violations.

Moreover, the Commission has also judged such actions to be terrorist when they constitute indiscriminate assaults on people. Examples of such actions are the placing of explosives in a public site or the toppling of high tension wires to electrocute either those who live in the vicinity or passers-by (or disregarding the danger that they may be killed). Selective treacherous attacks on government agents are also regarded as terrorist attacks.

7. Victims

a. Victims of human rights violations

Based on these formulations, the Commission has defined as victims of human rights violations those who were subjected to:

* forced disappearance, that is, those who disappeared after being arrested;

* execution, in any of its forms;

* use of undue force leading to death;

* abuse of power resulting in death, if the government has condoned the action or permitted it to go unpunished;

* torture resulting in death;

* murder attempts leading to death, committed by private citizens, including acts of terrorism, whether indiscriminate or selective, as well as other kinds of attacks on life.

The Commission has also regarded as victims of human rights violations those who have taken their own life, if the

circumstances make it possible to come to a reasonable and honest judgement that the person committing suicide was led to despair or impelled to make such a decision due to physical or psychological torture, or to the conditions of imprisonment or some other situation for which the government was responsible, and which itself violated human rights. In assuming this position the Commission is not taking a stand on whether suicide itself is ethically justifiable but on the unlawfulness of the causes that make it understandable.

- b. Persons who were killed in armed clashes or who were, in a general sense, victims of the situation of political confrontation. We refer here to people who strictly speaking cannot be regarded as victims of human rights violations. Their death is nonetheless directly connected to the political conflict in our country or to its effects. The Commission has also declared them victims (although clearly distinguishing them from the victims of human rights violations). The decree creating the Commission does not formally consider these situations. Nevertheless, given the complexity of the cases it examined, the Commission judged that it was its moral duty to consider each case of those who perished in this manner. They fall into one of the following categories:

- * Combatants on one side or another, as well as non-combatants, who died as a result of the exchanges of fire on September 11, 1973, and during the subsequent period (the length of which the Commission has had to weigh case by case). The Commission believes it must be concluded that the armed clashes that took place on September 11 and subsequently were over a struggle for political power, either for or against the government of President Allende. (On the other hand, executions or the use of undue force during that period are regarded as human rights violations);

- * Persons who took their own life in a situation of armed confrontation from which they had little hope of escape, if the circumstances were such that had they been killed in the confrontation they would have been regarded as victims of the situation of political violence;

- * Persons who died accidentally as the result of an armed clash of a political nature in which they were not involved, as well as persons who died as the result of the unintended effect of an act which in itself is not necessarily unlawful, for example, the person who died after inhaling tear gas under circumstances

when the use of the gas was not necessarily unjustified;

* Persons who died while using weapons in self-defense trying to resist efforts by the DINA, the CNI or other security agencies (which this report treats below in Chapter Five) to arrest them, in circumstances in which they could reasonably fear that their fate would be torture and death. This Commission holds that regardless of what might be thought of the ideas or political activities of those who were killed in this fashion, and even though being killed in such a clash cannot be regarded as a human rights violation in the strict sense, no one can be faulted either rationally or morally for defending himself or herself from being arrested when there is a well-founded fear that arrest will entail torture and death. (If, however, those resisting in this manner were captured and while in the hands of their captors were put to death or if already wounded were finished off, they are not regarded as killed in an armed clash but as victims of a human rights violation, namely that of being executed without any trial whatsoever).

On the other hand, and consistent with this position, the Commission does not regard as victims of political conflict those who took part in armed robbery or assault or any other similar unlawful action, even if it may have been politically motivated, and who died in an exchange of fire with the security forces who came seeking to arrest them.

- c. Cases falling outside the Commission's mandate
Besides the cases just mentioned, that is, of those who were killed as a result of a lawful action by the police forces, the Commission has also ruled out the following situations: accidents which took place outside the context of armed clashes and which cost lives, whether among those in uniform or opponents of the military regime, including automobile accidents; accidental shootings by one's fellow combatants, or accidental explosions of devices being carried by the victims themselves. A fuller discussion of these situations is to be found in the first appendix of this report.

C. Criteria

1. Honest decision on the basis of information gathered

The Commission had to come to a reasonable and honest decision on every case presented to it as well as on the overall truth that could be drawn from these cases and from other events. For that purpose it was able to gather a vast body of information on the events and

circumstances that were part of its task, as was indicated in the previous chapter.

The Commission reached a reasonable and honest conviction about each case based on the testimony of the victims' relatives, of eyewitnesses to relevant events, of current and former government agents, uniformed and civilian, including statements by now-retired high and mid-level ranking officers of the armed forces and police and by former agents of state security; press reports; expert testimony and opinion; some visits to the places where events took place; documentation from human rights organizations; official documents and certificates such as birth certificates, death certificates, autopsy reports, voter registration rolls, criminal records, immigration service records about entry into and departure from the country and many other official documents; copies of court records and responses to official requests that the Commission sent to institutions under the authority of the executive branch, including the armed forces and security forces.

The utilization of all these items as the basis for examining thousands of cases made it possible to achieve a thorough vision of the context of the events under study throughout the country and in each region or location during various periods. It also made it possible to understand the working methods of particular government bodies as well as those of the various political opposition groups as they evolved over time.

Thus it was possible to evaluate the veracity of testimony and documents not only directly but by comparing them with information already established concerning the same events or related events.

Furthermore, the Commission made an effort to always have proof of each specific case. In cases of disappeared prisoners it obtained proof of arrest or that the person was in one of the secret detention sites where the disappeared were often kept, particularly starting in 1974.

In a few cases, relying on the power and agreement of convincing circumstantial evidence, the Commission concluded that the person had suffered forced disappearance even though it did not have proof. Among such indications were the following: the victim's political activism, the time and place of the events, the knowledge that other activists with proven ties to the victim were arrested during the same days and disappeared, the fact that relatives had been searching for fifteen or sixteen years without any results or the lack of any records of subsequent travel or registration to vote.

The Commission has examined these cases very rigorously, especially when the remains of the victim have not been found. However, it cannot

entirely rule out the possibility that in one or other isolated case it may have made the mistake of qualifying a person as "disappeared" and presuming him or her to be dead. Nevertheless, the Commission fears that even more numerous will be the cases of genuine victims about which, given its own rigorous standards and the fact that the investigation could not be pursued further, it has been forced to state that it could not reach a conviction about whether the person's human rights were violated or not. The Commission hopes that in the future it will be possible to determine the truth about what has happened in such cases.

8. The perpetrators and their motivations

- a. The decision not to assign blame to particular individuals
In carrying out its investigations, the Commission received information about the identity of government agents, both uniformed and civilian, and about people in their service, as well as about members of political parties or armed groups opposed to the military government, all of whom were said to have been involved in one or more of the events it was examining.

The Commission has not included those names in this report. Its founding decree forbade it to take a stand on the potential responsibility of individual persons in these events in accordance with existing legislation. The reasons for that prohibition are both clear and compelling: only the courts of justice can determine the responsibility of particular persons for crimes committed. If this report had included the names of those presumed responsible, whether of government agents or private citizens, the practical result would be that a commission appointed by the executive branch would be publicly accusing of committing crimes people who had not been able to defend themselves. Indeed, they had no such obligation to defend themselves since the Commission did not have any judicial authority, nor indeed did it prosecute any case. Such a procedure would have been an obvious violation of the principles of the rule of law and of the separation of the powers of government, as well as of the basic norms of respect for human rights.

Those considerations notwithstanding, in all relevant cases the Commission has sent the respective items of evidence to the courts.

- b. Determining the institution or group

In this report the Commission is offering as much information

as it could obtain about actions committed by government agents except for the names of the individuals alleged to have participated. Thus when such information is available the report names the branch or branches of the armed forces or police forces or the security or intelligence agencies said to have participated, and specifically the regiment, base, police precinct, garrison, or group from which the official forces came. When the Commission was unable to obtain such information but did come to the conviction that the person was killed by, or disappeared in the hands of, government agents, it has stated so.

When available, the Commission has also provided information on the political affiliation of private citizens who committed terrorist acts or other kinds of politically motivated attacks.

The Commission has not presumed that government agents were involved in the death of individuals, even when it is clear that they were killed by firearms and when there is every reason to believe that the motivation was political, unless there are grounds for that judgement. Hence it has stated that the human rights of some people were violated for political reasons, without, however, attributing the deed either to government agents or to private citizens acting for political reasons.

c. Motivation of the perpetrators

In order that instances of attacks by private citizens be regarded as within the competence of this Commission, it is essential that there has been political motivation.

As already noted, when government agents have committed violations, political motivation is of no concern. In fact, the Commission judges that in most cases of death inflicted by government agents, such motivation has been present either specifically, in an effort to eliminate certain people because of their political membership or activities, or more generally, in order to gain access to power, impose order, or intimidate real or potential political opponents. However, the Commission also examined cases in which common criminals were killed by government agents in what was ostensibly a campaign against crime. Such cases were also taken into account in this report.

d. Reference to private citizens

When the Commission here refers to perpetrators as private citizens acting for political reasons or pretexts, it does not always mean that these were people who were opposed to the

military government. In some cases the political motives of such private citizens were quite the contrary, that is, they supported the government. In some of these cases, which will be narrated in the chapter on those killed during protest actions, the Commission does not rule out the possibility that such private citizens were really security agents in civilian dress.

9. Determination of causal connections and the fate of the victims

a. Connection between torture and death

As has already been noted, the Commission judged that it was obligated to come to a reasonable and honest judgement on whether the torture a person had undergone either caused, led to, or contributed to his or her death. Making such a determination is especially difficult when a relatively long time has elapsed between the treatment suffered and subsequent death. The medical specialists whose opinion the Commission sought whenever there was doubt, always pointed out that in most cases medical science can only provide estimates of probability. Nevertheless, their expert opinions proved extremely valuable for establishing the parameters within which the Commission made its decision in conscience.

b. The fate of the disappeared

After examining all the available evidence about individual cases and the relevant context, this Commission concluded that it was morally obliged to declare its conviction that in all the cases which it has accepted as disappearances, the victims are dead; that they died at the hands of government agents, or persons in their service; and that these or other agents disposed of the victims' mortal remains by throwing them into a river or the sea, by covertly burying them, or by disposing of them in some other secret fashion.

PART TWO

Chapter One: Political Context

This chapter consists of two sections, both dealing with ideas and events in the political life of the nation which the Commission believes are related to its task.

The first section discusses the situation leading up to September 11, 1973. It is not the role of the Commission to take a stand on the events that took place on that date and immediately thereafter, that is, on whether they were justified or not, or whether there was or was not some other way out of the conflict that led to those events. There can be, and indeed are, various opinions on these issues, and quite legitimately so.

The state of the country at that time can be fittingly described as one of acute crisis in our national life. That crisis led to the destruction or deterioration of numerous points of consensus among Chileans on a series of institutions, traditions, and shared assumptions concerning social and political coexistence, which served to safeguard respect for human rights. Hence it is absolutely essential that we understand the crisis of 1973, both in order to understand how the subsequent human rights violations we were charged to investigate came about and to prevent their recurrence. In no way, however, is this examination of the crisis to be understood as implying that the 1973 crisis might justify or excuse such violations in the least.

Our study of the crisis will deal basically with its immediate causes, especially with those of a political and ideological nature. The Commission is well aware that the crisis had deeper social and economic roots, but to explore them any further than simply mentioning them would have meant going beyond its task and beyond the direct object of the present chapter. Nevertheless, we must point out that the ultimate source of the crisis is to be sought in the struggle between different and opposed social interests throughout the present century within the context of representative government. However, clashes over doctrines and attitudes which have a bearing—directly or indirectly, but almost immediately—on the issue of human rights take place in the realm of politics and ideology.

With regard to the second section, it is almost unnecessary to point out that the events of September 11, 1973 brought about a profound change in the country's political system—in principles, structures, and institutions, as well as in both pro government and opposition ideologies—and in its individual and collective actors.

The basic features of the change remained in place until 1988, for although the Constitution went into effect in 1980, it established an eight-year transition period over which it would fully enter into effect. This period was governed by a number of transitory articles which generally and indeed in many specific features are a faithful reflection of the 1973-1980 system.

The issue of concern to the Commission, which is discussed in the second section of

this chapter, is how the political system between 1973 and 1988 could be conducive to the serious human rights violations that are the subject of this report. It is not our role to take a stand on other positive or negative features of that regime, nor on its accomplishments or failures. On these matters there can be, and indeed are, legitimate disagreements.

A. Situation in Chile leading up to September 11, 1973

The 1973 crisis may be generally described as one of sharp polarization in the political positions of the civil sphere into two sides-government and opposition. Neither side was able (and probably did not want) to arrive at a compromise with the other, and there were sectors on both sides that believed armed confrontation was preferable to any sort of negotiation.

This is not to say that all Chileans were so polarized, nor that there were not to be found on both sides those who favored negotiation over confrontation. Nevertheless, there seems to be no doubt that whatever may have been the reasons, polarization became the dominant feature of political language and interaction, and the more violent sectors in that polarization gradually came to the fore.

1. Origins of polarization

As has been pointed out already, the ultimate source of this crisis is naturally very complex and is open to a number of interpretations. It is not the role of the Commission to judge such interpretations or delve further into them, but it should point out those factors which it believes were most important in generating the polarization and crisis, and hence its painful and usually unnecessary consequences as well.

a. Starting in the 1950s, Chile, like many in countries in Latin America, witnessed the insertion of its domestic politics into the superpower struggle, the so-called "Cold War," which, given the impetus of the contending interests and ideologies around the world, by its very nature entailed a polarization. Chile felt the impact of the Cold War, perhaps only slightly at first, but very forcefully in the 1960s with the Cuban Revolution, which sought to resolve the problems which it believed to be common to all Latin America as a result of military dictatorships and serious economic and social inequities. As will be observed below, the Cuban Revolution overflowed the borders of its own country and became a chapter in the "Cold War," pitting Cuban-Soviet "insurgency" against North American "counterinsurgency"-each with its local allies-throughout Latin America. The result was an extreme polarization, in which the two superpowers were actively intervening in the political life of the various Latin American countries. Our country was no exception, nor was any sector in our national political life entirely free of such influences.

b. Almost simultaneously, this polarization received a second impulse

when parties and movements became heavily ideological under the influence of worldwide intellectual trends. A sign of that ideologizing was the fact that parties and movements to a greater or lesser extent proposed complete models for society, and they were unwilling to admit any but the most minimal modifications, postponements, or negotiations of those models. Since, however, these movements and parties did not actually have enough political power to impose such models, the practical result of their becoming more ideologized was a heightened polarization.

c. Nevertheless, political life continued to make its way within at least an apparent shared adherence to the democratic rules of the game. Most of the population supported democracy, despite the numerous and varied issues in dispute. Over the course of the 1960s this adherence began to wane.

In certain political sectors the notion that force was the primary and indeed only way either to change or maintain-as the case might be-the favored model was gaining ground. By the same token, these same sectors criticized and lost faith in democratic procedures, namely the electoral route to power, and in its institutions, such as parliamentary rule. Such tendencies were to be found on both the "left" and the "right," as they were conventionally called.

For some sectors of the left, embracing a policy of armed struggle was largely related to the Cuban Revolution, which made the "armed path" paramount in the struggle to take power. Indeed, one of its most outstanding figures, Ernesto Guevara, whose ideological influence and personal following was enormous throughout Latin America, declared and argued that armed struggle was the only path. In his view, any other routes, such as democratic or electoral ones, political proselytizing, organizing to pressure for change, parliamentary approaches and so forth, were merely complements of armed struggle; otherwise they were sheer illusion.

The first Chilean political group to accept Guevara's ideas was the MIR (Revolutionary Left Movement) which was founded in 1965 and in 1968 went underground. It carried out armed actions from underground and was working toward taking power through insurrection. It did not join the Popular Unity, and it underestimated the 1970 electoral campaign which was to end with the victory of the Popular Unity.

Significant sectors within the Popular Unity held to the same ideology as that of the MIR or similar to it. Certainly the Socialist party officially adopted it at the Congress of Chill n (1967) and reaffirmed it in the Congress of La Serena (1971) when it was in power as part of the

Popular Unity. The majority elected to the Central Committee and the General Secretary firmly believed that armed conflict was inevitable.

It is true that for more than thirty years the Socialist party had been fully involved in democratic politics. Moreover, even after 1967 there were strong tendencies within it in this direction. It is also true that its members were far less engaged in political violence than were those of the MIR. Yet it is also true that the political language and actions of the party brought it closer to the latter than to the old Socialist party. The official wing of MAPU (United Popular Action Movement) and the Christian Left gradually took similar positions during the 1970-73 period.

The picture would be neither complete nor fair if we failed to note that on the left and particularly in the Popular Unity there were other sectors that rejected the armed path either on principle or in view of the political and social conditions at that time (the "objective conditions"). Such was the case of the Communist party, the Worker and Peasant MAPU, most of the Radical party, and President Allende personally, whose "peaceful way" or "Chilean way," a new kind of Marxism-Leninism, as he saw it, absolutely ruled out the use of violence. However, during the later stages of the crisis (1970-1973), these sectors found themselves pushed aside, overwhelmed, and sometimes seduced and drawn in by those who argued that armed conflict was inevitable.

Likewise some groups on the right either officially or in their actual behavior supported the use of weapons as a way of resolving the crisis, at least toward the end. One of these, the so-called "Tacna" group, which published a newspaper under that title, openly advocated a military coup. The same was true, in practice if not in theory, of leaders and activists of the Fatherland and Liberty Nationalist Movement, who were involved in the failed effort at a military uprising called the "tanquetazo" [abortive tank attack on La Moneda] on June 29, 1973. Later that year they were still preparing for a further attempt when the events of September 11 occurred. The remaining sectors of the right were not involved in any similar military action, including the decisive one. Nevertheless, within the right-although not all of it-there was always a mindset favorable to resolving certain problems (those of a social nature, for example, or the problem of communism) by means of force. Moreover, an incident such as the so-called "Schneider plot" in 1970 [murder of army commander-in-chief General René Schneider intended to provoke a coup and prevent Allende from taking office] and the post-September 11 behavior of most right-wing leaders seem to indicate that a considerable proportion of them and of their followers likewise favored a violent solution, at least in the final moments of the 1970-1973 crisis. To a lesser extent the same can be said of centrist sectors.

Whatever the relative weight of these confrontational groups within the right and the center, they became increasingly important in the final period, as was the case on the left. We should also mention the regrettably unsuccessful efforts made by more moderate sectors to encourage compromise between the government and opposition, such as contacts sponsored by the Catholic church.

2. Final phase of polarization and crisis

Starting in 1970 such phenomena took a sharp and violent turn, partly out of their own natural thrust-it was logical that those who argued that armed conflict was necessary would tend to provoke it or at least not flee from it-and partly due to new factors, all of which were related to the Popular Unity's rise to power and government.

1. The Cuban Revolution and the "Cold War" again contributed indirectly to hastening our crisis. In that context the victory of the Popular Unity and President Allende in 1970 was regarded as the triumph of one of the contending superpowers, the USSR, and as a defeat for, and threat to, the other, the United States. Hence the United States immediately planned and engaged in a twofold policy of intervention in Chile's internal affairs: in October 1970 to prevent Salvador Allende from coming into power (the so-called "track one"), and when that failed, to destabilize the new government economically ("track two").

2. These developments are directly related to the devastating economic crisis Chile underwent starting in 1972, which was an integral and very important part of the broader crisis culminating in 1973. The economic crisis brought unprecedented levels of inflation, the breakdown of production and acute shortages of basic goods, a disastrous situation in foreign trade, and a gradual paralyzing of the whole economy.

It is not the Commission's role to analyze these events, but we will note that the economic crisis involved an interplay of factors of economic management, and others of a more political and social nature. These latter included the poor performance of companies and lands under state ownership or in the process of being taken by the government, the United States pressure already mentioned ("track two"), which was aggravated by the dispute between the two countries over the nationalization of copper, and the strikes organized by the opposition, especially in October 1972.

Whatever the reasons for the economic crisis, it seems beyond question that it played a key role in bringing about the situation that led to the events of 1973.

3. Although, as we have noted, the opposition political parties were not so clearly on the side of the "armed path" as were some sectors of the government, they used their political bodies (parties and the congress) and social organizations (business and professional associations) to try to force the Popular Unity to negotiate, postpone, or give up its model of society, forcing it to choose between doing so or facing an ungovernable country.

"Armed path" and "ungovernability" thus came to symbolize mutually exclusive notions of society; neither could prevail over the other democratically, and yet neither was willing to negotiate with its adversary and thus open the way to a peaceful solution.

4. Nevertheless, the political emotions of that period do not constitute a sufficient explanation for the fact that business, occupational, and professional organizations as well as opposition parties-the grassroots more than the leadership-came to such a point of extreme rebellion: strikes intended to make the country ungovernable. Moreover, these sectors felt abandoned by the mechanisms of the state whose purpose was to protect their rights. They felt that these institutions, the National Congress, the General Comptroller's Office, and the judiciary, were entirely unable to halt the violation of those rights.

Was that truly the case? The Commission would like to point to some circumstances that could seem to justify such fears. Such circumstances expanded and intensified after 1970:

* There were repeated violations of property rights in the form of "takeovers" (illegal occupations) of rural, urban, and industrial properties. In most of these cases the owners received no help in recovering their ownership nor were the perpetrators punished. Administrative authorities very often failed to comply with court orders of restitution.

* In these "takeovers" and "recoveries" (the owners' violent reoccupation of properties that had been usurped) it became common to see the armed strength of private citizens replace the public police forces and to do so with impunity. The official forces found themselves administratively blocked from acting during the "takeovers" and tended to take a deliberately passive stance toward "recoveries."

* The events just described became more and more frequent throughout the 1970-1973 period, creating an overall picture of disorder in which the rights of private citizens and the specific function of the police were ignored.

* These developments often led to bloodshed affecting both sides: killings, serious wounds, and suicide, as well as kidnappings and ill treatment. Such crimes were handled politically, however, rather than in the court system. Indeed at least one such case, the murder of a MIR student by a Communist student on the campus of the University of Concepción, was publicly declared to be a political problem rather than a criminal one and in fact no sanction was applied.

* In the process of nationalization or of the establishment of the "social area" of the economy (in farming, industry, and large-scale trade) the Popular Unity, lacking the legislation required and the parliamentary strength that would have enabled it to make it a law, used existing legislation to the fullest, distorting the meaning of the text and even going beyond it. Those affected regarded this as an abuse and a way of getting around the will of the majority of the electorate and of the Congress.

* The government claimed that this situation was simply the fruit of resistance to change by entrenched interests.

The Commission understands that all these points can be interpreted in diverse and contradictory ways. It also understands that no side had a monopoly on violence, and that violence flared up because the extent of polarization already underway encouraged each individual to believe he or she was overstepping the bounds of the legal framework only in response to, and defense against, someone else who had already done so. In practice, however, the cumulative effect of these circumstances was that all sectors directly harmed by the prevailing disorder and illegality came up with a common and unvarying explanation: that the administration was not protecting their rights and that when these rights were violated they could not find support in the police, the judiciary, the General Comptroller's Office, and so forth. They concluded that the only defense was self-defense, and thus spread the idea of irregular pressure on the government (strikes) and likewise the idea of irregular armed groups in both city and countryside to defend the ownership of properties and companies and their own personal security. Such ideas unquestionably sank deep roots in small and medium property owners in rural areas and the cities, and also in modest business people in industry, trade, transportation, and so forth and in professional associations. However, such private opposition militias were inevitably seen as leading to a coup, and so they sparked the formation of pro-government paramilitary groups. Moreover, extreme groups of any sort do not need a reason or pretext for becoming armed, and so the fever to do so spread throughout Chile.

5. Finally, in describing the final phase of the 1970-1973 crisis, we cannot ignore the role of the media. Some media, especially certain

widely read newspapers on both sides, went to incredible lengths to destroy the reputations of their adversaries, and to that end they were willing to make use of all weapons. Since on both sides political enemies were being presented as contemptible, it seemed just, if not necessary, to wipe them out physically, and on a number of occasions there were open calls for that to happen.

All these factors taken together, before and after 1970, led to a climate that by 1973 was objectively favorable to civil war. Both the climate and such a war entailed accepting the possibility and perhaps the inevitability that innocent adversaries would be subjected to physical and moral suffering. Such was seemingly the price to be paid for what in that climate of civil war was assumed to be at stake: a model of society which each side claimed was the only one acceptable; the preservation of basic and inalienable rights; life itself. "It's us or them"; "Kill or be killed"; "The cancer has to be rooted out"; "You can't make an omelette without breaking a few eggs." Such common expressions at that time reflected deep feelings which could do nothing to aid peaceful coexistence. Instead they were paving the way for fear which engenders hatred and hence brutality and death.

As September 11, 1973 drew near, these fruits were already being harvested. Every new bomb set off, every political murder or armed clash for political or social reasons resulting in death and injury had a twofold effect: it further exacerbated the climate of civil war and it made violence and death ever more routine. Consequently the moral dikes of society gave way, and the path was opened to further and greater excesses.

3. Role of the armed forces and the policy

Until they stepped in decisively in September 1973, the armed forces and police, notwithstanding the ideologies and arguments that were stirring in their ranks, stayed out of the crisis and remained within the role of professionalism, discipline, obedience to the civilian power and political neutrality assigned to them in the Constitution. Nevertheless, the very exacerbation of the crisis—slowly but surely, continually and increasingly—drew them away from this role. We list some of the basic reasons why that was the case.

In addition to these causes, it is quite likely that the ideological current present within the ranks of the armed forces and police which we are about to discuss was impelling them toward taking power. An authoritarian regime would be useful to this tendency, in order to pursue its distorted notions of counterinsurgency and national security. Circumstances favored the officers who subscribed to that doctrine and were unfavorable to those, probably the majority, who would have preferred to continue in the traditional and constitutional role of military

institutions.

Such reasons were:

- * The intensification of the crisis brought the dispute raging within civilian circles into the midst of the officers, threatening to divide them just as civilian circles were now divided, and thereby to split the armed forces and police.

It was only such a division that could transform the "climate" of civil war into actual war. It is widely accepted that civil war does not break out as long as it is only civilians who are clashing with one another, since they do not have the weapons needed if a simple armed confrontation is to escalate to the level of a war. In order for that to happen, substantial sectors of armed forces and security forces, that is, professional soldiers, must be present on each side, and hence the military and security forces have to split. They therefore had to consider the possibility that their failure to act might entail a greater evil, civil war, as a result of their own division.

By hindsight, it is easy to point out the alternative route: to have remained both united and within the bounds of the Constitution. Nor can the practical feasibility of that alternative be simply ruled out. At that moment, however, the top leaders had to weigh the consequences of failure and whether the lower and mid-level officers could have maintained a unity that the civilian world had shown itself unable to maintain.

- * The magnitude of the crisis and particularly the possibility of civil war, which revealed the country to be weakened and divided, was whetting foreign appetites [a reference to longstanding territorial claims by Argentina and Peru]. The very security of the country that the army and police are specifically enjoined to protect was in jeopardy. Over the next few years and until the end of the decade, it became unquestionably clear that the possibility of conflict with neighboring countries was not merely hypothetical.

- * The "armed path" and "ungovernability" furthermore meant, as was demonstrated every day, an ongoing and increasing disturbance of public order, internal security, and the functioning of the economy in its most fundamental aspects, such as basic food supply. The armed forces and security forces regarded much of this—indeed all of it, when viewed within a very broad notion of national security—as their responsibility.

- * The "armed path" and "ungovernability" led to a proliferation of

paramilitary groups, as we have already mentioned. These tended to be presented, or to present themselves loudly, as having many members, and being well equipped and well trained, and quite effective. The armed forces and security forces could not verify such claims and out of prudence had to accept them as true.

By hindsight, it seems clear that these groups did not have the military capability they claimed, but of course that could not be taken for granted before September 11, 1973. It is possible that by infiltrating these groups military, naval, and other intelligence bodies could have come to a more realistic assessment of the danger they represented, but other information suggests that would not have been the case.

Moreover, besides claiming to be ready for military struggle, some of these groups criticized the armed forces and police forces directly; they urged that they be dissolved or radically changed; they declared that they planned to infiltrate them or even that they had already done so; they urged lower ranking officers and troops to disobey orders.

Certainly they were doing so in a context in which it was assumed that a military conspiracy was already underway. This is simply one more indication that in a crisis as broad as ours in 1973 the fact that both sides may be partly correct only stokes the fires of contention and leads to the self-fulfillment of each side's gloomy prophecies, even though a good portion of the population does not sympathize with such extreme positions. In any case it would have been illusory to expect that the armed forces and security forces could see in these circumstances anything but a threat to break their monopoly on weapons and their internal unity, once more conjuring up the specter of division and civil war.

* We must also recall that our armed forces and police forces had a continual and longstanding tradition of anticommunism, dating practically back to the Russian Revolution. This anticommunism was deliberately reinforced for the sake of the "Cold War" in the training the United States systematically provided to Latin American officers in its own country and in Panama within the framework of inter-American bodies and treaties. After the Cuban Revolution, military anticommunism was directed at the extreme left political groups which looked to that Revolution for inspiration. These were the very groups that seized and spread in Chile an ideology of armed struggle; of showing repugnance for the armed forces and security forces by identifying them with the bourgeoisie and the oppressive state; of proclaiming that they were to be destroyed or transformed through revolution; of boasting that they intended to infiltrate them or indeed had already done so; and of calling officers and troops to mutiny.

* Moreover, it is important to keep in mind that for complex reasons that cannot be developed here, the armed forces and security forces were isolated from the rest of society. It is therefore likely that the proposals and invitations from the revolutionary left that we have just mentioned and the information about uprisings, and about weapons being gathered and hidden and so forth, prompted in them an anger and a fear that such isolation only intensified.

* Finally, as the crisis gained momentum, many civilians were more and more insistently calling on the armed forces and security forces to intervene, even though to do so would have been unconstitutional. Obviously that call came primarily from the opposition and assumed all kinds of forms, both open and covert, and even insinuations that such forces were cowardly for not acting. Such exaggerations aside, we should recall that even within the more moderate opposition and among political figures with a long and distinguished tradition of democracy, one commonly heard the notion that the country needed a brief but authoritarian military "interregnum" in order to reorganize its political life. Furthermore, neither the Popular Unity government nor President Allende (except the Socialist party and groups related to it) were opposed to a political and institutional intervention by the armed forces on their own behalf. Their position could hardly be reconciled with the Constitution, no matter what norms or precautions might be adopted.

Thus

* With the support of the opposition, the Chamber of Deputies approved the well-known solemn agreement of August 23, 1973, which served notice that unless the government stopped committing its alleged constitutional and legal violations, the military ministers would resign their posts.

* On two occasions (October 1972 and August 1973) the government, and indeed the president himself, issued an invitation to important representatives of the four branches of the armed forces and security forces to join the cabinet. On the second occasion, the fact that the four ministers were the four commanders-in-chief of those branches left no doubt of the president's intention, namely that they should join the government and institutionally share the administration of the country. The implications were not lost on the Socialist leaders and on the extreme left which harshly criticized the head of state. Some of them said that such a ministry would amount to an implicit "soft coup."

* In 1970 the Congress had passed a Weapons Control Law that offered the military institutions very sweeping and even dangerous

powers to search public and private places, independently of civilian authorities.

* Nevertheless, it cannot be said that these various factors which led the armed forces to intervene in September 1973, but which were largely not their doing, were the only causes of that intervention. No doubt for most of those forces they were the only reasons. However, the subsequent events to which we now turn leave no doubt that there was also an ideological tendency within the armed forces and security forces. Alongside some rather vague and simple notions about how the country should be organized politically, socially, and economically, that tendency emphasized an extreme and mistaken idea of antisubversive war for the sake of national security.

B. The 1973–1990 political framework and human rights

On September 11, 1973, a "military regime," as even its creators were quick to call it, came into being in Chile. Its juridical structure is the topic of the next chapter. Here we will look at its collective actors, the ideologies from which they took their inspiration, the political structures (or structures related to politics) they set up, and the impact of all of these matters on human rights.

4. The armed forces and police as collective actors in politics

The government junta, which represented the armed forces and police as institutions, first took over the executive power (Decree No. 1) and then the constituent and legislative powers (Decree Law No. 128). The judiciary formally retained its legal functions and independence, but that appearance hid a very different reality because: a) most members of the Supreme Court sympathized with the new regime, and b) it was almost idle to supervise the legality of those who could change it at will even in constitutional matters. This latter circumstance became clear in the rapid legal reforms which tended to dissuade the courts from really examining anything related to the freedom of persons.

The fate of the other monitoring agencies in the country on September 11, 1973, was similar to that of the judicial branch. The General Comptroller's Office was retained at first simply in order to register laws and later to play its traditional role. It shared, however, the same crucial defect as that of the courts, namely, that those "controlled" could change at will the rule they were being accused of not observing. In actuality, the Comptroller General's Office never had problems with the military regime, and the only time its highest official rejected a ruling of vital importance to the military (the 1978 "national consultation")¹⁰ that highest

¹⁰ National Consultation of 1978: The military government held a plebiscite to reject the United Nations General Assembly resolution of December 16, 1977, which condemned Chile for its

official was quickly persuaded to resign. Congress had been closed and dissolved at the very moment the junta assumed power (Decree Law No. 27). Finally the media (press, radio, and TV channels) were subjected to a very thorough censorship which later became self-censorship. No new media could be created without the express approval of the government.

Thus the military regime, that is, the armed forces and police as political actors, came into being with extremely broad powers, such as had been unknown in Chile except during those periods when they themselves had played a similar, albeit lesser, role: 1924-1925 and 1927-1931.¹¹ In exercising this power, the armed forces had the obvious advantages of the unity that they had just shown in their political and military action, and their top-down command structure, which enabled them to move quickly, decisively, and firmly. Finally, the armed forces and police forces enjoyed a good deal of public support. That support came from their convinced and enthusiastic supporters, from those who believed there was "no other way out," and from those who had no clear ideas of their own but wanted to "live in peace," free of the shocks and hardships of the final days of the regime that had been overthrown.

However, as they became a "political regime," the armed forces and police were also beset with serious internal contradictions, which prior to September 1973 had not been so obvious or important:

1. They were not clear on just what their course of political action was to be. It had been one thing to overthrow a regime they saw as inviable; replacing it was something else. Everyone, or almost everyone, had agreed on the former, but the latter prompted different questions and different kinds of answers. What was the aim of the military regime?: to rapidly restore Chilean democracy, to carry out a deep restoration, or to establish a new democracy in Chile, as defined in various ways? One clear sign of such doubts was the initial justification given for September 11. The overthrown regime was criticized for violating the constitution; and yet there was talk of an entirely different country, one whose Chilean identity was to be restored.

2. All of this was connected to how long the military regime was to last, a topic much discussed by top military officers. Some saw the period as

violation of human rights, and to endorse President Pinochet. The government stated that the referendum was supported by 75 percent of the voters; however, it was discounted by most of the center and left-wing political sectors.

¹¹ 1924-1925 and 1927-1931: In 1924 the Chilean military toppled the civilian government of Arturo Alessandri. During the latter period, military officer Carlos Ibañez assumed power and acted in an authoritarian manner similar to that of Portales a century earlier. Ibañez showed little tolerance for liberalism and subordinated the National Congress.

short, quite short (two, three, or four years); others saw it as medium term; for others it should be as long as necessary, and as required by the deep changes that had to be carried out ("goals, not deadlines"); yet others saw the military regime as permanent, and regarded it as a planned and definitive involvement of the armed forces and police in governmental and administrative functions.

3. Nor was it clear who was to represent the military in the new regime. Would all branches of the military be equally represented? Or would the most powerful and oldest branch, the army, dominate? Would collective government in the form of the junta continue, or would it move toward one-person rule? If the latter was to be the case, would it rotate among the various branches of the military and the police, or remain fixed?

4. Finally, the officers differed widely in their political ideas. Some had never been concerned about "these matters," and looked upon politics and politicians with a mixture of mistrust, distance, and impatience. Among such officers there was a good deal of inclination toward authoritarianism and nationalism, vaguely referred to as the Portales creed,¹² often very imprecisely expressed. Others sympathized with the right, or with the centrist Radicals and Christian Democrats. There were even some who harbored Socialist ideas, although they were almost never connected to the Chilean political parties that upheld such ideas. No doubt a very large portion still subscribed to the norms of non-involvement in politics as contained in the so-called "Schneider doctrine," named after the former commander-in-chief, but they were not influential at that moment, given the situation of the nation and of the military before and after September 11.

Within this confusing ideological panorama, however, there was one group in the military, basically made up of army officers, which acted in secret and had to intention of seeking the spotlight. This group made its presence felt through its actions rather than its words-although the members of the group often denied those actions. It was remarkably coherent in ideology and action, and had a decisive impact on human rights.

This group was reflected in the "colonels' committee" which functioned in the Military Academy for a few weeks after September 11, 1973, in the "DINA Commission" (November 1973), and in DINA itself, which was formally created in June 1974. When the DINA was abolished in 1977 the group lost power and influence, but not entirely. We cannot say,

¹² Portales creed: Diego Portales was a decisive figure in establishing a strong, centralized presidential state. His influential thinking followed the chaos and anarchy of the post-independence period. The "Portalian State" was institutionalized in the Constitution of 1833.

however, that it was only this group that subscribed to this underlying ideology, since other sectors of the armed forces and police also subscribed to it before and after 1973.

What was the ideology from which this group drew inspiration? We can only deduce it from their behavior and from the influence they received from outside the country, since it was never formulated theoretically, or at least no such formulations have come to light thus far.

To begin with, let us note that some believe this ideology derives to some degree from the war of decolonization in Algeria but that it took definitive shape as a result of the Cuban Revolution and of the call to extend this revolution throughout Latin America. The main exponent of that call was Ernesto Guevara, who said that it should be extended by establishing guerrilla focos, ["pockets," literally foci] which were to be highly trained in political doctrine as well as military matters. These focos were to be established in rural areas. Followers of Guevara, especially Brazilians and Uruguayans, added that such focos could also be urban. Actually some were of the first type (such as that of Guevara himself in Bolivia) and others were of the second (those of Marighella in Brazil and of Sendic and the Tupamaros in Uruguay).

Word concerning such focos, and their actual appearance on the scene, together with the idea that they were designed and planned for all of Latin America-which was generally true-led a number of governments, and especially that of the United States, to start a counterinsurgency drive. Just like the focos, such counterinsurgency was both local in nature in each country and centralized through a degree of coordination between all Latin American countries. The United States took charge of the overall coordination, and to that end it took advantage of the fact that generations of officers from the various Latin American countries were passing through its military training schools year after year.

Counterinsurgency was certainly a technique, that of armed struggle against the urban or rural enemy guerrilla fighter. Underlying it, however, there seems to have been hidden an implicit doctrine or philosophy, one that was not necessarily shared by all the instructors, let alone all the students, although events prove that it influenced many of the latter.

Within that counterinsurgency doctrine or philosophy, the following points are relevant to the topic of human rights:

- * Guerrilla warfare is not a minor matter as its name implies [guerrilla = diminutive of guerra, "war"] but is a genuine war;

- * This war is not just that of each country against its own insurgents,

but is likewise a continental war led from Cuba, and more remotely from the USSR, aimed at destroying the institutions of the free world and the West, and making all of Latin America a satellite of the Soviet empire;

* This genuine war, guerrilla warfare, is also hypocritical because it is undeclared and where necessary is even explicitly disavowed; moreover the governments that promote it deny that they are in any way responsible for it;

* Guerrillas show no respect for any laws of war nor of morality: they kill treacherously, kill prisoners, torture and hurt innocent people through terrorism, and senselessly and uselessly destroy productive property, and so forth;

* Governments must understand how dangerous the guerrillas are and respond to that danger by means of counterinsurgency on the continental as well as the local level.

* Counterinsurgency must confront guerrilla warfare with its own methods lest it place itself at a disadvantage, for the fundamental values of the nation, the state, society, and so forth are at stake.

Counterinsurgency doctrine was to one degree or another reflected in the information and practice received in training sessions for antiguerrilla warfare, such as the secret nature of operations; "interrogation techniques"; education in "special" forms of fighting and killing and in how to lay ambushes; and "survival" training sessions, which often included actions that were cruel or degrading to one's own dignity. All this gradually accustomed the students to the fact that ethical limits were receding and diminishing, sometimes to the vanishing point. Paradoxically, however, counterinsurgency had been devised to save the very ethic which its actions-intended to respond to purported similar actions by the guerrillas-denied. Hence two new justifications were employed to round out the doctrine. One was the notion that the counterinsurgent, the one combatting the guerrillas, was a kind of hero who was sacrificing not only his physical life, if necessary, but his moral integrity so that others might enjoy that integrity and the benefits provided by a free society.

The other justification was a distorted concept of national security, which as a supreme value was regarded as being above ethics. This amounted to a revival of what used to be called *raison d'etat*: once again in extreme cases (which government authorities could themselves appraise) the rights of individuals could be violated by reason of an alleged general interest.

Armies, police, and security forces in a number of Latin American countries were engaged in this kind of counterinsurgency during roughly the same period. Thus it is clear that such counterinsurgency campaigns had a common origin. Moreover, connections between the various counterinsurgency operations were unusually strong, and they had organizations and operations in common. The details, insofar as they related to the DINA, will be found in Part Three, Chapter Two ("Overview 1974-August 1977") of this report.

5. The armed forces, the security forces, and the DINA group
By the "DINA Group" we mean the group of army majors and colonels that began operating in the Military Academy on September 11, 1973 (and perhaps previously in embryonic form in the Military Engineers Regiment in Tejas Verdes). The group later became the DINA Commission, which in turn became the DINA itself, as has already been stated and will be studied in greater detail in Part Three, Chapter Two.

From the outset this group demonstrated a great deal of cohesion and boldness on the part of some of its more outstanding members, as will be clear further on when we look at the journeys a high level military delegation made up and down the country in September and October 1973, leaving in their wake a high number of merciless clandestine executions that were utterly illegitimate and unjustified.

Such are the general features of this group; they are the same as those of all extreme or perverted counterinsurgency programs throughout Latin America, whose origins it shares. Before considering the DINA's relationship with the rest of the armed forces, we would do well to pose a question previously raised: did the DINA Group have any particular features of its own, and did it have a political doctrine?

This twofold question may be answered as follows:

* The DINA Group showed the ability, as proven by its subsequent history, to both circumscribe its activity and carry it to extreme limits. It circumscribed that action insofar as it set for itself the basic task of eliminating what it regarded as the ultraleft, particularly the MIR and other groups or persons connected to it. Having thus designated the "enemy," the group set out to utterly destroy it, identifying, locating, and killing its leadership teams, or members regarded as especially dangerous;

* Insofar as can be determined, the group does not seem to have held any significant political doctrine except for a particularly virulent anticommunism (which in turn links it to counterinsurgency continent-wide). As will be noted later, the Commission was able to document facts pointing to a link between the DINA and right-wing groups from

other countries who were true terrorists, but there is no indication that the DINA saw it as anything more than an expedient working relationship that served its own goals.

We now turn to the question of relationships between the armed forces and police and the DINA group.

It was the armed forces who were in the best position to neutralize the DINA, both because it belonged to the armed forces and because those forces themselves were or constituted the regime, as we have explained above. They did not do so, however. Why was that the case?

One possible answer would be that the armed forces agreed with the group, and went along with the doctrine and practices of the most extreme forms of counterinsurgency. Although, as we have seen, such an outlook was shared by others besides the DINA group, the Commission knows that a good number of officials did not agree with the group, its activities, or its justifications, at least in 1973 and 1974, and expressed their disagreement to their superiors on a number of occasions both orally and in writing. Nevertheless, the group prevailed for a number of reasons:

1. The group was very skilled in keeping matters secret, in compartmentalization, and in disinformation techniques. Hence it may be that a large number of officers, especially in the middle and lower ranks, was unaware or had only a partial knowledge of the problem and its magnitude.

2. There probably were some officers who, without approving of the group, thought the ultraleft was only getting "what it deserved." They perhaps believed that leftist activists were being killed in real armed clashes, although admittedly in such clashes the DINA group's compliance with the law, including the laws of war, left much to be desired. It should be kept in mind that the social isolation of the officers made them more vulnerable to disinformation or partisan versions of events.

3. The self-justification used by the armed forces and the police that they were "at war" was also quite important during the first few months, and perhaps until the end of 1974. Besides "hypocritical and ongoing war" as presented in counterinsurgency doctrine, the propaganda of the contending civilian sides prior to September 11, 1973, had convinced the military and police (for it was continually being repeated) that opposing powerful and well-trained armies, well-supplied with weapons, were ready for combat. For months after September 11, the armed forces and police were immersed in their own climate and mindset resulting from

this supposed war. This mindset and climate and the way they (wrongly) downplayed "excesses" could have contributed to the consolidation of the DINA group as a "necessary evil."

4. We should also mention the fear that confronting the existence of this group and its increasing violation of fundamental rights would hurt the reputation of their own institution. Worse yet, it would damage Chile's "image," at a time when its military action had met with no internal resistance but was encountering a stormy and negative reception outside the country (for various reasons which would need lengthy analysis, one of which was, however, precisely a concern for human rights).

5. The Commission has discovered that the officers, who were presumably "at war" with extremists, lacked an adequate knowledge of the laws and morality of war for dealing with matters such as the treatment of prisoners, torture, interrogation, executions, war tribunals, and so forth. The indications are that such issues were insufficiently studied at that time. That lack of knowledge may also explain why the DINA group's activity and human rights as a whole did not receive enough attention.

6. Another fear that may have played a role in consolidating the group and assuring its impunity was the very efficient way it maneuvered within the branches of the military and especially the army, halting or cutting short the professional careers of those who stood in their way (whom they called "soft"). At the same time, top officers who were "soft" were abruptly summoned, accused, relieved of their commands, suffered abuse, and even saw their careers destroyed. For months, especially in the provinces, intelligence officials acquired a power disproportionate to, and independent of, their rank, enabling them to supersede even higher ranking officers in their own units. Finally, we should not forget that at this point career promotions depended exclusively on one's superior officers, since there was no civilian authority in place which could play the role the Senate once played in such matters.

These observations are not meant to excuse the armed forces and the police for the fact that what we have called the DINA group continued to operate within them, nor to blame them for it. Rather the Commission has tried to make this fact understandable as part of the study of human rights violations it was mandated to conduct.

6. The top-down nature of political rule
We must likewise note that the armed forces and police as a collective group soon ceased to be directly in charge of the junta when political rule passed into the hands of top military leadership (and specifically of

the army, whose condition as *primus inter pares* was given legal status) and when both bodies were unified in a single institution.

The idea of a presidency of the junta rotating between the commanders-in-chief, which was being openly discussed during the first three weeks after September 11, 1973, was dropped. An order of rank was established, with the result that the commander-in-chief of the army became head of the junta. He was given the title of Supreme Head of the Nation (Decree Law No. 527) which was subsequently replaced by the more traditional President of the Republic (Decree Law No. 806). Actually however, what emerged was a new institution endowed with powers unprecedented in Chile: the President of the Republic/Commander-in-chief. The person holding this position not only ruled and administered the country but also presided over the government junta, and hence without him no laws could be passed nor could the constitution be amended; he also commanded the entire army. The use of states of emergency during practically the whole period of military rule further deepened and extended such power.

Once again the Commission's task is neither to criticize nor praise such developments and laws. It does, however, want to point out that what was supposed to be the regime of the armed forces and police escaped from the collective control of these institutions and even from the control of their top leaders. Instead it became rigidly centralized around the president/commander-in-chief. By the time this process was complete at the end of 1974, only that president/commander-in-chief could have neutralized the DINA group (and that was not done until a specific measure at a later date, as will be indicated below). Certainly these collective bodies went their way and did not express the least interest in controlling the DINA group. Thus Decree Law No. 521, which created DINA as an independent public agency, made it depend directly on the junta, but in practice the junta did not exert any such control. Actually the DINA was directly under the presidency of the republic, perhaps on the basis of Decree Law No. 527 and the powers it granted the presidency. Moreover, even though the DINA was in place, other branches of the armed forces and police organized or maintained their own agencies for repression. While there may have been some rivalry between these agencies and the DINA, in their spirit they were indistinguishable. This issue is taken up elsewhere.

7. Civilians as political actors under military rule

With the single exception to be noted below, the September 11, 1973 military action took place without the aid or even the knowledge of any civilian group, whether organized or semiorganized. Indeed before September 11 only a very few civilians were needed to provide the kind of help that would entail such prior knowledge; those required were

generally not political leaders but communications experts, journalists, and so forth.

After the events of September 11, the very presence of the DINA group and its growing influence inevitably and almost immediately created a contradiction. On the one hand, the regime was calling the nation to come together and to join in a common effort at rebuilding the country and advancing development, an effort from which no one was to be excluded. Naturally this invitation was appealing to many people, even to disenchanted supporters of the previous government. At the same time and secretly, the DINA group's activity was an absolute negation of the unity to which all Chileans were being called. However, since that activity was secret and since in principle there was no freedom of information and such freedom would continue to be very limited, awareness of this contradiction spread only very slowly. Hence within civilian circles the many changes of opinion on military rule were likewise slow in developing.

The armed forces and police had a low opinion of political parties of any sort and thus, as will be seen more fully in the next chapter, those of the Popular Unity were disbanded immediately (Decree Law No. 77) and the others were suspended (Decree Law No. 78, which stated that they were "in recess"). In 1977 this suspension also turned into a dissolution (Decree Law No. 1697). Political party activity was banned, and penalties for violations were even specified.

Of the pre-September 1973 parties, those belonging to the Popular Unity and others like-minded (such as the MIR) managed to survive underground but just barely, not so much because of the legal prohibition, but because of the repression unleashed against them by the security agencies, as noted in this report. Other parties simply disappeared.

The situation of the parties that had fought against the now-overthrown regime which were united in the CODE (Democratic Confederation) and other like-minded groups which were first suspended (1973) and then dissolved (1977) was as follows:

* From the outset the National party understood the "recess" as a disbanding and it disappeared. The Fatherland and Liberty Nationalistic Movement took the same position. Thus the organized right vanished. Many of its former leading figures served in the military regime as ministers, diplomats, high officials, economic advisors, and so forth; they did so, however, as individuals and did not maintain their former organizational connections either publicly or privately. A smaller number gradually distanced themselves from the regime and ended up in the

opposition. Members of extremist groups joined the repressive agencies or worked with them.

* The Christian Democrat party, on the other hand, accepted neither the recess nor the subsequent disbanding and continued to operate in a semiunderground existence, which was tolerated, sometimes more openly, sometimes with more restrictions. While a small number of top and midlevel leaders cooperated with the military regime just like the former right-wing leaders, and consequently resigned from the party, the party itself moved more and more into opposition. There were a number of reasons for this development, especially the official confirmation that the military regime was going to last a long time and that it would severely restrict the exercise of democracy; human rights problems also played a role.

The remaining former parties, whether underground or semiunderground, had no place within the regime to express their human rights concerns. This explains why, through no fault of their own of course, they managed to develop a better campaign around human rights outside the country than within Chile itself.

Meanwhile, other civilians who supported the regime sought to influence it politically. The most important among them were younger (under forty years old), belonged to the upper class or upper-middle class, and were professional people who were very well trained in their particular disciplines. Most of them had been involved in the "associational"¹³ struggles that had taken place in the universities during the tumultuous "reform" starting in 1967. Their differing ideologies flowed together around these points:

* A first wave was very strictly Catholic in background and took its inspiration from authoritarian traditions from both Chile (Portales) and Spain. This group was also assisted by some older nationalistic civilians. This first wave produced the Declaration of Principles of the Chilean Government (October 1973), an ambitious document which sought to lay down the doctrinal foundations for the actions of the military regime.

While that declaration accepted and announced that power was certainly to arise out of a "universal, free, secret, and well-informed vote,"

¹³ "Associational" struggle: This student movement, referred to as gremialista, which literally means "guild," was well established in the Catholic University in the late 1960s. Initially it rejected the politicization of "intermediate bodies" such as professional associations, unions, and student organizations. Closely associated with the Pinochet government, the group was headed by Jaime Gózman, and in the late 1980s the Union Demócrata Independiente (UDI) political party was founded. The UDI is now generally characterized as being right-wing.

at the same time it called for a state based on the principles of Portales; the formation of a civilian/military movement; a democracy more in substance than in form; and armed forces and police who were to safeguard national security understood in very broad terms and even beyond the military regime itself. According to the declaration, this was not to be merely an administrative hiatus between two political party governments. Rather by means of a "deep and prolonged action" it was to rebuild Chile morally, institutionally, and materially, and to "change the attitude of Chileans." Hence these forces did not specify a fixed period for the junta to remain in power. Finally, it is worth noting that the Declaration was presented as irreformable, thus accentuating its foundational character.

The Declaration could not attain its objectives, however, if the president/ commander-in-chief, who stood at the center and had a monopoly hold on power, did not really adopt it, as he in fact failed to do. It is not our task to determine why and, indeed, it may no longer be possible to do so. Nevertheless, this "first wave" continued to collaborate with the regime, although it severed its ties with the nationalistic figures, who either left the government or continued to serve it but without any real influence.

* The "second wave" had actually entered into contact with the military before the first group. It was made up of young people very similar to those of the "first wave" but with some features of its own: they were economists who had done postgraduate work in prominent universities in the United States and were liberal or neoliberal both in their discipline and in their idea of society and of human nature.

Before September 11, 1973, these professional people either contacted the navy or were contacted by it, and they prepared a complete economic plan which could only be put into effect from a position of power. After September 11 and under navy sponsorship they gained some-but not all-government positions crucial for managing the economy. They began to spread and defend the ideas behind their plan within the regime, although they sometimes encountered considerable opposition and difficulty.

Their moment of triumph came when the president/commander-in-chief adopted their plan and imposed it against all those who resisted, granting its authors the power, support, and time they said they needed to apply it. There was one very murky moment during the economic crisis of 1981 when some of the most representative figures in this "second wave" resigned their key posts. Nevertheless, their successors, who shared their basic ideas and with whom they had always made up a like-minded and disciplined body, rode out the storm and managed to

preserve these ideas in the Chilean economy.

A decisive factor, we repeat, in the long continuity of the economic line has been the fact that the president/commander-in-chief, contrary to what he had done with the "Declaration of Principles," fully accepted the plan of the economists.

* At this point the "first" and "second" waves of civilians working with the military regime had come together around the new economic ideas whose influence had been broadened to include related areas such as health care, social security, labor law, and even relatively unconnected areas, such as education, professional associations, and TV channels. Certainly the sector we call the "first wave" had evolved to the point of adopting the economists' ideas and expanding them into the notion of a "free society," in which the role of the state would be as small and that of private initiative as large as possible.

Moreover, the now united group had put all its energy into the preparation of a complete new constitution, abandoning the method of "acts" (which is described in greater detail in the next chapter). This method was very much in tune with the spirit of the "Declaration of Principles" in the sense that constitutional norms were to be introduced gradually and would be tested in practice and by observing how they worked, so as to lead to a constitution guaranteed to work. However, in 1980 a completely new and untested constitution was presented to the voters in the plebiscite. Its features retained little or nothing of the 1974 "Declaration of Principles"; they were traditional liberal and democratic principles, albeit with a strongly authoritarian slant. They set a date for the military regime to end, however, and enshrined in the Constitution economic freedom, the primacy of private initiative, and the diminishing of the state's role.

Again, it was absolutely necessary that the president/commander-in-chief make the plan his own. The fact that he did so may indicate that he thought he would have sixteen more years in which to rule and consolidate his position.

It is not the Commission's role, let us repeat, to make value judgements on these developments. It has described them as a framework for understanding the role of the civilians who were politically connected to the military government vis-à-vis the issue of human rights and the DINA group. They were no doubt somehow aware of the problem and of how harmful the group was, but in general they did not have the means to deal effectively with the situation, and so they thought it would do more harm than good for them to cease supporting the military regime. Moreover, given the degree of disinformation, it is possible that at some

moments they may have sincerely (though incorrectly) believed that human rights violations had ended, or that they were declining to such an extent that they would soon no longer constitute any threat. Other civilians argued that their responsibilities were technical rather than political, and that concern for human rights was a matter for those holding political responsibilities. Some furthermore asserted that it was better and more productive to work silently through persuasion on a case by case basis rather than drawing attention publicly and so breaking off communication with the regime. Finally some denied that there were any violations at all and regarded them as propaganda, or contrariwise invoked the heated arguments of the pre-September 11 period which we have already examined to "justify" any violation (although to be sure they were often unaware of the true situation).

The Commission simply notes that these different and quite dissimilar aspects of civilian activity with regard to human rights did not bring about any significant positive effect noticeable today, except the rescue of a few dozen people who were being persecuted. These actions were certainly worthwhile, but they were minimal compared to all those who were executed, disappeared, and so forth.

An equally laudable yet wholly unsuccessful effort was that of some jurists who supported the military regime. Aware of its weakness in the area of human rights, they tried to provide constitutional protection for the rights of the person which were then being violated. Such an effort was made on three occasions, more elaborately each time: in the "Declaration of Principles" (1973), in the Constitutional Acts (1976), and in the new Constitution (1980). However these norms proved impotent against all the forces thwarting them: the whole web of repressive legislation, which was as crafty as these standards; the ongoing states of emergency; judicial apathy; and the boldness, secretiveness, and systematic disinformation practiced by the DINA group and its like-minded followers.

In closing let us note that the political activity of those civilians who supported the regime, whether on behalf of human rights or anything else, was stymied from the outset: despite their ties of generation, ideas, and friendship, they were powerless to form an organization that could promote such action by uniting, coordinating, and representing them. Whatever label might have been given to such an organization, in practice it would have been a party, and the regime simply did not trust any parties that might be formed, even those that might be set up to support it. This was yet another circumstance favoring the activity of the DINA group and human rights violations.

8. Political framework after the disbanding of the DINA

The downfall of the DINA group and of the DINA itself began with the murder of Orlando Letelier and Ronnie Moffit in 1976 in Washington, D.C., a crime discussed later in this report. When it became clear that the DINA had been involved in the crime, and the United States government sought the extradition of some of its main leaders, top level officials of the regime began to comprehend the power and audacity of the group and of the secret organization. Although previously they may not have been aware of the matter or given it much thought, they now saw the immense harm it might cause, not so much to its victims as to the regime and to the country. Thus the regime's civilian supporters drew up a design and obtained the required approval of the president/commander-in-chief for what was intended to be a real chance to bring about a substantive improvement in human rights observance-although in practice that effort was frustrated.

The DINA was dissolved and replaced by the CNI (National Center for Information) (Decree Laws Nos. 1876 and 1878 of 1977), which was put under the supervision of a top army officer who had opposed the DINA group. The group never returned to what it had been. Moreover, the human rights situation, both quantitatively and qualitatively, never regressed to its state when the DINA was controlled by what we have called the DINA group. Indeed, during the 1977-1979 period many people thought that the situation was on its way to substantial improvement.

Starting with what was known as the COVEMA (Avengers of the Martyrs Squadron, 1980), which this report analyzes further on, repressive activity flared up again, not as systematically nor with as large a number of victims but uninterruptedly and punctuated with shocking incidents. To close this section we note some further possible reasons for this development, some based on evidence and others on conjecture.

* Many of the key men of the disbanded DINA occupied important positions in the new CNI (National Information Center) and thus the supposedly expelled group continued to be very influential;

* While the DINA was very disciplined, the CNI seems to have resisted such discipline, possibly as a result of what has been said before. This lack of discipline is believed to have facilitated "independent" operations, the emergence of satellite groups and so forth, resulting in activities that were out of control.

* The fact that the CNI now answered to the Ministry of Defense rather than the Interior Ministry meant that it was not under the control of those sectors of the government that were more sensitive to the potential political impact of human rights violations.

* The persistent neglect and inefficiency of the police and security services in clarifying human rights violations encouraged their continuation and increase; o Finally, it should be noted that some of the political adversaries of the regime, primarily the Communist party and the MIR, reinitiated insurrectionary activity and both selective and indiscriminate terrorism.

The Communist party (probably as a result of pressure by activist members and leaders who were underground in Chile and in opposition to its veteran representatives, all of whom were of course in exile) gave up its policy of seeking to reach power through peaceful means, and opted to use violence against the military regime. This policy was sketched out in several official documents beginning as early as 1980. It was explained in 1982 on the grounds of the party's need to have an organic and independent military power and organization, which was to be made up of Communists: this force, however, was not to be made up entirely of Communists, nor were all Communists to be members, although it was to remain under the political and military direction of the party. The following year this decision seems to have led to the formation of the FPMR (Manuel Rodríguez Patriotic Front) whose deadly actions are described elsewhere. Nonetheless, the party has never acknowledged that it directs or controls the FPMR. The FPMR reached its high point in 1986 when it carried out two very elaborate but failed operations: the smuggling of an arsenal of weapons hidden in Carrizal Bajo and the assassination attempt against the president. The Communist party gave up the insurrectionary strategy in 1987, provoking a split in the FPMR into two factions, a so-called "autonomous" faction persisted with the same strategy, while the other abandoned it.

As of 1978 the MIR, whose cadres had suffered frightful casualties at the hands of the DINA, tried to resort again to its classic armed path, with "Operation Return" from Cuba. Its various efforts once more ended in defeat, especially in the guerrilla infiltration in the southern area of Neltume, described elsewhere, where many MIR members were killed in violation of their human rights. Their armed actions and acts of terrorism also led to loss of life, as described in this report. From 1986 onwards the MIR underwent a process of internal divisions over the very question of whether or not to continue the "armed path."

During the 1980s other less important violent groups opposed to the regime, such as the MAPU Lautaro, which split from MAPU around 1983, were active. Such groups infiltrated the "national protests" (considered in a special section in this report) trying to lead them to violence so as to bring the country and the regime, they said, to the point of "ungovernability."

The actions of the FPMR, MIR, and the other groups we have described led government officials to pressure the CNI to "get results" through repression, thus causing new human rights violations. At the same time, the old DINA group was insisting that the CNI was "ineffective" in comparison with its own horrifying history of wiping out insurrectionary and terrorist efforts and organizations.

Many of the reasons we have listed are largely conjectural, we repeat. However, it can be stated with certainty that, during the final years of the military regime, the political structure that had been established by the enactment and implementation of the 1980 Constitution did not eliminate the national problem of serious and constant violations of human rights (although the frequency and numbers of victims admittedly declined). Indeed, the 1978 amnesty, which its civilian promoters may well have regarded as the closing of the book on a now superseded problem, ultimately seemed to entail impunity for the past and to promise impunity for the future. [See explanation of 1978 amnesty law-Decree Law No. 2191-on page 89 of Volumn One.]

Chapter Two: Legal and institutional framework

A. The months after September 11, 1973

1. Installation of the junta

According to the 1925 Constitution, government functions were to be exercised by independent, separate bodies exercising oversight over one another. In his manner the Chilean institutional order expressed the principle that abuses by government bodies in carrying out their functions are to be prevented by dividing, imiting, and controlling their powers, and that those who violate these bounds must be held accountable within the legal system. Such was the order that the 1925 Constitution established; indeed it was the same order that had been in effect, with some variations, since the Constitution of 1833.

When viewed from this perspective, what happened starting on September 1, 1973, constituted a profound disruption of the Chilean governmental system. On that date the military junta stated that it was assuming "supreme rule over the nation with the patriotic commitment to restore the Chilean way of life, justice, and institutional order that have been shattered. . . as a result of the intrusion of dogmatic and intolerant

ideology inspired by the alien principles of Marxism-Leninism."¹⁴ In that same legally binding statement, the junta stated that it would assure that the powers of the judicial branch remain fully in effect and will respect the Constitution and the laws of the Republic, to the extent the present situation allows, so as to better fulfill the principles it intends to follow."¹⁵ There was no mention of the Congress or of the General Comptroller's Office.

What did it mean that the junta was assuming "supreme rule over the nation"?

Some looked to Article 60 of the 1925 Constitution, which states that "a citizen with title of President of the Republic of Chile administers the state and is the supreme head of the nation." They maintained that what the junta was assuming was only that body of powers proper to the head of state since he was the supreme head exercising his corresponding authority, and the purpose of the military movement was to remove the one who had been occupying that position until September 1973.¹⁶

Under that interpretation, the junta seemed to be saying that it was assuming only the executive, administrative, and co-legislative functions proper to the president. Thus the military manifesto would not affect the supervisory and co-legislative functions of the National Congress nor the oversight function that the Constitution entrusts to the General Comptroller's Office. The same could be said about the competency the president shares with the Congress-and with the electorate should there be a plebiscite-to act as one of the members of the constituent power.¹⁷

Any doubt was soon dispelled, however, when the junta specified "that the assumption of supreme rule over the nation means exercising all the powers of the persons and bodies that make up legislative and executive powers and consequently, the constituent power that is theirs."¹⁸ In keeping with that premise, the junta stated that on September 11, 1973 it had assumed the exercise of the constituent, legislative, and executive powers, and it reiterated that the judicial power

¹⁴ Decree Law No. 1, of September 11, 1973, Law Establishing the Ruling Junta, Diario Oficial of September 18, 1973.

¹⁵ Ibid., No. 3.

¹⁶ Military Decree No. 5, of September 11, 1973, No. 13.

¹⁷ Constituent power: The Chilean institutional framework provides for the concept of a "constituent power" inhering in all citizens of a nation and superior to the executive, legislative and judicial powers (branches)-which are, in fact, derived from this greater power. It is regarded as embodying the "Sovereign Power of the People." In actuality the legislative and executive powers together represent the constituent power. When it is charged with reforming the constitution, certain requirements must be met, such as high percentage quorums in both legislative houses (Senate and Chamber of Deputies).

¹⁸ Decree Law No. 128, consideration c, Diario Oficial, November 16, 1973.

"will exercise its functions as specified in the Constitution, and with the independence and authority indicated therein." Again the junta said nothing about the constitutional independence of the General Comptroller's Office. Nevertheless, it subjected the decentralized agencies of the administration to that office¹⁹ and during September and October 1973 it sent its supreme decrees there to be registered but not to have their legality approved.

The junta retained the full use of such powers until June 26, 1974. At that point Decree Law No. 527, which states the junta's by-laws, went into effect, and it declared that "executive power is exercised by the president of the junta, who is the supreme head of the nation."²⁰ Shortly thereafter and in order to maintain the title traditionally granted to the head of state in our country, the junta declared that the executive power was "exercised by the president of the junta, who, under the title of President of the Republic of Chile, administers the state and is the supreme head of the nation." Thus the administration and governing of the state was entrusted to the president of the junta and of the republic, and his authority was extended to everything related to maintaining the internal public order and external security of Chile.

2. Functioning of political power

The junta exercised constituent and legislative power by issuing decree laws.²¹ These decrees were signed by all members of the junta, either themselves or their deputies, and when they deemed it appropriate, they were also signed by the relevant ministers of state. In any case all the junta members had to be in agreement in order to issue constitutional and legal norms.

Decree Law No. 527 envisioned the issuance of complementary regulations that would enable the junta "to require the collaboration of the community through its technical and representative organizations in the preparation of decree laws." Additionally, and in keeping with Decree Law No. 991,²² each junta member presided over one of the legislative commissions. The Legislation Secretariat was set up in order to coordinate the legislative process and issue legal reports.

In accordance with Decree Law No. 527, only the junta could pass laws.

¹⁹ Decree Law No. 38, Diario Oficial, October 2, 1973.

²⁰ Decree Law No. 806, Diario Oficial, December 17, 1974.

²¹ Decree laws: Decree laws are norms dictated by a de facto government-one not constitutionally established which has assumed legislative branch powers. A supreme decree differs from a decree law in that a supreme decree is issued by a legitimately established president as part of his/her regulatory powers. Supreme Decree #355 enacted by President Patricio Aylwin established the National Commission of Truth and Reconciliation.

²² Diario Oficial, January 3, 1976.

Furthermore, it alone could take the initiative in those legal matters that were proper to the president of the republic, according to the text of the 1925 Constitution, as it stood until September 11, 1973.

It is worth keeping in mind that there were two kinds of decree laws, in accordance with the greater or lesser importance of their provisions. First, some decree laws were of constitutional rank because they expressly or tacitly modified, complemented, or annulled provisions in the Constitution. Second, some decree laws issued had legal standing but were subordinate to those of constitutional rank, and were the practical equivalent of those laws which until September 11, 1973, had been the joint work of the president and Congress.

Nevertheless, the junta issued many decrees whose provisions, even though they were substantially opposed to those in the Constitution, did not state that they were modifying or annulling it on a particular point. The result was confusion over the meaning and scope of those legal texts, that is, whether or not they constituted reforms of the 1925 Constitution. Since the situation was unclear, individuals who were affected, for example, by provisions suspending or restricting personal freedom when states of siege and states of emergency were declared, appealed to the Supreme Court, asking it to declare such decree laws inapplicable because they conflicted with individual guarantees that are safeguarded in the Constitution.

The Court managed to grant review and decide some of these appeals.²³ The Court's rulings, however, prompted the junta to issue Decree Law No. 788,²⁴ which specified the difference between decree laws that were constitutional in scope and those that simply had legal effect. In this regard the junta declared that the decree laws issued between September 11, 1973 and December 4, 1974 insofar as they were contrary to, opposed to, or different from any provision of the Constitution "had and have the nature of being norms that modify, whether expressly or tacitly, partially or totally, the corresponding clause in the Constitution." In other words, by playing its role as constituent power, the junta remedied the flaws of the unconstitutionality attributed to the decree laws issued during that period. As a result, pending appeals on the grounds of inapplicability were to be disregarded.

The provisions of Decree Law No. 788 affected not only those "judicial rulings made prior to their publication in the Diario Oficial," this law also stated that "decree laws issued in the future that may be expressly or

²³ For example, Supreme Court ruling No. 10987, dated October 9, 1974, published in Fallos del Mes No. 191, October 1974.

²⁴ Diario Oficial, December 4, 1974.

tacitly, wholly or partially, contrary to, opposed to, or different from some provision of the Constitution will have the effect of modifying it in that respect only if it is explicitly noted that the junta is issuing it in the exercise of its constituent power."

In short, after December 4, 1974, the difference between the two kinds of decree laws was formalized. The result was that the constituent body tended to be distinguished from the legislative body, at least adjectivally.

3. The junta's legislative activity

In quantitative terms, the legislative activity of the junta was considerable. In less than four months it issued almost 250 decree laws, a number equal to the whole of what had been legislated in the year prior to the declaration of military rule. The rapidity of legislative activity could be attributed in part to the system's concentration of government functions, the lack of any institutionalized opposition, and the authorities' declared intentions to change matters.

Qualitatively speaking, the body of legislation was extremely important, no matter what the ultimate judgement on the laws drawn up might be. The new legislation succinctly and plainly presented a scale of values and political principles that differed profoundly from those contained in the preceding and still somewhat surviving legal order. Hence the democratic orientation of the previous order gave way to one in which the state's coercive apparatus was reinforced and the system of government became authoritarian.

Acting as the legislative body, the junta made rulings on the most diverse matters in the political, social, and economic realms. So wide was the variety that it is impossible to make a systematic presentation of its content here. By the same token, in order to describe the institutional legal system then in effect, we must draw up a representative inventory simply to give an idea of its characteristic features.

a. Assumption of total control

It has already been noted that the system in place in Chile as of September 11, 1973, was one in which government functions were highly concentrated. The junta members made reference to that character when they called it an authoritarian regime. It is evident when we call to mind the following events:

1. Dissolving of Congress and of the Constitutional Tribunal By means of Decree Law No. 27, the junta disbanded the National Congress, stating that as of that moment its current members no longer exercised their legislative functions. That decision was based on "the need to assure that the principles that the junta has

proposed be implemented more expeditiously. . . and on the fact that it is therefore impossible to allow legislative measures to be subjected to the ordinary procedure for issuing laws, as well as the need to avoid jeopardizing the reestablishment of institutional order that is so urgently needed."

Shortly thereafter, the junta went on to dissolve the Constitutional Tribunal, since its primary function was to resolve conflicts between the executive and legislative branches "which cannot occur since the Congress is disbanded."

2. Outlawing and closure of political parties

Once the president had been unseated and the Congress had been disbanded, the basic political institutions of Chilean representative democracy were no longer in operation. The junta's decisions inevitably had an impact on those associations that made possible the operation of representative bodies, namely political parties.

That indeed is what happened on October 13, 1973, when with Decree Law No. 77 the junta declared to be disbanded, prohibited, and regarded as unlawful associations those parties, entities, groups, factions, or movements "which uphold Marxist doctrine or which in their aims or the behavior of their adherents are substantially in agreement with the principles and objectives of that doctrine and which tend to destroy or undermine the basic aims and principles laid down in the founding decree of this junta." With that same law, the junta also ordered that the juridical status of all the parties and the other organizations mentioned be canceled, and ordered that their property be transferred to the state.

In the very next decree, No. 78 (October 17, 1973) the junta, believing that it was absolutely necessary to suspend the normal pattern of party activity in the country, declared to be "in recess all political parties and entities, groups, factions or movements of a political nature not included in Decree Law No. 77"; all their properties likewise were to be administered in the same fashion. [Note: footnotes²⁵ and ²⁶ are missing in the original text.]

3. Election lists declared null and burned

²⁵ [Missing in text.]

²⁶ [Missing in text.]

Decree Law No. 130²⁷ declared null all the electoral registration lists, and they were burned by the head of the Electoral Registry. As of that date the process of registering to vote was suspended. As a basis for its decision the junta declared that "investigations carried out by governmental and university agencies have demonstrated that there have been serious and widespread electoral frauds," and hence it was necessary to devise a system "which from now on may prevent such frauds and assure the seriousness and efficiency of decisions by the citizenry."

4. Mayors and aldermen dismissed

Recognizing the need to harmonize the organization and functioning of municipalities with its own principles, in Decree Law No. 25 (September 19, 1973) the junta declared that the mayors and aldermen [municipal council persons] were to cease functioning. The junta subsequently appointed people in whom it had complete confidence to serve as mayors.

5. Interim status of government employees

By means of Decree Law No. 6 (September 12, 1973), government personnel, with the exception of those in the judicial branch and the Comptroller General's Office, were put on interim status. A few days later Decree Law No. 22²⁸ gave authorization to immediately dismiss such public servants at will, and without being bound by the laws preventing dismissals and assuring job stability.

Invoking its intention to "reestablish the principles of order, discipline, rank, and public morality" that ought to inspire government administration, the junta in Decree Law No. 98²⁹ declared that all public services, with the two exceptions noted above, were being reorganized.

b. Effect on constitutional guarantees

We must now refer to the changes the junta introduced into the doctrinal portion of the Constitution, that is, changes affecting rights and duties as well as actions aimed at safeguarding both of them, which are recognized and protected by the constituent power. We refer to what are called constitutional guarantees.

²⁷ Decree Law No. 1 (September 11, 1973), Decree Establishing the Junta, Diario Oficial (September 18, 1973).

²⁸ Ibid. No. 3.

²⁹ Diario Oficial, October 26, 1973.

1. States of emergency

Personal freedom was first suspended and then restricted by the new provisions concerning states of emergency and particularly the state of siege. Those provisions were in effect during this entire period.

Decree Law No. 3 (September 11, 1973) declared that a state of siege was in effect throughout the country and that the junta was in effect "the general-in-chief of the forces that will be operating during the emergency." Nevertheless, starting the next day and in accordance with Decree Law No. 8, the junta delegated to the commanders-in-chief of the operational units in the country the exercise of military jurisdiction and the power to issue decrees.

Moreover, Decree Law No. 4 issued that same day (September 11, 1973) imposed a state of emergency in the provinces and departments which it listed.

Chile was thus under one of the states of exception,³⁰ the state of siege. For the next several years the state of siege was to be extended every six months, generally for reasons of internal defense as laid down, for example, in Decree Law No. 922 (March 11, 1975). It should be noted that the state of siege was to be declared for that reason "when there is an internal disturbance provoked by rebellious or seditious forces already organized or being organized whether openly or underground," in accordance with Decree Law No. 640³¹ which codified regulations concerning situations of emergency.

In accordance with Decree Law No. 228 (December 24, 1973), the junta exercised the powers proper to the state of siege.

³⁰ States of exception: The Constitution of 1925, then in effect until 1980 (although seriously modified by the junta), provides to the president of the republic the power to declare a "state of assembly" in the case of war with external forces, and to declare a "state of siege" in the case of internal disturbance. Making use of decree laws, the junta established a series of "states of exception" which provided to the president the power to declare these states. States of exception could be declared in cases of internal disturbance, public calamity, or on the subjective grounds of the existence of subversive forces. The states of siege, assembly, emergency, and catastrophe were later formalized in the Constitution of 1980, Articles 39, 40, and 41. These articles state that the "rights and guarantees of the Constitution . . . can only be effected in the following situations of exception: external or internal war, interior disturbance, emergency or public calamity," and that during states of assembly and/or siege the courts could not challenge the reasons given by government officials for arresting people, thereby-in effect-making the appeals of habeas corpus and protection not applicable during these periods.

³¹ Diario Oficial, September 10, 1974.

Nevertheless, Decree Law No. 951, issued March 31, 1975, declared that such powers "will be exercised through supreme decrees which the interior minister is to sign with the formula 'by order of the president of the republic,' or through resolutions which the intendants [regional governors] or provincial governors may issue as natural or immediate agents of the head of state."

The magnitude of the suspensions and restrictions thus imposed on personal freedom are obvious when we consider the following constitutional and legislative decisions made by the junta:

Interpreting Article 418 of the Military Justice Code, Decree Law No. 5³² declared that "in the current situation of the country the state of siege decreed by reason of internal disturbance should be understood as 'state or time of war,' and thus the penalties laid down by the Military Justice Code and other criminal laws for such a period are to be applied and in general all the other effects of such legislation are also in effect." The practical result of such a ruling was that the power to examine and decide upon cases of infraction of the rules of a state of siege were removed from the ordinary court jurisdiction and were assigned to the jurisdiction of military courts in wartime.

We should add that ordinary courts did not issue decisions questioning the constitutionality of that legislation. On the other hand, from the standpoint of legal doctrine, we should mention the essay by Daniel Schweitzer in which he explained his disagreement with the way ministers of the judicial branch were behaving toward military tribunals.³³

That same Decree Law No. 5 also added various regulations to the Military Justice Code, to the Weapons Control Law, and to the Internal State Security Law, some of which provided that certain crimes be punishable by death.

Decree Law No. 81 (October 11, 1973) made it a punishable offense to disobey public call on the part of the government to present oneself to the authorities. It also empowered the government during the state of siege to deport Chileans and foreigners "when the noble interests of the state so require," as long as it issued a decree giving the reason for doing so. Finally this decree law punished anyone who entered the country

³² Diario Oficial, September 22, 1973.

³³ Revista de Derecho Procesal, September 22, 1973.

clandestinely in order to attack state security, and it presumed that such would be the intention of those who had left the country through asylum, or had been expelled or forced to leave it.

2. Control over union activity

The junta's lawmaking activity also affected labor unions. Decree Law No. 198 (December 10, 1973) ordered labor unions, their boards, and their leaders "to refrain from all political activity in carrying out their functions." It furthermore declared that "while the state of war or state of siege the country is experiencing is in effect, union organizations may only hold general meetings of an informational nature or in order to deal with matters concerning the internal management of the organization." The fact that such a meeting was to be held, the site, and the agenda were to be provided in writing to the nearest police station with at least two days prior notice.

That same decree law declared that the terms in office of union board members that were in effect on September 11, 1973, were to be extended and it made their rules applicable to the provisional directorates. These directorates were to be made up of those who had worked longest in the particular industry, job, or activity.

3. Stepping in to control the universities

"Considering the need to work toward unifying standards in the administration of higher learning" the junta issued Decree Law No. 50 (October 1, 1973) by virtue of which it appointed "delegate rectors to represent it in each university in the country." These rectors held all the powers and functions previously held by the various individuals or collegial bodies that ran Chilean universities.

The junta complemented Decree Law No. 50 with Decree Laws Nos. 111, 112, and 139,³⁴ issuing specific norms for certain universities and broadening the powers of rectors, so that they could, for example, dismiss professors, disband existing academic bodies, eliminate courses of study and degrees, draw up curricula, and issue or change relevant by-laws.

³⁴ [Missing in text.]

B. The 1974-1977 period

1. Principles and reality

The junta assumed "power only as long as the circumstances require it," "with the patriotic commitment to restore the Chilean way of life, justice, and the institutional order, which have been shattered."³⁵

How far the junta's thought had developed, however, became evident on March 11, 1974, when the Declaration of Principles of the Government of Chile was published. In that document, the junta declared that it "understands national unity as its most prized objective and rejects any conception that entails and encourages irreducible antagonism between social classes." It added that "in keeping with its guiding inspiration derived from Portales, the government of the armed forces and police will vigorously exercise the principle of authority, and will severely punish any outbreak of undisciplined behavior or anarchy."

That declaration also stated that, "The human being has natural rights that are prior to and higher than the state," and that hence the state "must be at the service of the person rather than the reverse." The document goes on to say that "Chile has always lived under a legal framework. . . that has ever reflected the deep esteem Chileans feel for the spiritual dignity of the human person, and consequently for his or her fundamental rights. It is in this respect for human rights, more than in its tradition of the popular origins and constitutional succession of governments, in which the essence and core of Chilean democracy are to be found."

In practice, however, the junta gradually built up a legal framework that departed from the principles and goals of that statement. A comparison of what was promised in that document with the text of the decree laws and administrative rulings given in accordance with those decree laws leads to the conclusion that they moved along separate and parallel tracks and operated with principles and values that did not meet around a set of ideas truly respectful of the dignity of the person and of human rights.

An analysis of the system then in effect indicates that the junta had defined the most basic principles of the legal and political framework in a formal and general way, but that as they were actually put into operation, those principles made it clear that total power was being consolidated by means of violations of the right to life and other human rights directly connected to that right and that those violations were being committed with impunity. The content of that legal framework indicated

³⁵ Decree No. 5 (cited above [cf. n. 3]) No. 13, and consideration 4c.

the determination of the ruling group to make the suspension and restriction of public freedoms the normal state of affairs. They were operating on the basis of a certain notion of national security that involved using secret police agencies or the armed forces themselves. Consequently repression was unleashed against the opposition, political parties were dismantled, labor union activities were paralyzed or controlled, and universities lost their independence.

The result within the Chilean legal system was an impairment of the ability of the judicial system to offer protection, and particularly the role of the Supreme Court to respond to appeals on the grounds of inapplicability, habeas corpus and the appeal for protection [recurso de protección], (which was instituted in 1976).³⁶ Likewise such consequences became obvious with regard to the revision of the constitutionality and legality of the power to regulate administrative acts, which was the role of the General Comptroller's Office. In short, those mechanisms of legal oversight remained formally in place, but insofar as the efforts of those persons affected to utilize them ran counter to the junta's decisions, the oversight agencies opted for caution in order to avoid having to make potentially conflictive decisions.

2. Creation of the DINA

Decree Law No. 521, issued June 14, 1974 created the DINA (National Intelligence Directorate), which, as the decree noted, was an outgrowth of the commission set up in November 1973 and known by that same acronym. The DINA was said to be a "military body of a technical and professional nature, under the direct command of the junta. Its mission is to be that of gathering all information from around the nation and from different fields of activity in order to produce the intelligence needed for policy formulation and planning and for the adoption of those measures required for the protection of national security and the development of the country."

This agency was staffed by personnel from the armed forces and when necessary it could contract other personnel with presidential authorization. The head of the DINA, who was appointed by a supreme decree, was given the power to demand from any agency, municipal body, legally constituted juridical person, or state enterprise, whatever reports or documentation he might regard as necessary to carry out his assigned tasks.

It must be emphasized that, as was the case with more than a hundred laws issued in subsequent years, Decree Law No. 521 was only partially

³⁶ Decree Law No. 1, of September 11, 1973, Law Establishing the Ruling Junta, Diario Oficial of September 18, 1973.

made public, since Articles 9, 10, and 11 were published in a supplementary edition of the Diario Oficial whose circulation was restricted. Some years later, however, it became known that those articles allowed the junta to involve all the armed forces intelligence agencies in the DINA's own functions, and that it empowered the DINA to engage in raids and arrests.

3. New provisions on personal freedoms

Decree Laws Nos. 1008 and 1009, which were published in the Diario Oficial on May 8, 1975, dealt with new restrictions on personal freedom.

The first of these added a new paragraph to the Constitution, on the grounds that "crimes against national security are extremely serious" as well as the fact that "while the state of siege is in effect the period of time contemplated in Article 15 of the Constitution is insufficient" for investigating such crimes. Article 15 permitted officials to hold a person for a period not exceeding forty-eight hours; by the end of that period they had to advise the appropriate judge and turn the detainee over to the judge. When Decree Law No. 1008 went into effect, the permitted detention period was extended to five days "in the case of crimes against state security and while periods of emergency are in effect."

Based on that change in the Constitution, Decree Law No. 1009 declared:

Under a state of siege, when those agencies that are devoted to assuring the normal unfolding of national activities and to maintaining the established institutional framework proceed to the preventive arrest of people who with some foundation are believed to be capable of jeopardizing state security, they are obliged to advise immediate family members of the arrest within forty-eight hours.

An arrest made by the agencies referred to in the previous paragraph may not exceed five days; at that point the detainee is to be released or handed over to the proper court or to the Ministry of the Interior, when extraordinary powers are being applied, or a state of siege is in effect, along with a written report of the evidence gathered.

The use of unlawful mistreatment against prisoners is to be punished in accordance with Article 150 of the Criminal Code or Article 330 of the Code of Military Justice, as the case may be.

Decree Law 1009 also modified the Law of State Security by authorizing the appropriate tribunal to suspend the publication or transmission of an offending newspaper, magazine, radio station, or television channel for ten days. Finally Decree Law 1009 modified Decree Law No. 640, by

ordering that "when the state of siege is declared due to a situation of internal or foreign war or in response to an uprising within the internal defense [police] forces, wartime military tribunals will enter into session. . . . When the state of siege is declared for reasons of internal security or for a simple internal disturbance, the arrangements for peacetime military tribunals will be in effect."

4. The Constitutional Acts

In Constitutional Act No. 2 ("Essential Foundations of the Chilean Institutional Framework") the junta defined the underlying principles of the country's future political system. In Constitutional Act No. 4 ("Emergency Periods") it sketched the consolidation of the full power that had been assumed in 1973. Finally, placed between these two was Constitutional Act. No. 3, a wordy catalogue of rights, freedoms, equalities and inviolabilities, brought together under the title "On Constitutional Rights and Duties."³⁷

As the government explained, these acts constitute an effort to implement a future constitution chapter by chapter. The suitability of the new institutional framework would thereby be tested gradually, and what was built up by accretion would be systematized, while the existing emergency legislation and other similar innovations would be recast.

However, these acts were also prompted by more practical and immediate considerations. In this sense they served to create the image of progress in building a new institutional order, and in other countries they gave the impression that the military were respecting human rights, that the military government was restraining itself, and that the judicial branch was truly independent.

In Act No. 2 the constituent power mixed provisions from the 1925 Constitution with new ones, thereby combining tradition with lessons learned in more recent years, and attempting to fulfill the following principle: to give form to "a new and solid democracy that may permit the members of the community to participate in acknowledging and resolving the major problems of the nation; a democracy endowed with mechanisms to defend it from the enemies of freedom who, under the protection of a misunderstood pluralism, seek only to destroy it."³⁸

The second of these acts read, "The activity of government agencies and public officials is subject to the constitutional acts, the Constitution, and the laws." However, this statement did not apply to the constituent power rooted in the junta, for the junta could exercise that power to modify them

³⁷ Decree Laws Nos. 1551, 1553 and 1552, published in the Diario Oficial on September 13, 1976.

³⁸ Consideration 4c.

"through explicit changes that must be incorporated into the text"³⁹ of the Constitution.

Act No. 4 laid out the framework of how rights and public freedoms were restricted, suspended, or lost. It should be kept in mind that the institutional context of that period authorized the junta to determine which events justified the declaration of one or more of the states of exception. The president, either personally or through his delegates was given the discretionary authority to carry out measures for preventing, thwarting, or overcoming emergencies, that is, the state of foreign or civil war, internal uprising, latent subversion, and public disaster.

Such states, with the exception of that of assembly, could not exceed six months, although they could be extended through successive periods of no longer than six months, as actually happened in practice.

The catalog of rights guaranteed to all persons in Act No. 3 was most complete, but it was often dependent upon further legislation for its implementation. Such was the case of the right to life and to both physical and emotional integrity, of a more specific development of equality before the law and the justice system, of personal freedom, and of the right of petition.

It should also be noted that the affirmation of some rights was weakened in practice by other measures taken by the same legal body. Thus freedom of opinion was complemented by the freedom and right to receive information, all without prior censorship. These provisions, however, did not affect the courts' ability to issue prohibitions of opinions or news that might affect morality, public order, national security, or the private life of people. Article 11 of that same Act No. 3 ordered that "any act by a person or by groups intended to spread teachings attacking the family, advocating violence or a notion of society based on class struggle, or that are against the established regime or the integrity or functioning of government of law, is unlawful and contrary to the institutional order of the republic." Another illustration of the same problem was the right to association without prior permission, even though political parties continued to be banned or in recess by virtue of Transitory Article 7 of that act.

The duty to comply with the constitutional acts, the Constitution, and laws bound every official, person, institution and group to obey the orders that the established authorities might issue within the scope of their powers. A measure that could have served human rights was one that prohibited the invoking of any constitutional or legal provision in order to interfere

³⁹ Constitutional Act No. 2, Article 9, second paragraph.

with the rights and freedoms acknowledged by Act No. 3, or to attack the integrity or functioning of the rule of law or of the established regime.

The most valuable feature of the constitutional acts was the fact that Act No. 3 in combination with Article 14 of Act No. 4 envisioned habeas corpus appeals and appeals for protection on the grounds of other constitutional rights. These were legal defenses which in theory would work rapidly and could be invoked for broad reasons both against the decisions of government officials (except when they were exercising constitutional and legislative power), and against the activity of private citizens. Broad powers were conferred on the courts; if the judges had actually used them, they would have provided the most effective safeguard of human rights within the Chilean legal system.

The appeal for protection [recurso de protección] was an extremely important innovation. Any person or association could invoke it as a defense, for example, against unlawful mistreatment, against being judged by special commissions, against being prevented from assembling peacefully, and for preserving the inviolability of the home and of private communications, expressing opinion, and freely giving and receiving information.

The broadening of habeas corpus should also be emphasized. In principle from that point on it was possible to act on behalf of any person who might be prevented, disturbed, or threatened illegally from exercising his or her right to personal freedom and individual security. The respective appeals court was obliged to issue the rulings it judged conducive to reestablishing the rule of law and to assure that the individual in question was properly protected.

Between January and March 1977, however, the junta modified the constitutional acts and declared that the appeal for protection was inapplicable during periods of emergency and it suspended the application of Act No. 4 until the law corresponding to such periods should be issued. Nevertheless, at the same time the junta declared that Article 13 of that act was to be implemented immediately, thus extending from forty-eight hours to ten days the time period for presenting those arrested or detained to the appropriate judge, during emergency periods and when actions affected state security.⁴⁰

5. Banning of all political parties and suspension of political rights
Decree Law No. 1697 (March 11, 1977) declared that those political parties that were in recess were disbanded; prohibited the existence of

⁴⁰ Decree Laws Nos. 1684 and 1689 published in the Diario Oficial, January 31 and March 11, 1977.

parties, groups, factions, or movements of a political nature; banned any kind of political party action, and suspended indefinitely the political rights mentioned in Article 9 of the 1925 Constitution.

In accordance with Decree Law No. 77 of 1973, Decree Law No. 1697 canceled the legal status of such organizations, and ordered that their property be treated as in the statutes of that law; if nothing was stated about a particular category of good, it was to be put to whatever use the president might decide.

6. Authoritarian executive

The actual implementation of Decree Law No. 527, already mentioned, went beyond what was stated in its articles and what those in power said when it was issued. Indeed, although at first the formal division of the constituent and legislative functions on the one hand and the executive on the other remained in place—the latter being exercised primarily but not exclusively by the president even though the junta was still regarded as its bearer—matters eventually came to the point where the chief of state held a monopoly over the executive function. Moreover, the practice of delegating legislative powers to the chief of state was ever more observable and in more significant matters.

For various reasons, the DINA came to be directly under the president's authority, even though Decree Law No. 521 had established that it should be directly under the authority of the junta. The same thing happened with regard to applying the laws dealing with a state of siege, which, until the issuance of Decree Law No. 527 was a matter for the junta, according to the terms of Decree Law No. 228 (1974). Decree Law No. 951 (1975) broadened the president's power by empowering him to exercise it through the Minister of the Interior or through regional and provincial governors.

In a somewhat opposite direction, Decree Law No. 1141, issued as an exercise of constituent power on August 13, 1975, clarified the status of the General Comptroller's Office, which had been unclear during the period immediately after September 11, 1973. The General Comptroller's Office was thereby enabled to exercise its powers more independently through supreme decrees and resolutions, although the effect was negligible, since the appointment and dismissal of the comptroller was decided by agreement between the president and the junta.

7. Control over intermediate groups and professional associations

The lawmaking body issued directives of a social character while leaving unaffected those that restricted the activities of intermediate groups. Such was the case of Decree Law No. 349 (March 4, 1974). Noting that

"although the situation of the country has practically returned to normal, it is not yet appropriate to allow the unlimited functioning" of community organizations and professional associations, the junta extended the mandate of their boards, and provided procedures for replacing members unable to participate "due to physical or moral impossibility or any other reason."

8. Situation of public freedoms

Most of the many rulings on personal freedom were codified in Supreme Decree No. 890 (1975) of the Ministry of the Interior,⁴¹ which brought the text of the State Security Law up to date. From the day it was issued until 1977 that supreme decree was subject to a number of changes, the most important of which were declared in Decree Law No. 1281,⁴² which among other things made the state of emergency a permanent condition and broadened the powers of the local commanders over the media during the state of emergency. We make the former observation because the expression "for a single time," which limited to this single instance the authorization given to the president to impose martial law throughout Chile, was eliminated. We make the latter observation because all that was required was that a particular military officer determine that one of the media was offering opinions, news, or broadcasts that might cause alarm or displeasure in the population, that exaggerated matters, that were clearly false or went against instructions given for the sake of internal order, and it could be prevented from being published or broadcast for as many as six days or editions. Moreover, if the same kinds of things happened again, the military commander could order that such media and their workplaces and facilities be subject to intervention and censorship. Decree Law No. 1281 ended by stating that those affected by any of these measures could appeal to the martial or naval court⁴³ within forty-eight hours. Making such an appeal, however, did not prevent the measure from being carried out.

Decree Laws 1008 and 1009 had no effect whatsoever in limiting detention by government officials to five days while states of emergency were in effect and in obligating the relevant agencies to inform the immediate family of the arrest within forty-eight hours. The Supreme Court likewise continued to declare itself incompetent to handle habeas corpus appeals presented in response to the implementation of the state of siege regulations.

Finally, "to guard and protect the integrity of the supreme and permanent

⁴¹ Diario Oficial, August 26, 1975.

⁴² Diario Oficial, December 11, 1975.

⁴³ Martial and naval courts: Chilean law provides for the martial court to be composed of and to have jurisdiction within the army, air force, and police forces. The naval court pertains to the navy only.

values of the Chilean community and of the national honor which has been compromised," Decree Law No. 604⁴⁴ forbade "the entry into national territory of persons, whether Chileans or foreign, who spread or encourage, by word or writing or any other means, doctrines tending to destroy or change through violence the social order of the country or its system of government; those who are said to be or have the reputation of being agitators or proponents of such doctrines, and in general, those who carry out actions that Chilean laws classify as crimes against the external security, national sovereignty, internal security, or public order of the country, and those who engage in acts against the interests of Chile, or who in the judgement of the government constitute a danger to the state."

That same law ordered that the passports of all such Chileans were to be canceled, made clandestine entry into the country a crime, and authorized the military tribunals to take up and issue sentences on the crimes outlined in the decree. In accordance with Article 2, Chileans who were forbidden to enter the country could go to their consuls and request that the interior minister lift such a measure; when he deemed it appropriate, he was allowed to grant that request through a justifying resolution.⁴⁵

9. Dissolving of the DINA and creation of the CNI

Considering that it was convenient "to structure in accordance with the present circumstance of national events the powers of an agency that had been created to deal with a now superseded situation of internal conflict," the junta issued Decree Law No. 1876,⁴⁶ repealing Decree Law 521, which had established the DINA. That same day by means of Decree Law No. 1878, the junta created the CNI (National Center for Information).

This was a specialized military agency of a technical and professional nature. Its missions were to gather on a national level all information that the government might need for the formulation of policies, plans, and programs, the adoption of measures necessary for safeguarding national security, the normal unfolding of the nation's activity, and the maintenance of established institutions. Even though the CNI belonged to the armed forces and police, it was connected to the government through the Interior Ministry.

Its director had to be a top level officer on active duty from the armed

⁴⁴ Diario Oficial, August 10, 1974.

⁴⁵ Justifying resolution: A justifying resolution is one in which the reasons or basis for an action are expressed. It is not always the case that resolutions are "justifying," especially when taken under discretionary powers.

⁴⁶ Diario Oficial, August 13, 1977.

forces or the police and be appointed by supreme decree. An overall secret set of by-laws established the CNI's organization, structures, and duties. It had its own personnel and others from the armed forces and police, and could contract additional personnel by means of a supreme decree. The members of the CNI were subject to the same set of laws as civilians working for the armed forces, and they were regarded as such for all legal and disciplinary effects.

Decree Law No. 1878 authorized the head of the CNI to demand of any government body such information or documentation as he might deem necessary for effectively carrying out its duties. The director was also exempted from the obligation to respond in person to any legal summons. Finally this law ordered that the CNI was to coordinate the intelligence services of the armed forces and police in joint efforts ordered by the government when these entailed functions that were specific to the CNI.

10. Broadened powers

Exercising constituent power, the junta issued Decree Law No. 1877⁴⁷ in order to "perfect the legal instruments that might make it possible to deal more effectively with situations of emergency."

From that point on, by declaring a state of emergency, the president of the / republic had the power "to arrest persons for up to five days in their own houses or sites other than prisons." It was made clear that the references to the state of siege in Decree Laws Nos. 81, 198, and 1009 should be understood as applicable to the state of emergency as well.

C. The 1978-1990 period

1. General amnesty

Decree Law No. 2191⁴⁸ was issued in view of "the ethical imperative to make all efforts conducive to strengthening the bonds uniting the Chilean nation, leaving behind hatreds that are meaningless today, and encouraging all those initiatives that might solidify the reunification of Chileans."

To that end, this Decree Law granted amnesty to those who had committed criminal actions while the state of siege was in effect from September 11, 1973 to March 10, 1978, or had been accomplices to, or covered up such actions, provided they were not already involved in a legal process or already sentenced when the law went into effect. Those

⁴⁷ Diario Oficial, August 13, 1977.

⁴⁸ Published in the Diario Oficial on April 19, 1978.

whom military tribunals had found guilty after September 11, 1973, also received amnesty.

The amnesty did not include, however, "persons who are responsible, whether as perpetrators, accomplices, or as covering up, the actions being investigated in legal proceeding No. 192-78 of the military tribunal of Santiago," that is, the case dealing with the murder of the former foreign minister, Orlando Letelier, and his secretary, Ronnie Moffit, in Washington, D.C.

2. Powers of the military judiciary

Decree Law No. 3425⁴⁹ created the military public ministry, represented by an attorney general of that jurisdiction, appointed by the president of the republic, who was charged with assuring that the interests of society, and particularly the interests of the armed forces and police, were safeguarded in crimes tried in peacetime military tribunals.

The decree law listed the following as some of that official's duties: to report criminal actions within military jurisdiction that might come to his knowledge in any way; to participate in court proceedings undertaken in peacetime military tribunals, preferably in appeals or before the Supreme Court (he might become involved in the case during the judicial investigation, appeal decisions to grant the accused provisional freedom, and be present during the public testimony stage of the proceeding and would enjoy all the rights of the parties themselves); and to follow any military trial "in which the interest of society or of the armed forces and police is involved, at any point in the legal process."

We may note that Decree Law No. 3655,⁵⁰ granted further authority to wartime military tribunals to punish "with the utmost rigor terrorist actions planned from outside the country that damage the noble values of the country and seek to destroy the very foundations of our national being."⁵¹ Hence "in the case of crimes of whatever nature, in which as a result of the main or related action, the result is the kind of death or injury referred to in Articles 385 and 396, first paragraph of the Criminal Code, inflicted on the persons mentioned in Article 361 (1 and 2) of the Code of Civil Procedures, or against members of the armed forces and police, and which given the characteristics or circumstances of its perpetration, it must be assumed that the actions were committed against those persons as such, the wartime military tribunals will try such cases, taking into account the changes incorporated into this decree law."⁵²

⁴⁹ Diario Oficial, June 14, 1980.

⁵⁰ Diario Oficial, March 10, 1981.

⁵¹ Decree Law No. 3627, Diario Oficial, February 21, 1981, consideration number one. The articles of that decree were replaced by Decree Law 3655, but the consideration cited was retained.

⁵² Decree Law No. 3655, first paragraph.

3. Delegation of extraordinary powers and extension of arrest period
Exercising its constituent power, the junta issued Decree Law No. 3168,⁵³ by virtue of which it modified Decree Law No. 1877, stating that the presidential power to arrest people for five days during the state of emergency, "is to be exercised by means of a decree signed by the minister of the interior with the formula 'by order of the president of the republic.'"

Decree Law 3451,⁵⁴ which was likewise intended to have constitutional rank, also modified Decree Law No. 1877, ordering that the five day period "could be extended up to twenty days, when crimes against state security resulting in persons being killed, injured or abducted are being investigated."

10. The 1980 Constitution

The Study Commission to Prepare a New Draft Constitution finished its work five years after being created.⁵⁵ In July 1980 the State Council handed the president a proposed new constitution. Exercising constituent power, the junta issued Decree Law No. 3464,⁵⁶ approving the text of the 1980 Constitution and submitting it for ratification by a plebiscite. The plebiscite took place on September 11, 1980 under a state of siege and of emergency, in accordance with Decree Law No. 3465,⁵⁷ which was of constitutional rank. Ratified in this fashion, the Constitution went into effect on March 11, 1981, with the exception of those matters contained in its twenty-nine transitory articles, most of which were in effect until March 11, 1990.

- a. Motivation of the perpetrators

The Constitution states that all human beings are born free and equal in dignity and rights, and declares that the state is at the service of the human person and that its purpose is to promote the common good, with full respect for the rights and guarantees laid down in the Constitution. Moreover, the Constitution obliges the state to safeguard national security, provide protection for the population and the family, and promote the harmonious integration of all sectors of the nation. It further acknowledges that the exercise of sovereignty is limited by respect for the essential rights that arise out of human nature.⁵⁸

⁵³ Diario Oficial, February 6, 1980.

⁵⁴ Diario Oficial, July 17, 1980.

⁵⁵ Supreme Decree No. 1064 of the Ministry of Justice, published in the Diario Oficial on November 12, 1973.

⁵⁶ Diario Oficial, August 11, 1980.

⁵⁷ Diario Oficial, August 12, 1980.

⁵⁸ Articles 1 and 5, second paragraph.

Applying the concept of a protected democracy, Article 8 declared unlawful and contrary to the institutional order of the republic any act intended to promote doctrines that attack the family, advocate violence or a conception of society, the state, or the legal order that is totalitarian in nature or based on class struggle. Organizations, movements, or political parties tending toward such objectives through their aims or the activity of their members, were unconstitutional.⁵⁹

The Constitution declared that terrorism in any of its forms is inherently contrary to human rights, and specified that a law passed by a "qualified quorum"⁶⁰ was to define terrorist behavior and how it should be punished.

In the chapter on constitutional rights and duties the Constitution guaranteed all persons:⁶¹

- * The right to life and to physical and psychological integrity and prohibited the application of any illegitimate mistreatment.

- * Equal protection under the law in exercising their rights, by requiring that any decision by an agency exercising jurisdiction be made in accordance with legally established procedures and requiring the legislative authority to establish guarantees for a rational and just procedure;

- * The inviolability of the home and of private communication of any sort-although the home could be searched and correspondence could be intercepted, opened, or examined in such manners and cases as the law determined;

- * The right to personal freedom and individual security, including the ability to enter and leave the country. No one could be arrested or held except by order of a government official expressly empowered by the law and after being legally notified of that order. If, however, government authorities arrested or detained someone, they were obliged to advise the appropriate judge and entrust the person detained to the judge within forty-

⁵⁹ Article 8. This provision was complemented by Law No. 18662, published in the Diario Oficial on October 29, 1987.

⁶⁰ Qualified quorum: The Constitution of 1980 established that a qualified quorum is required for the approval, amendment, or abrogation of certain legal norms, such as the determination of what constitutes a terrorist act and the legal sanctions for their committal. An absolute majority of deputies and senators in office is necessary-or 61 deputies (of 120) and 25 senators (of 48) for a qualified quorum.

⁶¹ Article 19, Nos. 1, 3, 5, 7, 12, 13, 15.

eight hours. By means of a justifying resolution, however, that time period could be extended up to five days, and up to ten days when terrorist activities were under investigation. Finally, no one could be arrested or detained, subjected to preventive detention or imprisoned except in his or her home or in public sites designated for that purpose;

* Freedom to express opinion and to provide information without prior censorship; the response to crimes and abuses committed in the exercise of these liberties was to be in accordance with the law;

* Finally, the right to peaceful assembly without prior permission and without weapons, as well as the right of association without prior permission; the Constitution itself laid down the foundations of the system as it applied to political parties. Nevertheless, the tenth transitory provision prohibited the carrying out or encouragement of activities, measures or actions of a political party nature, until the organic constitutional law on political parties should enter into effect.

Article 20 of the Constitution made it possible to seek protection in the appropriate appeals court, in cases of arbitrary or illegal acts or omissions that prevented, hindered, or jeopardized the legitimate exercise of the rights and freedoms already mentioned, except as related to due process and personal freedom and individual security. With regard to these latter freedoms, Article 21 granted the right of introducing habeas corpus to the court as indicated by the law; that right could be used on behalf of any individual who might be arrested, detained, or jailed in violation of what is laid down in the constitution or in the laws, and likewise on behalf of any person who might illegally be hindered, disturbed, or threatened in his or her personal freedom and individual security.

b. Reference to private citizens

From March 11, 1981 to August 27, 1988 (with the exception of a few very short periods), Chile lived uninterruptedly under one or more states of exception, as envisioned in the permanent or transitory provisions of the Constitution and its complementary legislation.

It must be kept in mind, however, that according to Article 39 of the Constitution, the rights and guarantees mentioned could only be affected in situations of civil or foreign war, internal disturbance, emergency, and disaster; for each of these

situations the Constitution authorized the imposition of the corresponding state of exception. For example, when the president with the assent of the junta declared a state of siege, he was empowered to transfer people from one place to another in the country, to arrest them, to deport them from the country, and to prohibit them from entering or leaving the country, in each instance for a ninety day period. Nevertheless, the measures of deporting and prohibiting entry remained in effect even though the state of siege was over, as long as the authority who had given such orders did not explicitly cancel them.⁶² That extension was also in effect with respect to prohibiting entry into the country during the state of emergency, which could be decreed simply by a presidential decision.⁶³

Under a state of siege the appeals for protection and habeas corpus were not admitted. Moreover, as a rule habeas corpus was not admitted during states of exception, including the state of emergency, with regard to "the rights and guarantees which have been suspended or restricted in accordance with the norms governing such states."⁶⁴ In such situations the courts could never step in to judge the factual grounds for the measures the authorities had taken in exercising their powers.⁶⁵

We may close this summary description of the original text of the Constitution by recalling the fifth of the states of exception, as envisioned in Transitory Article No. 24, which, as will be seen, concentrated the full powers of the head of state over public freedoms and revealed that those powers not only stood in continuity with the earlier form of those powers but were even being extended.

In accordance with that article, and regardless of the other similar kinds of periods envisioned in the permanent articles, if during the presidential period beginning on March 11, 1981 there should occur acts of violence intended to disturb public order, or there was a danger that public internal peace might be disturbed, the president of the republic was obliged to declare and assume the following powers for six months, subject to renewal:

* To submit people to house arrest or place them under arrest in sites other than jails. Should there be terrorist actions with

⁶² Article 41, Nos. 2 and 7, in relation to transitory provision No. 15, B, No. 40.

⁶³ Article 41, Nos. 4 and 7, in relation to transitory provision No. 15a, No.1.

⁶⁴ Article 41, No. 3.

⁶⁵ Article 41, No. 3.

serious consequences, that period could be extended for two more weeks.

* To prohibit from entering, or expel from the country those who spread the teachings mentioned in Article 8 of the Constitution, those who are accused of being active proponents of such teachings, those who carry out actions contrary to Chile's interests or who constitute a danger to its internal peace.

* To order particular persons to remain in an urban location of the country for three months.

* To restrict the right of assembly and freedom of information (the latter only with regard to initiating, publishing, or circulating new publications).

The measures adopted by virtue of this article did not admit any kind of appeal, except that of being reconsidered by the official by whom they were ordered.

- c. Determination of causal connections and the fate of the victims
1) Violations of Transitory Article No. 24 and of the state of emergency

Law 18015⁶⁶ punished by depriving of personal liberty all those who were arrested, those obliged to remain in a specific urban locality, or those returned to the country, as well as those who participated in organized meetings, all of whom were violating the terms of Transitory Article No. 24 of the Constitution. That same law assigned punishments for those persons who violated the measures decreed for dealing with the state of emergency. Criminal procedures for these crimes were subject to the provisions of the Law of State Security.

New reforms were introduced into Decree Law 1877 with Decree Law No. 3645, which had constitutional status and entered into effect along with the Constitution, although it was issued five days previously.⁶⁷ In accordance with the Constitution, the references to the state of siege in Decree Laws Nos. 81, 198, and 1009 were to be understood as likewise applicable to the state of emergency, and now in addition to Transitory Article No. 24 of the Constitution.

⁶⁶ Diario Oficial, July 27, 1981, modified by law No. 18150, published there on July 30, 1982.

⁶⁷ Diario Oficial, March 10, 1981.

Finally, Decree Law No. 1878 regarding the CNI was modified twice. Law No. 18315⁶⁸ brought about the first such change by ordering that while that transitory article was in effect, the CNI could hold people under arrest in its own installations, which for all legal purposes were regarded as detention sites. A decree of the Interior Ministry declared which CNI installations were to be so regarded.⁶⁹

Three years later Law No. 18623⁷⁰ repealed that previous law and ordered that anyone apprehended by the CNI "is to be detained or arrested in his or her home or taken immediately to a jail or a public detention site, in accordance with what is ordered for the particular case."

2) Systematization of states of exception

Law No. 18415,⁷¹ the Organic Constitutional Law for States of Exception, abolished all the regulations authorizing the suspension, restriction, or limitation of constitutional rights in situations of exception. The provisions of this new statute were to be applied in their place. Hence Decree Laws Nos. 81, 198, 604, 640, 1009, 1878 and others were no longer in effect except as related to Transitory Article No. 24 of the Constitution.

In accordance with Article 12 of that law, a constitutional guarantee was suspended when its full exercise was temporarily impeded during a state of emergency, and likewise such a guarantee was restricted in one such state if its exercise was limited partially [by requiring bureaucratic steps which would hinder full exercise] or entirely.

The same law stated that the related presidential powers could be delegated and exercised through decrees which were exempted from the procedure for notification. Moreover the commanders-in-chief or heads of the armed forces or police forces were also authorized to issue whatever decrees they regarded as useful, for example, to give instructions aimed at maintaining order within a zone under a state of emergency.

⁶⁸ Diario Oficial, June 14, 1984.

⁶⁹ Supreme Decrees Nos. 594, 603, and 3214 of the Interior Ministry, published in the Diario Oficial of June 15, 1984, and March 2, 1987, respectively, listed fourteen CNI installations which were "regarded as detention sites for carrying out the arrests" ordered by virtue of Transitory Article No. 24.

⁷⁰ Diario Oficial, June 11, 1987.

⁷¹ Diario Oficial, June 15, 1985.

3) Liability to punishment for unauthorized demonstrations

Prompted by the protests and demonstrations that had been taking place since May 1983, Law No. 18256⁷² modified the regulations on state security by sanctioning those persons who without permission encouraged or called for public or collective actions in the streets, squares, and other public places, as well as those who encouraged or incited to any other kinds of demonstrations that might issue in, or lead to, disturbance of public order.

Besides prescribing jail terms for those who violated its terms, this law declared that those responsible were collectively responsible for damages caused as a result, of or on the occasion, of such events, in addition to the responsibility that might incur to those who actually carried out the acts.

4) Antiterrorist legislation

Law No. 18314⁷³ defined terrorist actions and assigned punishments. With regard to the former, the law described sixteen punishable crimes, including publicly inciting to the commission of some of the crimes described in that law; defending terrorism, a terrorist act, or someone participating in it; maliciously provoking disturbance or grave fear in the population or a sector of it, by information concerning the preparation or execution of false terrorist acts. This law proposed the death penalty for some of these acts.

Procedurally, the law declared that with a justifying resolution the competent tribunal could extend up to ten days the period in which the person detained was to be entrusted to it, and could approve that the person could be held in solitary confinement during this period. Moreover the armed forces and police, either separately or jointly, were authorized to carry out whatever tasks the courts might order. However, in dealing with such cases, military courts were authorized to order the CNI to carry out the procedures.

The law also stated that when investigating terrorist crimes, the members of those forces and of the CNI could "proceed without a warrant, if they had a written order from the interior minister, regional governors, provincial governors, or base commanders,

⁷² Diario Oficial, October 27, 1983.

⁷³ Diario Oficial, May 17, 1984.

but only if obtaining a warrant might prevent the effort from being successful or those presumed responsible from being arrested, or hinder the search and impounding of the goods or instruments that might be found in the arrest site and might be related to the crimes under investigation." The authorities were obliged to inform the court of actions carried out in this fashion within the next forty-eight hours, a time period which the court could extend to ten days by means of a justifying order.

Subsequently Law No. 18585⁷⁴ created the position of military prosecutor general, whose duty it was to become involved on behalf of the Interior Ministry in all trials dealing with violations of Law No. 18314 [the antiterrorist law, see above] which were to be treated within the jurisdiction of the ordinary courts. As such this attorney had the "task of centralizing the defense of the established government and of the threatened society in all such legal proceedings."

11. Documents concealed, filed and destroyed

Modifying the Military Justice Code, Law No. 18667⁷⁵ ordered that when the prosecutor of a case believes it necessary to include in the case secret documents belonging to the armed forces or police of Chile, he is to request them from the commander-in-chief of the particular branch or the head of the armed forces. However, if the authority to whom the request is made believes that sending them might affect state security, national defense, internal public order or the security of persons, he can refuse to do so. If the prosecutor believes the measure to be absolutely necessary, he may proceed to take the matter to the Supreme Court to be resolved.

That same law stated that "secret documents are understood to be those directly related to state security, national defense, internal public order, or the security of persons, including those related to personnel lists and the institutional security of the armed forces or police of Chile and of their members. . ." This law also ordered that the ordinary criminal courts abide by its terms.

In addition, Law No. 18711⁷⁶ ordered that the documents of the Ministry of Defense, of the armed forces, and of the police and security forces and of the other bodies under this ministry, or that were related to the government through it, were to be filed or destroyed in accordance with the relevant ministerial and institutional regulations.

⁷⁴ Diario Oficial, December 19, 1986.

⁷⁵ Diario Oficial, November 27, 1987.

⁷⁶ Diario Oficial, January 17, 1989.

Finally, Law No. 18845⁷⁷ on the electronic storage of documents prohibited their destruction when they belonged to the public administration, both centralized and decentralized, or to public registries. Nevertheless, those institutions mentioned in Law No. 18771 cited above, were subject to what was there stipulated, and were "authorized to proceed to destroy the original documents, in accordance with the provisions and restrictions laid down" in Law No. 18845.

12. Constitutional reform

In the plebiscite held on July 30, 1989, with no state of exception in effect, 87.7 percent of the voters ratified the fifty-four amendments that the junta, exercising its constituent power, introduced into the 1980 Constitution. Law No. 18125⁷⁸ contains those changes.

a. Changes on human rights

It is the duty of governmental agencies to respect and promote the essential rights that flow from human nature, which are guaranteed by the Constitution as well as by those international treaties that Chile has ratified and which are in effect.⁷⁹

In canceling Article 8, while maintaining its strictures against those responsible for terrorist crimes, the reform guaranteed political pluralism. However, "parties, movements or other kinds of organization whose objectives, actions or behavior do not respect the basic principles of democratic and constitutional rule, seek to implant a totalitarian system, or those that employ violence, advocate it or incite to it as a method of political action, are unconstitutional."⁸⁰

Only situations of exception can affect the exercise of constitutional rights and guarantees. During a state of siege, the president can only transfer people from one site to another urban site within the nation; keep them under house arrest or in sites other than jails or other places set aside for the detention or imprisonment of common criminals; suspend or restrict the exercise of the right of assembly and restrict the exercise of freedoms of movement, information, and opinion. By declaring a state of emergency, the chief of state is now empowered only to restrict the exercise of freedom of movement and of the right to meet. The measures adopted on the basis of these and other states of exception cannot be extended beyond their proper

⁷⁷ Diario Oficial, November 3, 1989.

⁷⁸ Diario Oficial, August 17, 1989.

⁷⁹ Article 5, paragraph 2.

⁸⁰ Articles 9 and 19, No. 15, paragraph 6.

period.⁸¹

In no case are the courts allowed to make a judgment on the grounds or factual circumstances that the authorities invoke to adopt such measures. Nevertheless, appeals of habeas corpus and other constitutional guarantees may be presented and judges are bound to process them; doing so will not suspend the effects of the measures decreed, regardless of what the final outcome of such appeals may be.⁸²

Finally the Supreme Court still has no authority over the war tribunals in the realm of issuing orders, reproof, or funding. In this respect matters remain as laid down in the original text of the Constitution in 1980.⁸³

b. Complementary annulments and adjustments

As of March 24, 1990, Transitory Article No. 24 of the Constitution was no longer in effect. On August 17, 1989, the date on which the constitutional reform went into effect, the terms of Decree Laws Nos. 77, 78, and 1697 having to do with the proscription, recess, confiscation of property and other matters related to political parties that had not yet been annulled ceased to have effect. The Organic Constitutional Law on States of Exception and the law defining terrorist behavior and punishment for such were modified by Laws Nos. 18906 and 18937⁸⁴ to adjust them to changes in the Constitution.

Finally, along with the laws already mentioned, the following, which essentially affected constitutional guarantees were also repealed: Decree Law No. 50 on universities (by Law 18944); Decree Laws Nos. 81 and 1009, on states of emergency, (by Law No. 18903); Decree Law No. 349 on intermediate groups and professional associations (by Law No. 18879); Decree Law No. 1878 which created the CNI (by Law No. 18943); and Law No. 18585 dealing with the prosecutor general in cases initiated by virtue of the antiterrorist law (through Law No. 18925).⁸⁵

⁸¹ Article 41, Nos. 2,4, and 7.

⁸² Article 41, No. 3.

⁸³ Article 79.

⁸⁴ Diario Oficial, January 24 and February 22, 1990.

⁸⁵ Diario Oficial, March 10, 1990, March 19, 1990, December 19, 1989, February 22, 1990, and February 20, respectively.

Chapter Three: War tribunals

A. Laws

Section III of Book One of the Military Justice Code provides for the establishment of wartime military tribunals. Article 71 determines who exercises military jurisdiction and Article 73 declares that their competence on territory declared to be in state of assembly or state of siege is to begin from the moment a commanding general is appointed for an army which is to operate against the foreign enemy or against organized rebel forces. The regulation adds that as of that moment peacetime military courts no longer have jurisdiction.

According to Article 418 of that same code, "a state of war or of wartime is understood to exist not only when war or a state of siege have been officially declared in accordance with the respective laws, but also when war exists in fact or a mobilization for war has been ordered, even though there has been no official declaration."

From the text of Article 73 one may conclude that for wartime military tribunals to function enemy forces must be present if it is an external war, or organized rebel forces must be present, in the case of an internal war; and according to paragraph 2 of Article 419, "enemy" is understood to mean not only the foreign enemy but any kind of militarily organized rebel or seditious forces. Hence two different situations are being defined: foreign war and internal war (or internal disturbance) each with different requirements, but some common features. In both cases military court jurisdiction is being broadened, new kinds of crimes are described as a result of the "state" or "time" of war, and more severe sanctions are laid down.

Combining the provisions of Articles 73 and 419, it may be concluded that in the case of internal war, wartime military tribunals should act only when militarily organized rebel forces are present.

With regard to the war tribunals that operated after September 11, 1973, it should be recalled that Decree Law No. 3, which the junta issued that same day as it was assuming full governing powers over the nation, declares a "state of siege throughout the republic, with this junta acting as commanding general of the forces that will operate during the emergency."

Decree Law No. 4 (also September 11) states that the provinces and departments named there are "in a state of emergency for the longest period envisioned in Article 31, paragraph 2, of Law No. 12927" and appoints particular officers to govern them. These officers are to have the powers established in Articles 33 and 34 of that same law. Decree Law No. 51

(October 2, 1973) authorized that a wide range of the powers of the commanding general be delegated to the commanders of divisions or brigades.

Decree Law No. 5 (September 12), interpreting Article 418 of the Military Justice Code, declares that under the conditions existing in the country, the state of siege decreed as a result of internal disturbance is to be understood as a "state of war" and that hence the punishments of such a period are to be in effect as established in the Code of Military Justice and other criminal laws, and all other of such legislation are also to be understood as in effect." For many crimes the changes introduced into Laws No. 17798 (Weapons Control) and 12927 (State Security) contemplate the death penalty, contrary to what had previously been the case. That same decree law adds to Article 281 of the Military Justice Code, in the paragraph on "outrage against sentinels, the flag, and the army," a clause stating that "when the security of those under attack requires it, the party or parties responsible may be killed in the act."

Among other reasons, Decree Law No. 5 is based on the situation of internal disturbance affecting the country; on the need to repress as severely as possible actions committed against the physical integrity of the armed forces and police personnel and the general population, and on the desirability of granting greater discretion to military tribunals in sanctioning some of the crimes listed in Law No. 17798, in view of their seriousness and the frequency with which they are being committed. The competency of wartime military tribunals is accordingly broadened to include dealing with various actions for which that law provides sanctions.

While the legal basis for the state of siege declared by Decree Law No. 3 is found in clause 17 of Article 72 of the 1925 Constitution, then still in force, nevertheless that clause granted the president of the republic only those powers listed in paragraph 3. Decree Law No. 5 is based on what is laid down in Decree Laws Nos. 1 and 3, but it does not offer legal foundations; in fact those decree laws regard the basis for the state of siege to be the fact that the armed forces believe that the situation is such that the nation's traditions make it imperative for them to act.

From the preceding it is clear that those decree laws declare that the territory of the republic is in a state of siege or emergency or in a "state of wartime" as a consequence of the internal disturbance the country has been undergoing and of the other motivations noted above; they evade, however, the legal requirement that "organized rebel forces" or "militarily organized rebel or mutinous forces of any kind" be present.

The foregoing makes clear that the decreed state of siege leads to a "state or time of war called preventive" rather than a real state of war, since those decree laws never pointed to, or based their decisions on, the existence of militarily

organized rebel or mutinous forces. These observations and the terms of Articles 73 and 419 of the Military Justice Code enable us to state that this "preventive" state or time of war neither justified nor permitted the functioning of wartime military tribunals. Thus it may be concluded that the tribunals that acted in such fashion to punish actions committed prior to September 11, 1973 did so in opposition to the legislation then in force and in violation of basic principles of law.

Nevertheless, it cannot be denied that besides wartime military tribunals, those that the law calls peacetime tribunals could act, provided that what is contained in Article 73 could be reconciled with the general requirements of law, and provided it were accepted that these latter could continue to deal with the cases pending before them when the state of war was declared, and could hear cases that arose as a result of criminal acts committed prior to that declaration, and hence that the wartime military tribunals were not able to hear those cases, in accordance with the terms of Articles 11 and 12 of the 1925 Constitution, then in force, and Article 18 of the Criminal Code.

Decree Law No. 13 (September 20, 1973) was issued in order to clarify possibly contradictory positions. Among other justifications, it observed that "the complexity and extension of a large number of legal proceedings underway in the wartime or peacetime military tribunals as an extension of the military jurisdiction makes it impossible to subject them to the wartime investigation procedure." Hence it declares that "the meaning and scope of Article 73 of the Military Justice Code is to make wartime military tribunals responsible for hearing cases under military jurisdiction when they are initiated in a territory that has been declared to be in a state of alert or state of siege once the commanding general has been appointed. Those cases underway in peacetime military tribunals are to be dealt with and judged in accordance with military procedure, until they have all been concluded."

The clear tenor of this decree law tends to corroborate what we have said: wartime military tribunals are competent to handle military trials begun on a territory declared to be in a state of assembly or of siege, subsequent to the appointment of the commanding general. As already noted, Decree Law No. 5 (September 11, 1973) published in the *Diario Oficial* on September 22, interpretatively stated that the state of siege declared as a result of internal disturbance was to be understood as the "state or time of war."

Nevertheless, in violation of fundamental legal norms and essential ethical principles, the war tribunals and other military tribunals, acting during the "state or time of war" in accordance with this new legislation, applied the new sanctions to events that had taken place prior to their entering into effect. They were thereby explicitly contravening the provisions of Article 11 of the 1925 Constitution, which was then in effect, and Article 18 of the Criminal Code, which enshrines the universally accepted principle that criminal law is not

retroactive.

In submitting its report, this Commission expresses its condemnation of these violations of the law. In particular it notes that it was particularly improper and regrettable that in many instances the various war tribunals imposed the death penalty for actions that those accused had carried out before September 11, 1973, and before Decree Law No. 5, published in the Diario Oficial on September 22, 1973, went into effect.

The Commission also believes that the wartime military tribunals were empowered to consider only events that took place after they were established. It further believes that Article 240, paragraph 2, of the Military Justice Code was not applicable since its requirements were not met, and it is at least not evident that the opinion or judgment of the commander-in-chief of the army or the commander of the area under siege had been obtained, nor that the general norm of paragraph 2, Article 82 of the Criminal Code (located in paragraph 5, Title II, Book One) was fulfilled.

The Commission further expresses its indignation over the repeated failure to fulfill the provisions of Article 84 of the Criminal Code. The result was irreparable pain and suffering that has continued to this day in the form of a steadfast and just anger over the violation of a humane and noble legal obligation, namely that of entrusting to the family the body of a person who has been executed, whenever such is their request.

B. Procedure governing war tribunals

The provisions for how wartime military tribunals are to be set up and to function prescribe a hierarchical organization that is autonomous and independent of any other authority in ordinary jurisdiction. At the head of this organization stands the commanding general, who is endowed with the fullness of jurisdiction, which by its very nature and scope rules out any intervention by tribunals which are not themselves part of this hierarchical organization.

The war tribunals are jurisdictionally subject to the commanding general of the particular territory, and he has all-embracing powers to approve, revoke, or change the verdicts of the tribunals and exercise disciplinary jurisdiction over them in accordance with the terms of Article 74 of the Military Justice Code (located in Section III, which deals with wartime military tribunals).

Articles 82 and 86 of the Military Justice Code define those cases in which war tribunals are to be formed and the ways they are to be established under the various possibilities considered. Decree Law No. 3655 (1981), which replaced the single article that makes up Decree Law No. 3627 (also 1981), defines other such cases, stating that any crimes whatsoever in which as the main or

related activity the result is death or violations of Articles 395 and 396, paragraph 1 of the Criminal Code, inflicted on persons mentioned in Nos. 1 and 2 of the Code of Civil Procedures and on members of the armed forces and police, and which, given the manner or circumstances of their perpetration, it can be assumed that the actions were committed against them as such, are to be tried by wartime military tribunals. This stipulation in the text is very clear, and it was always applied unhesitatingly.

Section IV of Book Two of the Military Justice Code deals with the criminal procedure for wartime. Section V deals with the lawyers and officers of the armed forces and police who can act on behalf of the defense in the tribunals; it establishes that they are binding on the military, on the lawyers assigned, and on those designated by the prosecution.

When the tribunal has been convened and when the place, date, and time have been designated, those accused will be advised, and they are to designate who will defend them; otherwise, the prosecutor will make the appointment. In the time between the convoking and holding of the tribunal, the defense is to be allowed to familiarize itself with all the evidence at the disposal of the prosecutor and to gather such evidence as it regards as helpful for the defense. It is to be permitted to communicate with the accused and shall not be hindered by any solitary confinement.

The defense must present its case in writing, indicating the means to be used as proof and the list of witnesses and experts who will appear and give testimony in the hearing. The prosecutor is to give them enough advance notice to appear for the hearing.

Once the tribunal is in session, the accused and the defender are to appear, and the defender must indicate whether he has any grounds for implicating or rejecting any member of the tribunal; if such exists and is accepted a replacement is to be appointed immediately.

The prosecutor gives an account of the judicial investigation and reads the accusations. The accused or his defender reads the defense, and then the proof presented is accepted; the witnesses are to be interrogated separately, but the members of the tribunal, the prosecutor, or the defender may ask them to clarify or explain points that are doubtful in their statements. Should witnesses live far from the site of the trial, arrangements may be made to question them in writing.

If the tribunal believes it necessary to examine some place or some object that cannot be brought in, one or more of its members may be commissioned to do so, with the aid of experts, should that be necessary. The prosecutor and the defender are to be present, and if it is judged appropriate, the defendant may be ordered to be present as well; meanwhile the tribunal procedure is

suspended.

Then the tribunal president orders everyone to leave the room, and the tribunal immediately proceeds to consider and resolve all issues presented; it is to decide whether the defendant is innocent or guilty and in the latter case is to dictate very precisely the punishment to be imposed.

Proof is to be assessed in accordance with the general rules for trials, but in determining what really happened the court may make its most reasonable and honest assessment. The judge writes the verdict immediately, and in it he takes note of any dissenting opinions and their grounds. The accused and the prosecutor are personally notified, and the result, along with all the documentation, is made available to the general or commander for his approval or modification. The tribunal functions uninterruptedly and publicly, except when it is deliberating over its decisions, and when it may decide to do otherwise in particular cases.

As can be seen, in accordance with the terms laid down in Sections IV and V of Book Two of the Military Justice Code, it can be said that the defendants have at their disposal suitable means for defending themselves adequately.

It is worth noting that in accordance with paragraph 2 of Article 87 of that code, the rules of Articles 72, 73 (paragraph 1), 74, and 88 of the Organic Code for Tribunals are applicable to the decisions of war tribunals. These rules are laid down in paragraph 2 of Section V of the Organic Code for Tribunals which deals with "decisions by appeals courts." Article 1 deals with the quorum needed for it to function and make decisions. Article 2 states that at the second level [under appeal] the death penalty must be by unanimous consent of the tribunal, and that when there is only a simple majority, the immediately lesser punishment is to be applied. Article 3 states that if half the votes favor a verdict of innocence or a lower punishment, such is to be the decision. Should there be a deadlock over which opinion is more favorable to the accused, the side on which the oldest member of the tribunal has voted prevails. Finally, when votes are scattered, those who have sustained the position most disadvantageous to the accused should opt for one of the others, and the voting process should continue until there is a necessary majority or a deadlock favorable to the accused.

Thus it may be said that by virtue of Article 87(-2) of the Military Justice Code, these rules of the Organic Code for Tribunals must be applied in decisions made by war tribunals.

The Commission reiterates its own position that the carrying out of sentences imposing the maximum penalty cannot have been based on what is laid out in Article 240(-2) of the Military Justice Code, which refers to immediate execution of a sentence, since in its obvious literal meaning the text refers exclusively to a

time of foreign war. The reasons given and the tenor of that clause do not allow any other reading, and the provisions of Article 238 further corroborate this position.

In those cases in which the war tribunals impose the death penalty, the norms laid down in paragraph 5 of Section III of Book One of the Criminal Code should have been observed, assuming that it was a common penalty applied to non-military defendants.

Failure to reflect and weigh matters generally weakens respect for just procedure and a practice of justice that is independent, efficient, and free of negative concerns.

C. Activity of the war tribunals

1. General remarks

In accordance with Article 81 of the Military Justice Code, all crimes tried under military jurisdiction in time of war are to be handled exclusively in war tribunals.

While it proved impossible to obtain the records of the proceedings of these tribunals, with the exception of trial document 11-73 in Puerto Montt, which the Chilean Air Force had in its possession, Commission members did obtain copies of many verdicts and other reliable documentation from the several regions which they visited. We will examine the activity of the tribunals and make relevant observations in the light of these copies.

It should be noted that the Commission asked the army solicitor general for copies of the records of the trials heard by the war tribunals of Pisagua and other documentation connected to its investigation. That request was answered in Resolution No. 12900-16, dated October 8, 1990, which states that the army chief of staff "has advised that those trial records, were among those that were completely burned in a fire that broke out as the result of a terrorist attack on the Army Physical Education School on November 14, 1989, where some of the documentation of the army's general archive was located. This incident is under investigation by Military Prosecutor's Office No. 6 of Santiago." In concluding this discussion, we will offer a critical analysis of flaws in compliance with various legal norms governing the jurisdiction and procedures of war tribunals. Such norms include both those related to determining which acts are subject to punishment and how guilt is to be established and those for evaluating evidence, establishing the defense, and accepting or rejecting circumstances that might qualify the degree of responsibility attributed to those guilty.

One especially serious set of circumstances should be noted immediately, however; they should be singled out and noted as running counter to the respect due to the rule of law and as offending the fundamental rights that the Constitution guarantees all persons. In Pisagua five people who were condemned to death and executed were supposed to have been taken before a war tribunal. Military Decree No. 82 (October 11, 1973) offered the only notice of the execution of five people in the detention camp in that city.

It was impossible to obtain a copy of the sentence, if there was any, and according to the testimony of several detainees of that camp, far from being allowed to have representation in their own defense, the accused did not appear before any war tribunal. In short, this situation was unlawful, and the decree published in the newspaper El Tarapac on October 26, 1973, was an attempt to justify it. That decree states that they "were found guilty because they confessed that they had committed the crimes of treason to country and espionage as found in Articles 252 and 254 of the Military Justice Code, and also of violating what is laid down in Article 1 of Law No. 12927 (State Security), by actively participating in subversive plans and infiltrating the armed forces to carry out their assigned missions."

2. Detailed examination

The Commission has been able to determine that sixteen war tribunals were held in the city of Arica, and that they tried fifty-seven persons, eleven of whom were acquitted while the remainder were sentenced to various punishments of imprisonment and banishment for being guilty of the crimes envisioned in Article 416, Nos. 2 and 4 of the Military Justice Code; Articles 2 and 3 of Decree Law No. 77 (1973); Article 4 (b, c, d, f), of Law No. 12927 on state security; Article 6 (a, c, d, and f), and Articles 10 and 11 of that same decree law, and Articles 10 and 11 of Law No. 17798 (Weapons Control).

In Pisagua, besides the previously mentioned illegal and falsified tribunal known only through the decrees of October 11-12, 1973, there is evidence that three war tribunals were held and that they processed 147 people. According to trial record No. 4-73 on October 29, 1973, six of those persons tried received the death sentence for having committed the crime described in Article 245, No. 2, as related to Article 246 of the Military Justice Code, that is, the crime of treason. The commander of the prison camp at Pisagua changed the death penalty of two of those on trial to life imprisonment and upheld the maximum punishment for the other four. The rest were given life imprisonment, with the exception of one who was given twenty years imprisonment under maximum security. The commander lowered this latter sentence to ten years imprisonment

and reduced one of the life sentences to twenty years. In addition to the crimes already mentioned, the tribunal believed that the crimes sanctioned in Articles 3, 6, 11, and 13, of Law No. 17798 (Weapons Control) as modified by Decree Law No. 5 (December 12, 1973, published in the Diario Oficial on September 22) had been committed.

With the sentence in case No. 5-37 (November 29, 1973) the tribunal condemned two defendants to death, one for committing the crime sanctioned in Article 13, as related to Article 3 of Law No. 17798 (Weapons Control) and the other for committing the crimes mentioned in Article 2, No. 2, in relation to Article 254 of the Military Justice Code and Article 4-d, and Nos. 5 and 7 of Law No. 12927 (State Security). One of these death sentences was reduced to a prison term of five years and one day, in a sentence given by the commander of the zone under state of siege in the province of Tarapacá.

Trial record No. 2-74 states that on February 19, 1974, the war tribunal sentenced to death four of those persons who had been tried for being involved in treason in accordance with Article 245, No. 2, as connected to Article 246 of the Military Justice Code; it sentenced the others who were accused of violating that same law and of the crimes described in Article 4 (d and f) of Law No. 12927 (State Security) to varying prison terms or internal exile. On February 11, the commander of the prisoner camp reduced two of the death sentences to life imprisonment, increased or reduced some of the sentences of imprisonment or internal exile; and acquitted seventeen of those sentenced and allowed sixteen of those who had been tried to be released unconditionally. He gave his approval to the rest of what the war tribunal had decided.

In Iquique a war tribunal was held to try two Carampangue Regiment soldiers who had deserted and taken their equipment and weapons. Upon being captured two months later they were tried in a war tribunal and sentenced to fifteen years of imprisonment for having committed the crimes described in Articles 348, 305, 355, and 321 of the Military Justice Code.

In Calama nineteen war tribunals are known to have tried thirty-four persons; five were acquitted and the rest received various sentences or exile for crimes described in Article 284 of the Military Justice Code, Article 440 of the Criminal Code, Article 3 of Decree Law No. 77 (1973), Articles 8, 9, 10, and 13 of Law No. 17798 (Weapons Control), Article 4, (a, b, c, and f), Article 6 (a, b) and Article 11 of Law No. 12927 (State Security).

In trial record 11-73 one person is given the maximum punishment, which the commander of the zone under state of siege lowers to twenty

years and one day. In trial record 46-73 the person receives the death sentence; when the division commander examines the sentence, he gives his approval but then lowers the punishment to life imprisonment for the crimes sanctioned in Article 4 (a and d) of Law No. 12927 (State Security) and Articles 3, 10, 11, and 13 of Law No. 17798 (Weapons Control).

It is striking to note that three were found guilty of being accomplices in the crime of embezzlement of public funds as found in Article 233 of the Penal Code, even though there is no mention of those who were guilty of the crime itself.

In Antofagasta it is known that 190 persons were tried before thirty-five war tribunals; 156 were found guilty, and twenty-three were found innocent; the process was definitively halted for six of the accused in accordance with Article 408(-2) of the Code of Criminal Procedures, and it was temporarily halted for five of them, in accordance with Article 409(-1), of that code, since it had not been fully established that they had in fact committed the crime of which they were accused. The guilty verdicts were based on Articles 292, 293, and 294 of the Criminal Code, Articles 245, No. 2, 257, 276, 284, 299, No. 3 and 394, No. 3 of the Military Justice Code, Articles 8, 9, 10, 11, 13, and 15 of the law (Weapons Control), and Article 4 (b, c, d, and f) and Article 11 of the State Security Law and Article 3 of Decree Law No. 77 (1973).

In trial record 347-73 two people were sentenced to death and executed for the crimes described in Articles 8, 9, and 13 of Law No. 17798, and Article 252 of the Military Justice Code.

Other punishments imposed range from military life imprisonment to the lowest level of internal exile, as determined by the laws mentioned previously.

In Copiapó it is known that seventeen war tribunals were held to try forty-three persons; the only ones found innocent were two minors who acted without being aware of the crimes of which they were later accused. The sentences meted out were based on the provisions of Articles 443 and 446 of the Criminal Code, Articles 9, 10, and 11 of Law No. 17798, and Article 4 (a, c, d, e) and Article 11 of Law No. 12917.

One irregularity in trial record 200-75 is the fact that a member of the tribunal also gave testimony on who the parties were and how the police had acted.

In trial record 42-73 the defendant was sentenced to three years and one day of internal exile for various crimes described in Laws 12927 and

17798. As the result of a sentence given on September 14, 1988, those charges were lifted, since he was regarded as eligible for amnesty according to Decree Law No. 2919 (1978).

In the sixteen war tribunals held in La Serena it is known that 178 people were tried; twenty-six were acquitted, in four cases proceedings were halted temporarily, in four other cases they were halted permanently-although two of the people had been executed as a result of decisions made in other trials. In trial No. 159-73 four were found guilty of various crimes and although the local commander had given his approval, the head of the army's Second Division acquitted the defendant in what was called a verdict review given in response to orders from the Ministry of Defense and the Army Solicitor General on August 9, 1974.

In trial No. 219-73 one of the defendants received a death sentence, which the local military commander subsequently reduced to a series of prison terms. He was found guilty of violating Article 252, No. 3 of the Code of Military Justice; Articles 4, 8, 9, 10, and 13 of Law No. 17798; Article 4 (a, c, d, f, and g) and Article 6 c of Law No. 12927 and Article 3 of Decree Law No. 77 of 1973.

Thirty-seven people were tried in the five war tribunals known to have been held in Los Andes. Guilty verdicts were based on the terms of Article 248, No. 2 of the Military Justice Code; Article 4 (a, b, c, d, and f) of Law No. 12927 and Articles 8, 9, 10, 11, 12, and 13 of Law No. 17798.

In war tribunal 97-73 the death penalty given to one of the defendants was lowered to life imprisonment when it was reviewed by the commander of the army's Second Division, who in fact considerably reduced a number of prison terms the tribunal had meted out.

When the commander of the army's Second Division reviewed trial 3-74 in which two people had been given prison terms, he acquitted one of them, and permanently halted action against the other in accordance with the terms of Article 408, No. 7 of the Code of Criminal Procedure.

According to documents the Commission obtained, eighteen war tribunals were held in San Felipe; of the eighty-two persons tried, three were acquitted and one was a minor who was judged to have acted without full knowledge. The guilty verdicts were based on Article 399 and 446 of the Criminal Code; Articles 8, 9, 10, and 13 of Law No. 17798 and Article 4 (a, c, d, and f) and Article 6 (a, c, e, and f) of Law No. 12927. With regard to the activity of these tribunals it should be noted that:

In trial record 22-73 the war tribunal expressly noted that it was not taking into account the changes in punishment introduced by Decree Law 5

(1973) since that law had been promulgated after the events being considered in the trial; likewise in trial record 45-73 the terms of that decree law were not applied for the same reason.

In trial record 41-73 the war tribunal judged that the ordinary court system should deal with violations of Law No. 12927 committed before September 11, 1973, and thus it declared itself incompetent;

In trial record 173-73 the war tribunal declared that it was not competent to try the violations, but the commander of the zone in state of siege determined otherwise and convoked another tribunal, which arrived at a guilty verdict; In trials 38-73 and 127-73 two people whom the war tribunals had found guilty of various punishable violations were subsequently acquitted by the commander-in-chief of the army's Second Division when he examined the verdicts.

The Commission found documents on one war tribunal held in Quillota, in which one person was tried and was found guilty of the crime sanctioned in Article 133 of the Criminal Code; the circumstances mentioned in Nos. 12 and 13 of Article 12 of that code were considered to increase responsibility.

It is known that forty-one war tribunals were held in Valparaiso and that 181 persons were tried; eleven were found innocent and the rest were sentenced to various prison terms and to internal exile for committing the crimes described in Articles 194, 196, 240, 250, 436, and 440, No. 1 of the Criminal Code; Articles 8, 9, 10, 11, and 13 of Law No. 17798; Article 4 (a, d, and g) and Article 7 of Law No. 12927.

It should be pointed out that contrary to what generally occurred in war tribunals, namely that they made it very difficult to accept mitigating factor No. 6 of Article 11 of the Criminal Code, trials held in Valparaiso followed the procedure common in ordinary courts, and the result was a more positive approach to meting out punishment.

During trial No. 846-78 (January 1978), those defending the accused invoked the terms of Decree Law No. 2191 (amnesty) but the petition was rejected because the verdict had not been given when the decree law went into effect and hence the accused had not been found guilty.

There is documentation for eleven of the war tribunals that were held in Tejas Verdes, in which fifty-six people were put on trial; four were acquitted and the rest were sentenced to different punishments of either prison or internal exile for having committed the crimes sanctioned in Articles 282 and 417 of the Military Justice Code, Articles 8 and 13 of Law No. 17798, and Articles 4f, and 6 (a and f of Law No. 12927. In trial No.

20-73 the two defendants were found guilty of having committed the crime envisioned in Article 4f of Law No. 12927, but in reviewing the verdict, the commander-in-chief of the army's Second Division acquitted them. In trial record 43-78 (which constitutes three pages) the crime was regarded as proven on no grounds other than a confession by the defendant. Moreover, the reference to Article 282 of the Military Justice Code is irrelevant; it should cite Article 283, since the crime was against a member of the armed forces.

With regard to trial No. 18-73, through unofficial channels the Commission has been able to obtain a copy of the death sentence given to two people who were executed for having committed the crime sanctioned in Article 8 of Law No. 17798. That sentence is itself the only evidence that this trial took place, and its proceedings are known only through relatives of those found guilty and through witnesses who appeared before the Commission and stated that the defendants had no one to defend them and were not charged before any war tribunal.

The Commission has been able to obtain documentation on only forty-six war tribunals held in Santiago from 1973-1975. Of the 218 people tried, nineteen were acquitted, proceedings against one of them were halted because he had died (Article 408, No. 5 of the Criminal Procedures Code), and proceedings were halted temporarily against another, in accordance with Article 2 of that Code, since his guilt had not been proven. The grounds for the guilty verdicts and sentences were Articles 254, 274, 278, 280, 299(-3), 304(-3), 307, 314, 316(-2), 354, 415, and 416(-4) of the Military Justice Code; Articles 193, 235, 242, 436, 440, and 442 of the Criminal Code; Articles 5, 8, 9, 10, 11, and 13 of Law No. 17798; Article 4 (d and 1) of Law No. 12927 and Article 2 of Decree Law No. 77 (1973).

In war tribunal record 1-73 of the air force four people were condemned to death, but when the commander reviewed the tribunal's verdict, he lowered these sentences to extended military jail terms.

Five war tribunals are known to have been held in Rancagua; of the eighty-two people brought to trial, proceedings against twenty-two were halted in accordance with the terms of Article 409, No. 1 of the Criminal Procedures Code. The rest were sentenced to varying prison terms for having committed the crimes defined in Articles 8, 9, 10, 11, 13, and 15, of Law No. 17798 and Article 4d and 6a of Law No. 12927.

Information was obtained on fourteen war tribunals held in San Fernando. Of the 108 people tried in these tribunals, six were found innocent while the remainder were given different sentences for having committed the crimes described in Article 356 of the Military Justice

Code; Article 470, No. 1 of the Criminal Code; Article 4 (a, c, and f) of Law No. 12927 and Articles 5, 8, 9, 10, and 13 of Law No. 17798.

One war tribunal is known to have been held in Curicó; nine persons were put on trial and were sentenced to various prison terms for having committed the crimes sanctioned in Articles 8 and 13 of Law No. 17798, in accordance with Article 4d of Law No. 12927.

Only four war tribunals are known to have taken place in Talca, and they tried twenty-two people. In trial record 1613-73 one of the defendants is given the death sentence for having committed the crimes described in Articles 416 and 354 of the Military Justice Code and other unspecified violations of Law No. 17798. The other defendants were sentenced for violating Article 284 of that Code and Articles 5, 6, 9, and 13 of Law No. 17798 and Articles 4b and 6b of Law No. 12927.

The Commission has documentation on the activity of eight war tribunals in Linares, which tried 139 persons. Eight of them were acquitted because their involvement in the crimes of which they were accused was not proven, and seventeen were acquitted because they had been sentenced in other trials for these same deeds. The grounds for the guilty verdicts were the provisions of Articles 184, 199, 304, No. 3, 354, and 416 of the Military Justice Code; Article 446 of the Criminal Code; Articles 8, 9, 10, and 13 of Law No. 17798, and Article 4a of Law No. 12927.

With regard to Cauquenes, the Commission was able to obtain only a copy of the sentence handed down by a war tribunal in trial record 1-73, in which eleven people were found guilty of the crimes described in Article 9 of Law No. 17798 and Article 4d of Law No. 12927.

Six war tribunals are known to have been held in Chill, and they tried sixty-one people; three defendants were acquitted and the proceedings against three others were temporarily halted. The grounds for the sentences were the terms of Article 281 (last paragraph), Article 350 of the Military Justice Code and Article 8 clause 2, and Article 10 of Law No. 17798.

The Commission obtained copies of sentences or other documentation connected with nine war tribunals held in Concepción, which tried eighty-one defendants. Four of them were convicted and given the death sentence found in trial record 1645-73 for committing the crimes sanctioned in Articles 8, 10, and 13 of Law No. 17798 in time of war and in accordance with the terms of Decree Law No. 5 (1973). In various other trials four of the accused were acquitted, and proceedings against six others were temporarily suspended, in accordance with the

terms of Article 409, No. 2 of the Code of Criminal Procedures. The grounds for the guilty verdicts and sentences are Articles 8, 10, 13, and 14 of Law No. 17798, Article 4f of Law No. 12927 and Articles 2 and 3 of Decree Law No. 77 (1973).

There is documentation on five war tribunals held in Talcahuano in which sixty-six people were put on trial; two of them were given a death sentence for committing the crimes defined in Articles 9 and 10 of Law No. 17798, and Articles 6c and 7 of Law No. 12927. Six of the accused were acquitted and the remainder were given varying prison terms for their involvement in the crimes defined in Articles 446, No. 3 of the Criminal Code, Articles 3, 8, 9, and 10 of Law No. 17798, and Articles 4d and 6c of Law No. 12927.

Two war tribunals are known to have been held in Los Angeles; ten of the thirty-one persons tried were acquitted and the rest were given prison terms for having been involved in the crimes described in Article 8 of Law No. 17798 and Article 4d of Law No. 12927.

The one war tribunal known to have taken place in Angol tried six defendants who were given prison terms for having committed the crimes described in Articles 8, 9, and 11 of Law No. 17798.

In the two war tribunals held in Victoria, four people were put on trial; one of them was acquitted and the others were found guilty of the crimes sanctioned in Articles 8 and 9 of Law No. 17798.

The four war tribunals held in Temuco tried thirteen persons, who were given prison sentences for committing the crimes described in Article 416, No. 4 of the Criminal Code, Articles 8 and 10 of Law 17798 and Article 4g of Law No. 12927.

The Commission found documentary evidence of a war tribunal in Traiguén which tried eleven people, one of whom was found innocent while the rest were given prison terms for being responsible for the crimes envisioned in Articles 121 and 122 of the Criminal Code and Articles 8 and 9 of Law No. 17798.

The Commission has copies of verdicts issued by seven war tribunals in Valdivia in which nineteen people were put on trial. Three were acquitted; proceedings against one were temporarily suspended in accordance with the terms of Article 409, No. 2 of the Code of Criminal Procedure and the rest were sentenced to prison terms or internal exile for having been involved in the crimes sanctioned by Articles 8, 9, and 15 of Law No. 17798 and Articles 4 a and 6 c of Law No. 12927.

The two war tribunals held in Osorno put eight people on trial and gave them prison sentences for committing the crimes sanctioned in Article 8 of Law No. 17798, Article 10 of Law No. 12927, and Article 2 of Decree Law 77 (1973).

The Commission has copies of two sentences issued by war tribunals in Puerto Montt in which thirty-eight people were put on trial. In trial record 11-73 six defendants were given death sentences for the crime of treason as envisioned in Article 248, No. 2 of the Military Justice Code. This sentence was approved by the commander of the zone under the state of emergency. According to that same record, one of the accused was set free unconditionally, and proceedings against the other were temporarily suspended in accordance with the terms of Article 409, No. 2 of the Code of Criminal Procedure.

Before concluding this section, we should point out that fortunately in a number of war tribunals, especially those in La Serena and Los Andes, the commander of the army's Second Division, making use of powers delegated and instructions given by the attorney general's office by order of the Ministry of Defense, reviewed a number of sentences, and in many instances acquitted the defendants, lowered sentences, and applied legislation correctly in the sense that crimes committed before the declaration of a state of war could not be sanctioned in accordance with subsequent legal rulings.

The Commission repeats that what this report states about the workings and decisions of war tribunals is based entirely on copies of sentences they issued, and on documentation obtained in visits to the various regions as well as that provided by the Vicariate of Solidarity and the Chilean Human Rights Commission. The Commission could only obtain and study trial record 11-73 for one of the war tribunals held in Puerto Montt, which it obtained in that city. The Commission also notes that just as it is claimed that a first war tribunal was held in Pisagua, there are similar claims that war tribunals were held elsewhere in the country. However there is no documentation for them and in fact there are good reasons for doubting that such tribunals were actually held. We have not dealt with them here, but they are presented case by case in the rest of this report.

D. Observations on sentences issued by the war tribunals

As a first general observation, we should note formal and underlying flaws in the way the events are presented and established, and in the serious lack of a legal and doctrinal basis for the verdicts given. These flaws are notable in the factual basis used to establish that crimes have been committed, in determining the accusations against the defendants, in determining which

punishments are to be applied, in arguments for the defense-especially those that might change the degree of responsibility of the defendants. Even though Section IV of Book II of the Military Justice Code does not speak about requirements for sentencing, the terms of Article 194 cannot be ignored. That Article provides standards for evaluating proof and declares that the court must generally observe the rules of procedure in this regard, although it grants it the power to rely on a reasonable and honest assessment of evidence gathered. It is clear that one way or another there is an obligation to weigh the elements of proof in the trial for that purpose; to do so entails taking into account all items of evidence and avoiding faulty analysis.

As a rule the sentences issued by the war tribunals accept or state that the crimes were actually committed without stating which deeds constitute the crimes or which proofs establish that fact; hence whether such crimes were in fact committed remains in doubt. The legal basis for most of the sentences is not provided. The elements that constitute a crime, exactly which crime is being committed, and the basis in law or equity that make it possible to come to a just decision should all be set forth.

In those trials in which the punishments imposed are increased because the actions were committed in a state or time of war, in accordance with Decree Law No. 5 (1973), the approximate date of the actions is not stated; indeed in some instances in which the date is known it is not stated, in open defiance of the terms of the Constitution and Article 18 of the Criminal Code.

In some trials the confession of the accused is regarded as establishing that the crimes were committed, without any further evidence of a punishable action. This transgression of the law is utterly inadmissible for justifying a guilty verdict and sentence.

Sanctions for separate and multiple crimes are applied separately, disregarding the terms of Article 75 of the Criminal Code.

Circumstances diminishing responsibility are ignored, particularly those laid down in Article 11, No. 6 of the Criminal Code; the standards used in that regard are not what the legislator had in mind and are contrary to standard jurisprudence in this area. The factor diminishing responsibility listed in point 8 of that article is disregarded, even when the trial record indicates that indeed such conditions were present and should have been acknowledged. Even when there are clear extenuating circumstances, they are not taken into account in the argument, nor are they considered in the sentencing.

Judgments are often made merely on a reasonable and honest estimate, in disregard of what Article 194 paragraph 3 of the Military Justice Code very clearly says about reliable evidence.

Witnesses for the defense are ignored or not brought forth, or crimes are regarded as established by an investigation carried out by agencies that the law does not recognize for that purpose.

The existence of a crime is regarded as established by the summary investigation, but there is no mention of any documentary evidence of that investigation, nor is it spelled out as the law demands.

In Calama various war tribunals reject attenuating factors in accordance with the terms of Article 212 of the Military Justice Code, a provision that was abolished by Law No. 17266 (January 6, 1970).

In a number of trials the war tribunals themselves make decisions about who is a minor, disregarding the fact that a juvenile judge should make that determination, since Law No. 16618, the general law protecting minors, must be applied unless an exception must be made on the basis of a particular law.

The aggravating circumstance that in Article 213 of the Military Justice Code refers only to members of the military is applied to civilians.

In many war tribunals there was no appointment of a defense lawyer as required by Article 183 of the Military Justice Code, or if in fact a lawyer was appointed, he or she was not allowed to see the defendant, or a lawyer was assigned to defend several defendants in a situation in which the evidence was at odds, or the time periods were so short that it was impossible to prepare for the trial.

In many instances observations on reasons for doubting the accusing witnesses are ignored, or there is simply no judgment made on the matter.

In trial record 4-73 in Pisagua six defendants were sentenced to death, even though the prosecutor favored a lesser sentence. This is a violation of the terms of Article 73 of the Organic Code of Tribunals, which is applicable to war tribunals by virtue of Article 87, paragraph 2 of the Military Justice Code. The commander of the prisoner camp approved this sentence for four of those found guilty.

In two cases the primary punishment is that of being submitted to close surveillance by the authorities, which according to Article 23 of the Criminal Code is to be applied only as an accessory punishment.

In general it should be noted that the establishment of the facts is not in keeping with the proof that crimes have been committed nor with the sentences meted out.

The two policemen who were assigned to the police station in Algarrobo and

who were executed are said to have been sentenced to death by a war tribunal in Tejas Verdes. However, there is no information on the establishment, activity, and decisions of this war tribunal. What is known is that they were arrested and executed the day after their arrest; what is not known is whether they were given defense lawyers and thus whether they received a just and proper trial in this respect.

(We note that today, February 6, 1991, after this report has been prepared, the Commission received official request No. 12900/127 from the deputy head of the army's advisory committee in which he provides a summary copy taken from the book in which sentences are recorded of five sentences issued, one by the Military Prosecutor's Office of Calama and the rest by the Military Prosecutor's Office of Antofagasta. These documents could not be taken into account in this chapter nor in that devoted to examining cases of grave human rights violations that took place in that region).

Chapter Four: Behavior of the courts toward the grave human rights violations that occurred between September 11, 1973, and March 11, 1990

A. Overall attitude of the judiciary toward human rights violations

This Commission believes it must deal with the posture of the judicial branch toward the most serious human rights violations; otherwise, it would be impossible to present an overall picture of what took place in this regard as its founding supreme decree requires it to do.

During the period in question the judicial branch did not respond vigorously enough to human rights violations. That fact combined with other factors such as the conditions of that period, restrictions imposed by an array of special laws, and the general lack of resources, particularly help from the police, prevented the judicial branch from truly working to protect the essential rights of persons when those rights were jeopardized, threatened, or crushed by government officials, or by private citizens operating with the complicity or tolerance of those officials.

The judicial power was the only one of the three powers or branches of government that continued to operate; the officials who took power on September 11, 1973 did not dissolve it or step in to control it. The concern of the new military authorities to maintain a structure or image of legality made them particularly cautious in dealing with members of the judiciary. As indications of this concern, we may note the assertion in Decree Law No. 1(-3) (September 11, 1973) that the junta would assure that "the powers of the judicial branch [remain] fully in force." At the same time, however, it noted that such would be the case only to the extent the situation allowed. That same concern for appearances was evident in the fact that the new authorities expressed their criticism of the behavior of some judges they regarded as sympathetic to the previous government only privately to the Supreme Court, which supervised all courts in the country during that period.

Recognizing the atmosphere of confidence and respect of the new government toward the judicial branch, at the opening of the 1974 judicial year the president of the Supreme Court stated:

...I can emphatically assert that the courts under our supervision have functioned in the normal fashion as established by the law, that the administrative authority governing the country is carrying out our decisions, and that our judges are accorded the respect they deserve.

Judging from his statement, the judicial branch could have adopted a more resolute stance in defending human rights, which were under assault. Nevertheless, while the court system continued to operate normally in almost

all the realms of national activity whose conflicts reached the courts, legal oversight was glaringly insufficient with respect to the personal rights that were being violated by government agents to an unprecedented extent. The judiciary, which in view of the Constitution, the law, and the nature of its functions, was the government institution called to protect those rights, failed by not acting more forcefully. Moreover, they failed to do so even though from the beginning churches, lawyers, the victims' relatives, and international human rights agencies were furnishing the courts with information on actions by government officials that violated human rights.

The country was surprised to see the courts take such a stance, for it was accustomed to regard the judiciary as a staunch defender of the rule of law. We may recall the historic statement the Supreme Court issued toward the end of the Popular Unity government, criticizing its various transgressions of the legal system in general, and specifically the way it dealt with court decisions.

In order to fully grasp how far the upper levels of the judiciary system were from taking into account the very serious problem of how unprotected people were, we may cite the words of the Supreme Court president in his speech opening the judicial year on March 1, 1975, as he gave the annual report Article 5 of the Civil Code requires of him. On that occasion he said:

Contrary to what unworthy Chileans or foreigners operating with a particular political aim have said, Chile is not a land of barbarians; it has striven to give strict observance to these rights. With regard to torture and other atrocities, I can state that here we have neither firing squads nor iron curtains, and any statement to the contrary is the product of a press that is trying to propagate ideas that could not and will not prosper in our country.

He went on to deny that people had disappeared after arrest, and finally with regard to the work of the courts he said,

As a result of appeals presented, the Appeals Court in Santiago and this Supreme Court have been overwhelmed with a large number of habeas corpus actions that have been introduced, alleging arrests made by the executive branch. The administration of justice has thereby been impeded, since the higher courts, particularly in Santiago, have been prevented from attending to urgent matters entrusted to them.

Subsequently and even to the final years of the military government, the higher courts did not take advantage of the annual opportunity offered by Article 5 of the Civil Code to present to the president of the republic the problems they were encountering in effectively carrying out their duties to protect essential human rights. Consequently, this posture taken by the judicial branch during military rule was largely, if unintentionally, responsible for aggravating the process of systematic human rights violations, both directly insofar as persons who were

arrested and whose cases reached the courts were left unprotected, and indirectly insofar as that stance offered the agents of repression a growing assurance they would enjoy impunity for their criminal actions, no matter what outrages they might commit. As a result the people of this nation still do not have confidence that the judicial branch as an institution is committed to defending their fundamental rights.

The stance we have been describing varied somewhat over time throughout the various agencies of the judicial branch. In dealing with the period after September 11, 1973, we will note below the interpretation the Supreme Court made in order to avoid reviewing the decisions of the wartime military tribunals. Habeas corpus appeals made on behalf of people arrested for political reasons were rejected invariably until well into the 1980s, when the first dissenting votes were cast and some of these appeals were occasionally accepted.

Only at the end of the 1970s did specially appointed judges [ministros en visita] carry out the first exhaustive investigations prompted by the discovery of skeletal remains. These cases ended up in the hands of the military justice system. The same thing happened to some investigations into those crimes that most shocked public opinion. Despite some lack of cooperation on the part of the police, in these instances special judges and normal trial judges were able to certify that crimes had taken place and sometimes that official troops had been involved; when the latter was the case, they declared themselves incompetent. Once the cases were in the military justice system, they did not advance, and the usual result was that proceedings were eventually halted. This was in marked contrast to the diligent investigations carried out when it was a matter of human rights violations inflicted on government troops by private citizens for political reasons.

In any case, the Commission believes that whatever qualifications might be made, the judicial branch as a whole proved ineffective in both protecting human rights and punishing their violation during the period in question. On the other hand, the vigorous behavior of some individual judges has produced results that point the way toward the kind of behavior that should be expected.

B. The stance of the judicial branch toward applying the established processes most relevant to its obligation to protect human rights

The judiciary had at its disposition two basic instruments for preventing or punishing such violations: habeas corpus and sanctions for guilty parties. Both institutions are important in a preventive sense. As will be explained below, the purpose of habeas corpus is to end an illegal detention and assure the integrity of the person detained. Moreover, to have assigned punishment to the guilty parties would have seriously limited the further occurrence of human rights abuses. The victims' families sought to employ both of these institutions from the outset and throughout this whole period.

1. Reaction of the judiciary to habeas corpus

The essence of the habeas corpus procedure is that the tribunal that accepts it undertakes the measures necessary to assure respect for the freedom and individual security of people who are detained. Among these means is the one from which it takes its name, "habeas corpus," which means that the person for whom the appeal is made is brought before the court.

Throughout this period habeas corpus was completely ineffective. That is all the more serious since this was the period of Chile's brief independent life when it was most needed, inasmuch as from 1973 to 1988 Chile was living under states of exception in which fundamental rights were restricted.

a. Applicable legislation

The ineffectiveness of habeas corpus during this period was partly due to the flaws in the legislation regulating it. In this respect it should be noted that Article 4 of the Organic Code of Tribunals encourages the notion that by reason of the principle of separation of powers therein enshrined, judges could be understood to be prohibited from examining the reasons given by officials when they had people imprisoned, transferred, or exiled during states of exception.

We believe that this position, which was always open to question and which prompted a certain amount of dissenting jurisprudence, could not be understood to mean that it was a matter of whim or that a judge was utterly forbidden to examine in any fashion the factual circumstances invoked to justify imprisonment or transfer. The existence of prior norms and already existing interpretations should at least be recognized. Unfortunately there was produced no analysis that might have taken into account the circumstances and questioned the absolute character of this doctrine, which given the seriousness of what was happening could have been changed. Hence that interpretation of the article constituted legal, doctrinal, jurisprudential support at least before the law for the rejection of many habeas corpus appeals.

The matter was clarified in a manner adversely affecting the defense of human rights when Article 41, clause 3 of the 1980 Constitution explicitly prohibited a court which receives a habeas corpus appeal during states of exception from passing judgement on the grounds and factual circumstances that an administrative official had in mind in ordering the measure that prompted the

habeas corpus action.

b. Practice of the courts

However, the lack of adequate legislation was not the only reason that made habeas corpus an ineffective tool for protecting people's personal freedom and individual security. Despite its flaws the existing legal framework allowed the court a broad margin for protecting an individual. This margin was generally not utilized, however. Indeed on many occasions people were left defenseless with no legal support whatsoever, and even in violation of the laws governing court practice. Among such violations we may note the following:

1. The principle of "immediacy" was not applied

This principle is enshrined in the 1925 Constitution, in Constitutional Act No. 3 of 1976, in the 1980 Constitution, and in Article 308 of the Code of Criminal Procedure, which sets a twenty-four hour period for a resolution on a habeas corpus appeal. The 1932 ruling ordering that a habeas corpus appeal should be decided before an unjust prison term becomes very long or is even fully served was not observed. There is evidence of cases in which it took fifty-five, fifty-seven, seventy days and so forth to decide on habeas corpus appeals. The fact that administrative officials delayed was no excuse for the judges, both because they had the power to act without reports, and because very seldom did they pressure those officials or set fixed periods for an answer.

2. Many arrests without the requisite warrant were tolerated

Under states of siege as envisioned in the 1925 Constitution, the power to order arrests rested exclusively on the president of the republic, and he was not empowered to delegate it. Decree Law No. 228 (January 3, 1974) empowered the interior minister to order arrests under the formula "by order of the junta," and hence it was possible to obviate the procedure of obtaining approval from the Comptroller's Office.

The appeals courts whose mission it was to examine habeas corpus actions and to at least assure that the formalities of arrest were minimally observed (since they were unlikely to be able to delve deeply) did not respond to the statistically established fact that most of the arrests were carried out by members of the security forces acting without a warrant.

The courts routinely delayed deciding on habeas corpus until the Interior Ministry sent the arrest order, at which point the detention was declared to have been in accordance with the law. They often accepted arrest orders that did not come from the Interior Ministry as valid. In the provinces, particularly Concepción, they accepted such orders from provincial governors. When such matters occasionally reached the Supreme Court, instead of ordering the person to be set free immediately, it advised the Interior Ministry that the person had been arrested, copying the governor's report, and inquiring if the arrest order had been issued by the ministry. The order was then issued and the court proceeded to reject the habeas corpus appeal. After some time had passed, Decree Law No. 951 empowering provincial governors to order arrests was passed.

The courts did not act on habeas corpus appeals in response to arrests carried out by the DINA, and later by the CNI. From the moment the latter was created in 1977, its power to arrest was questioned in many habeas corpus appeals. However, the courts made no decision, but rather waited until the person arrested was either set free, handed over to a court, or expelled from the country; at that point they rejected the habeas corpus appeal by virtue of the changed situation. When, by way of exception, the appeals court in Santiago examined a habeas corpus appeal in 1983 and ruled that the CNI did not have the power to carry out arrests and thus accepted the appeal, the response was Law No. 18314, which expressly granted the CNI the power to carry out arrests when the law on terrorist activities was being violated. The issuing of this law raised doubts about the validity and legality of the arrests the agency had carried out before that law went into effect.

3. There was no effort to assure that restrictions on detention sites were observed

The courts did not demand true compliance with the constitutional provision that no one may be arrested, preventively detained, or imprisoned except in his or her own house or in public sites designated for that purpose. During states of exception, the arrests carried out within the terms allowed by such states, were not to be carried out in prisons or other places set aside to house common criminals. For years there were secret prison sites to which officials of the judicial branch had no access.

Even though they had to be aware of the existence of sites like

the National Stadium, the Chile Stadium, the Air Force Military Academy, Villa Grimaldi, José Domingo Cañas 1367, Londres 38 and many other places in Santiago and the provinces-initially including sites belonging to the armed forces-where people were held and torture was common practice, the courts did nothing practical to remedy this unlawful situation nor even to condemn it, despite the claims made in the habeas corpus appeals that were continually being introduced.

4. The courts did not exercise oversight to assure the full observance of the norms on being held in solitary confinement

Solitary confinement is a measure that is strictly judicial, short term, and established by law, which judges may order only when it is necessary for the success of the court investigations. Not even under extraordinary circumstances does the legal system allow solitary confinement to be ordered by anyone outside the judicial branch, and the judiciary can do so only for those cases for which the law expressly authorizes it.

During the years covered by this report, administrative solitary confinement was widely used as a punishment. During the 1973-1980 period there were cases in which people were held in solitary confinement for 109 days, 179 days, 300 days and up to 330 days. After the 1980 Constitution went into effect, administrative solitary confinement of even twenty days was common. When solitary confinement was ordered by a judge, military prosecutors commonly ordered decreed extensions one after another. In some cases people were held in solitary confinement for up to seventy-five days.

There were few judicial decisions on the imposition of judicial and administrative solitary confinement. The judiciary chose to issue its decisions when the situations had been normalized; in other instances decisions simply made no reference to the solitary confinement mentioned in the habeas corpus appeal. In the case of administrative solitary confinement, the courts preferred to accept the claims of the Interior Ministry, which argued that the persons were not in solitary confinement, but were "prevented from having visitors for security reasons."

A few decisions even accept administrative solitary confinement as valid. In a ruling given on July 30, 1974 in a habeas corpus appeal which in fact sought to protest an illegal solitary confinement, the Supreme Court noted that "just as arrest itself and its length (during a state of siege) depends exclusively

on the judgement of the executive, it is likewise logical that the way it is carried out should depend on the same authority." The Supreme Court issued a similar decision on December 3, 1981, upholding the November 23, 1981 decision of the Appeals Court of Santiago, asserting that in a state in which there is danger that internal peace may be disturbed, administrative solitary confinement is lawful for dealing with cases of terrorism.

International statistics on human rights violations in a number of countries around the world establish the clear pattern that the greatest number of deaths, disappearances, and tortures occur when those arrested are taken to secret detention sites or when they are held in solitary confinement over a period of time so that external signs of mistreatment may disappear.

The failure to comply in a timely and thorough fashion with the constitutional and legal norms noted above was a crucial reason why habeas corpus appeals introduced in the courts failed to achieve results. It should be noted that the courts did not react vigorously enough to remedy the grave human rights violations that those appeals were seeking to address. Had the courts respected the constitutional requirement of acting immediately, or had they complied with the legal requirement to issue a decision within twenty-four hours, or exercised the legal power which is the essence of that appeal, namely to physically examine the person detained (habeas corpus), or finally had they fulfilled the requirement of the ruling that they make a decision before the evil of unjust imprisonment is allowed to take on major proportions, many instances of death, disappearance, and torture would have been prevented; furthermore, the perpetrators would have been put on notice that their actions were being rejected at least by one branch of government and that at some point they might be subject to punishment.

c. Other factors

In any case it should be emphasized that there were other parallel reasons for the ineffectiveness of habeas corpus besides those noted in the foregoing sections. Among these we may note:

1. With regard to the police

One very important factor was the lack of real cooperation from police agencies in investigating what had happened to people on whose behalf habeas corpus appeals had been filed. Consequently even though from 1978 onward many lower ranking judges and some appeals courts began to show more interest in

protecting people who might be suffering human rights violations, that interest did not in fact really translate into true protection for their rights.

2. With regard to the executive branch

The fact that many judges were very willing to accept as credible the information that the executive branch offered with regard to people for whom habeas corpus appeals were being filed (that is, they were willing to accept the claim that the person was not jailed or imprisoned by the officials named in the document) was enough to have these appeals rejected.

2. Impunity of the violators

After a very rigorous examination, this Commission concluded that more than two thousand people were killed as a result of human rights violations attributable to government agents during this period, most of them as a result of political repression. It can be said that, a few exceptional cases apart, the courts did not investigate these events, which were violations of human rights, nor were guilty parties punished.

In order to systematize to what extent judicial conduct helped allow the perpetrators of such violations to act with impunity, the following four situations may be noted.

- a. Weighing proof in accusations against government agents
When called upon to decide on crimes committed by government agents, the excessive rigor with which the courts adhered strictly to formal legality in assessing the proof brought against the perpetrators sometimes prevented them from applying the appropriate sanctions. Had such excessive formal procedural rigor not been applied in determining whether government agents had been involved, they might have been found guilty in accordance with the actual facts of the matter. This Commission has assumed such to be the case in a number of cases on which it has gathered information.
- b. The court's acceptance of official versions of events
We have noted this situation in section 1.c where we indicated that this was one of the problems that the judiciary had to face with regard to habeas corpus appeals. We must now emphasize that the excessively passive stance of the courts, reflected in their acceptance of the explanations of events provided by government officials-explanations at variance with the seriousness of the case-helped shield those guilty from being brought to justice.

One example is a housekeeper working at the house of a religious order who was killed in a DINA search. The court accepted the DINA's version without even interviewing the agents who were responsible for her death, even though it had been proven that they had opened fire and that no return shots came from within the premises.

Initially the same was the case with the decision made on the disappearance of thirteen Communist leaders in December 1976. After only a few days the investigation was said to have been exhausted and thus closed. This decision was based on the Interior Ministry's claim that all the individuals in question had crossed the Andes on foot through Los Libertadores Pass en route to Argentina. Even though that resolution was revoked by the court, the investigation was halted three more times; the authenticity of the documentation provided by the Interior Ministry was never verified nor were the steps requested by the plaintiff carried out. Nevertheless, one of the investigatory judges appointed in this case made significant progress. He proved that the documents provided to show that the disappeared had left the country were falsified, and that there was no proof that they had left the country; he also ordered procedures that made it possible to prove that there was a conspiracy between uniformed troops and civilians who were kidnapping, torturing, and murdering people and that this conspiracy had budgets, funding, personnel, buildings and so forth. Moreover, it was proven that at least two of these people had been arrested by people involved in this conspiracy. The Supreme Court ended these investigations when it ordered the procedures in the case suspended by virtue of the amnesty law.

- c. Using the amnesty law in a way to halt investigation of the events it covers

The courts have ordered that procedures be halted based on the amnesty laid down in Decree Law No. 2191 (Diario Oficial, April 19, 1978) whenever uniformed troops are involved in a case that falls under that law, arguing that the amnesty law prohibits investigation of the events it encompasses. That position disregards the argument derived from Article 413 of the Code-of Criminal Procedure, which orders that "a definitive halting of procedures cannot be rendered until the investigation that seeks to determine the facts of the case and the identity of the perpetrator has been exhausted."

The person who served as minister of justice when Decree Law No. 2191 was passed has stated that in her own mind the

intention was never that the courts could apply amnesty as they have done, that is, before concluding the investigation. Consequently it has been impossible to clear up the events with which the courts had begun to deal, and thus the circumstances of the accusations of killings, torture, and disappearance and whether those alleged to be either victims or perpetrators were either guilty or innocent have remained undetermined.

Along with the frustration of those involved, the problem of many uniformed troops who were mistakenly or unjustly publicly mentioned as involved in events that constituted human rights violation should also be kept in mind. They also deserve to have their situation clarified.

d. Failure of the Supreme Court to exercise its oversight over war tribunals

By means of decisions handed down on November 13, 1973 and August 21, 1974 as well as others, the Supreme Court, ignoring solid arguments to the contrary, officially declared that the war councils were not subject to its oversight. By not exercising these powers over the war tribunals, as the provisions of the 1925 Constitution could have been understood, the Supreme Court was unable to assure that those courts really observed the regulations governing criminal procedure in wartime as laid down in the Military Justice Code. Consequently the Supreme Court was unable to insist that the war tribunals act in accordance with the law.

C. Other actions by the courts

We could examine a number of other questionable practices of the courts, and especially the Supreme Court, which fueled the human rights violations that are the object of this report. Examples include the acceptance of secret laws to which the courts never objected; the legitimization of the abusive search operations in shantytowns, which in 1986 alone numbered 668, by rendering decisions on the appeals for habeas corpus and other constitutional guarantees introduced as a result; an excessively formal approach to interpreting the law; the acceptance of confessions obtained through torture as proof; the fact that judges who were forthright in pursuing human rights violations were punished and given poor ratings. It is beyond the possibilities of this Commission to examine these situations and others in a more detailed fashion.

Nevertheless, what it has observed of these situations as a whole during the period that began on September 11, 1973, has led the Commission to the conviction that the judiciary's inability to halt the grave human rights violations in Chile was partly due to serious shortcomings in the legal system as well as to the weakness and lack of

vigor on the part of many judges in fully carrying out their obligation to assure that the essential rights of persons are truly respected.

PART THREE

Chapter One: September through December 1973

A. Human rights violations committed by government agents or persons working for them

1. Overview

a. Introduction

This chapter deals only with human rights violations for which the government was responsible due to actions by its own agents or persons working for them that resulted in death or disappearance and that took place during the period in which the military regime was consolidating its control, that is, until December 31, 1973. Of course that date, like all boundary dates for periods, is arbitrary. While some incidents that occurred after that date may be characteristic of this period, they are treated in the next chapter, and their atypical character is then noted.

b. Control of public order

Very soon after September 11, 1973 the armed forces and police accomplished their most immediate objective, to bring the country under their control and to eliminate any pockets of armed resistance on the part of supporters of the deposed regime. Such resistance actions can truly be said to have been minimal; they were random in their location, style, and the weapons used, and they were uncoordinated and had not the slightest chance of success, even locally. Indeed, in only three of the thirteen regions into which the country was later divided were there significant episodes of armed activity and opposition to the new regime (the Seventh, Tenth, and Metropolitan Regions).

The incident that took place in the Seventh Region in the area below the crest of the Andes, Paso Nevada, was actually not an action of armed resistance to the new regime but rather an attempt by a group of armed supporters of the overthrown regime to flee to Argentina by crossing the Andes. One policeman was killed. In the Tenth Region, at what is now known as the Panguipulli Lumber and Forestry Complex in the province of Valdivia, there was a failed attempt to attack the Neltume checkpoint. It was carried out by members of the far left who worked in the complex, particularly members of the MCR (Revolutionary Peasant Movement), a branch of the MIR; after their failed effort, in which no one was killed, they separated and

engaged in no further operations.

Finally, as was to be expected, it was in the Metropolitan Region, and specifically Santiago, that a considerable number of armed clashes took place. These actions reached their peak on September 11 and then quickly declined to the vanishing point. The clashes that took place that day which involved a good deal of shooting were centered in the capital and especially around La Moneda Palace where many soldiers and police were killed; in some shantytowns, such as La Legua, where police were also killed; and in some factories known as those in the "social area" [publicly owned] where some sectors of the Popular Unity and its allies had set up "industrial belts."⁸⁶ These engaged in weak and ineffective actions, in which some troops were nevertheless killed. Within forty-eight hours, however, all armed activity in Santiago and its region had come to a halt except for occasional scattered shots by snipers or other even less significant and less common types of incidents.

These few episodes resulted in the first victims. The Commission regards them as such because they were killed in gun battles, either as participants on one of the two sides or because the bullets by chance happened to hit them.

We should also note that throughout the country the deposed government officials ceded their positions without any problem and even in a formal fashion. For the most part, those who were ordered by decree to submit to arrest did so voluntarily. Once the country was under control and all armed activity had ceased, the armed forces and police, under the centralized command of the junta now installed in Santiago, provisionally organized the whole country. They also unified political, administrative, and military power in themselves and parcelled out the national territory among the different branches of the service.

To facilitate that process and following the already established boundaries by which the country was divided into provinces and sub-provinces (or departments),⁸⁷ which were run by provincial

⁸⁶ Industrial belts: These cordones industriales refer to organizations among workers in Santiago's peripheral industrial, factory-populated areas. Several left-wing fringe sectors claimed that such organizations had formed popular militia in preparation for armed resistance from adversaries of the left. Some claimed that similar groups existed in urban and rural communities as well. Propaganda concerning the existence of these groups and their supposed resistance capabilities escalated as the threat to the Allende government became more imminent.

⁸⁷ Provinces and sub-provinces/departments: Chile's Constitution of 1925 provided for the national territory to be politically divided into provinces, provinces into departments (sub-provinces), departments into sub-delegations and sub-delegations into districts. This constitution also

and sub-provincial governors, the top ranking officer now became governor in each provincial capital, and the same thing occurred at the departmental level. The result was that the top military officer in each area was likewise its top political, governmental, and administrative head. The governor who administered the province was also head of the zone in a state of emergency and the military judge. By virtue of this last role, by delegation of the junta as was explained in Part Two, Chapter Three (War Tribunals), he also had the power to ratify death sentences handed down in war tribunals. That power had previously been the exclusive prerogative of the commander-in-chief.

One of the effects of this distribution of authority was that the top officials in the provinces, with the range of powers already noted, were primarily in the army-except in the provinces of Valparaíso (navy) and Llanquihue (air force). The heads of the sub-provincial offices likewise mainly belonged to the army, followed by the police and-far less represented-the navy and air force. The existence of a provisional military junta in Punta Arenas was unusual and was soon ended.

Because of a lack of evidence the Commission was unable to determine exactly what role was played by the different intelligence services of the armed forces and police in the provinces during this period or how that role was coordinated with that of the officers mentioned above. There are indications, however, that due to the urgency of the situation and the initial fluidity of the way the country was organized, these services had, or simply seized, very broad powers and sometimes in actuality ranked above such officers, especially in rural areas. In October that was notoriously the case with regard to repression, the issue of concern to this Commission. The "DINA Group" mentioned in Part Two, Chapter Two, which from November 1973 onward existed as the DINA Commission, was apparently especially significant in making repression take on a harsher character, as is explained below.

This distribution of the territory of the country for managing political, administrative, and military matters, must be

administratively divided the national territory into provinces (equal to the political division of a province) and the provinces into comunas/municipalities (which were the political equivalent of a sub-delegation). The Constitution of 1980 made the political and administrative division to be one. The national territory was, and in actuality is, divided into regions, regions into provinces and the provinces into comunas/municipalities. There are thirteen regions in Chile including the Metropolitan Region of Santiago and surrounding areas.

understood simply as intended to improve the operation of the command structure and not as any form of absolute autonomy, since all officials were under, and responsible to, the central power. Especially at first, however, the maintenance of public order and human rights violations varied considerably from region to region. Such differences largely reflected the posture of each top military commander. Thus in some places even the top government officials were advised (on one occasion even by telephone) to hand things over to new officials voluntarily, while elsewhere a severe iron fist control over public order was imposed from the very beginning. The central authority made its presence felt during October, especially in those areas in which it thought that thus far it had acted "softly." Despite these differences, which can be noted in the various regions, it was a common practice to jail the national and regional officials from the deposed government and the main leaders and activists of the political and social groups supporting them. We are now ready to provide a brief account of these procedures of arrest and detention.

c. Arrest and imprisonment
1. Methods of arrest

Arrests took place in a variety of ways. In some cases particular people were ordered to report to the military authorities, either in general or to a specific place. When they complied with this request they were arrested. Some arrests occurred when a particular person was sought in his or her house or workplace. In towns and small cities people were often arrested on a main street. Roundups became routine in the countryside, and raids were common in the large factories in major cities and in the chief mining areas. In Santiago the more important shantytowns suffered large scale raids.

Police patrols routinely made arrests, sometimes aided by members of the investigative police and by civilians. Large scale searches or raids were carried out by other branches of the armed forces and security forces. In such cases larger numbers of troops went into action and they had more equipment, such as a number of vehicles, sometimes even full convoys, and the operation might last several days. Search operations were a sign that there had been greater preparation and that arrest lists had been drawn up and were used in methodical fashion. There was generally no correspondence between the branch of the service whose members were doing the arresting, the one that had requested the arrest, and the one that ultimately held the

person.

These arrests were made throughout the whole country. In the smallest towns the police arrested mayors and aldermen, local political party leaders and everyone they regarded as an "agitator." In major cities thousands of people were arrested. When arrests took place in people's homes, they were generally part of violent search operations during which police were typically looking for weapons. These searches and arrests did not encounter any opposition.

2. Imprisonment sites

People were held in regimental army bases, police stations, jails, and the garrisons of the investigative police. The garrisons and the police stations in the larger cities were generally used as temporary holding sites. From there people were sent to the regimental army base for a longer detention period since that was the place where interrogation was carried out, either formally (with military prosecutors and their staff) or informally. When the preliminary questioning in either of these manners was concluded, those arrested might be set free, or held in prison; if the decision was that they should be tried before war tribunals, they were sent to be held mainly in the jails. A few sites, such as those in Pisagua (First Region), Prison Camp No. 2 in Tejas Verdes (Fifth Region), Quiriquina Island (Eighth Region), Dawson Island (Twelfth Region) and so forth, were especially prepared for prisoners. Being transferred there did not automatically mean the end of the interrogation period. It could begin again as the war tribunal drew near, as a result of new criminal accusations, or to provide the basis for a case against people newly arrested. In that case, the prisoner was interrogated coming and going between the army base and the prison-almost never inside the latter-or in the camp itself, when it was too remote to allow for easy movement.

The above descriptions were valid for the countryside and for small towns and cities. In the more important cities there were significant variations. Thus in Valparaiso the navy used boats as detention sites, some of their own and others requisitioned for that purpose. Since classes were suspended due to the emergency, the educational institutions of the armed forces and security forces, such as the Naval War Academy in Valparaiso and the Military Academy and Air War Academy in Santiago, served for imprisonment and interrogation for varying periods of time.

Of the initial detention sites, the most notorious, even internationally, were two sports facilities, the National Stadium and the Chile Stadium. Further details concerning these will be found in the region by region analysis.

Except for the police stations and one prison camp, detention sites were not equipped to handle prisoners. Because so many people had been arrested, detention sites had to be improvised. They were therefore very crowded, people had to sleep on the bare floor, and the toilets, food, and other basic services were inadequate. In these places the prisoners were absolutely cut off from the outside, they had no regular routine, and they lived in utter uncertainty about what was going to happen to them. They had no idea about when they would be transferred somewhere else, put on trial, or released.

Their families were waiting outside these places. They knew or had been told that their relatives had been arrested, that they were here-or over there-at some prison site. They even regularly took clothing or food to that site. Then on some fateful day...their loved ones were no longer there. Sometimes families were told that they had never been there. Or that they had been transferred somewhere else-where it was then denied. Or that they had been released. Other times the answer was ridicule, a threat, a sinister hint. In some cases their loved ones would never come back.

Later new prison camps were set up (Ritoque, Puchuncaví) and some prisoners were transferred there. As time went on, living conditions there became more acceptable. Although they had to work, sometimes very hard, these camps allowed prisoners to have a more regular routine. The insecurity about what was going to happen to them was less acute, and they were allowed regular visits and could have contact with their families and the outside world. In one camp or another, such as Chacabuco, they managed to attain tolerable living conditions; military officials were actively helpful in this regard. Athletic and cultural activities were generally allowed. The prisoners for their part organized to improve their living conditions, for example, they organized medical services run by those among them who were medically trained.

Once the war tribunal had sentenced inmates to prison terms, they served their time in jails or prisons. We should not forget that arrest did not always lead to the kind of detention centers

such as we have been describing. Sometimes, especially in rural areas, it was merely the prelude to a quick execution.

d. Abuse and torture

During these months mistreatment and torture were an almost universal feature of detentions, although they varied in nature and intensity. Beating and humiliation were common when people were being arrested, while they were being driven somewhere, at police stations, and upon arrival at the place of detention.

Torture was also usual during interrogation. Many personal testimonies connect interrogation and torture. When the arrested person was being "tough" and not confessing, questioning was coupled with mistreatment. This also occurred in war tribunals. An important former prosecutor involved in the war tribunals in the northern part of the country acknowledged to the Commission that torture was commonly used as a way of putting together the "evidence" later presented to the tribunals.

Torture methods were extremely varied. An almost universal technique was violent and continual beating until blood flowed and bones were broken. Another form was to make detention conditions so harsh that they themselves constituted torture, for example, keeping prisoners lying face down on the ground or keeping them standing rigid for many hours; keeping them many hours or days naked under constant light, or the opposite, unable to see because of blindfolds or hoods, or tied up; keeping them in cubicles so narrow-sometimes made just for this purpose-that they were unable to move; holding them in solitary confinement along with one or more of these conditions; denying them food or water, or clothing, or sanitary facilities. It was also common to hang prisoners up by their arms with their feet off the ground for very long periods of time. They might be held under water, foul smelling substances, or excrement to the brink of suffocation. There are many accusations of sexual degradation and rape. A common practice was a simulated firing squad. In some places, torturers used highly developed tortures, such as the pau de arard [a torture practice in which a person is hung, head hanging down, by a pole or stick placed beneath the legs and arms], dogs, and mistreating prisoners in front of their relatives or vice versa.

It would be impossible to present a comprehensive list of all the torture sites-there were so many-in our country during the period we are considering. During these months torture was not

practiced in every single detention site, but certainly in most of them. Generally torture was less common in the prisons. In the following paragraphs the detention sites that have been most sharply engraved in the memories of those who suffered there will be singled out. In addition we may mention the old Cerro Moreno airport in Antofagasta; navy ships or boats under navy control in Valparaíso; the National Stadium, the Chile Stadium and the Air War Academy in Santiago; Mariquina Island and Fort Borgoño in Concepción; the Maquehua Air Base in Temuco, and various regimental headquarters, police stations, checkpoints, and air and naval air facilities around the country.

All the inmates at the prisoner camp at Pisagua were interrogated, and all the interrogations were preceded or accompanied by beating and the application of electric current. Every day some prisoners were chosen for degrading treatment, many hours of very heavy labor, or physical exercise to the point of exhaustion, such as running on uneven floors blindfolded, or having to run up a set of stairs while their guards were pushing them back down. After twenty or thirty inmates had been interrogated for an entire day, it was a common practice to leave them stretched out in the open for forty-eight hours bearing the day's heat and night's cold. One of them, Nelson M rquez, whose case is recounted in more detail further on, ended up going crazy and tried to run away; a few minutes later he was recaptured below the pier and immediately shot to death.

At the police station in Rahue, Osorno, inmates were raped, beaten with gun butts, had electric current applied, were intimidated with simulated hangings, hung from beams by their arms, and so forth. Disappearances were common here; the bridge over the Pilmaiquén River was used for firing squads; the river disposed of the bodies.

Prisoner Camp No. 2 at the Academy of Military Engineers of the Tejas Verdes Military School and the school itself were very important sites during this period as well as later. Both were later closely connected to the DINA. This complex was active from September 11, 1973 onward, and there is a good deal of testimony about its modus operandi from that date until mid-1974. Although it was located in the area of San Antonio which was important because of its port and was potentially conflictive, given its long union and leftist tradition, it seems that the camp and school complex were also used to imprison and interrogate people from other places, in what was something of an embryonic DINA. Later on the DINA assumed control of it. The

detainees came from various prison sites in Santiago.

Prisoners, sometimes as many as a hundred, were normally kept in the camp and were taken to the school only for purposes of interrogation, after a phone call to that effect came from the school. People were transported in refrigerated trucks provided by port fishing companies or requisitioned from them. From the time they left until they returned to the camp, the prisoners were kept blindfolded or hooded. In the school they were taken to be interrogated either in the basement below the officer's club or on the second floor. Once there the prisoner was stripped naked, tied to a chair or to a metal bed frame, and was beaten, often to the point where bones were broken; electric current was applied on the mouth, genitals, and elsewhere. There were other kinds of torture such as hanging the person by the arms with the feet off the floor for hours until the person passed out. Torture for women prisoners was sexual, and took many and bizarre forms. After the torture session was over, the prisoner was taken from the school back to the camp.

The conditions of crowding, toilets, and food at the camps truly constituted mistreatment. One kind of solitary confinement was to put people in containers with a little food and no toilet facilities. Another form was what were called the "niches" underneath the guard towers. Made with the metal structures of the gates and used on those prisoners who were considered to be most dangerous, the niches held them immobile for days without any toilet facilities and also without food.

One feature of this complex was that doctors, also hooded, were on hand. They supervised torture (to prevent people from being killed) and gave emergency treatment to those who were most seriously harmed by it.

Normally, the prisoner who seemed unlikely to reveal new information was sent back or returned to the public jail in San Antonio, usually in pitiable shape.

A report by a humanitarian organization in late 1973 and early 1974 notes the high proportion of prisoners who needed medical care in this jail-five or six times more than that of the other jails visited. The report also indicates this facility's shortcomings in both housing and sanitary facilities. It provides a record of tortures practiced, including "miscellaneous violations." The report also objects to how the visiting delegation was deceived at the camp, where they were told there were no

longer any prisoners to interview when in fact the existing prisoners had been packed into refrigerator trucks and kept there until night when the visitors left.

As will be indicated in connection with particular cases at the Tejas Verdes complex, many people died there or were taken from there to meet their death; some had been sentenced by war tribunals while others were executed without due process of law, and still others were tortured to death. These later deaths as well as those constituted by execution without any court verdict were either covered up by false war tribunals, or with death certificates that were-to say the least-intellectually dishonest about the cause of death. Or there was no explanation provided to the family about what had happened and the body was simply shipped by refrigerated truck in a sealed coffin. Such was the case, for example of Oscar Gómez Farías, who after being tortured to the point of madness (his body showing the visible and terrible signs of how he had been mistreated) while naked, attacked an armed guard-who killed him on the spot (December 27, 1973).

The individual cases of torture centers we have described may not be entirely typical of Chile during this period. It may also be that the complaints we have gathered, which are the primary source for the preceding descriptions, may not always be entirely correct. Those on the other side who also ought to know the facts have not offered their help to counteract and modify that information. The very volume of the virtually unanimous body of information gathered seems to establish that torture was an unquestionable fact. This fact cannot be kept secret or forgotten if we are to make amends and learn the appropriate lessons.

e. Deaths and disappearances
1. The victims

Most of the killings and the arrests that ended in disappearance during this period were the result of actions aimed at outstanding officials of the overthrown government, particularly its top leaders and its mid-level leaders in sensitive areas in which there had previously been social unrest, such as CORA [Agrarian Reform Corporation], INDAP [National Institute for Agricultural Development], the ministries of health and of housing, regional and provincial governors, aldermen and mayors, media people, and so forth. It was also aimed at leaders in political parties, labor unions, neighborhood organizations (Neighborhood Councils, Mothers Centers,

Councils for Supplies and Prices), shantytowns, and among indigenous people and university and high school students. Naturally the trait that marked all such leaders and officials was that they had been members or sympathizers of the now overthrown Popular Unity government or of the far left groups related to it such as the MIR. However, that such political relationships existed was often deduced from the fact that the victims had been involved in "conflictive" behavior, such as strikes, stoppages, occupations of land or buildings, street demonstrations, and the like.

Some civilians were involved in pointing out who these "conflictive" people were, particularly farmers, retailers, truckers, and so forth, and a smaller number provided help for the arrests in the form of vehicles or interrogation sites or were even involved in executions. Significant cases of this type of activity are known to have taken place in the Fourth (Salamanca), Eighth (Santa Barbara, Quilaco, Quilleco and Mulchén), Tenth (Liquiñe, Entre Lagos), and the Metropolitan (Paine) regions. In other regions or locations, civilians were only occasionally involved in arrests or executions.

It is difficult to give a general description of the victims of these human rights violations. We may say, however, that the magnitude, characteristics, and periodization of deaths and disappearances varied from region to region. This Commission believes that in one of them, namely the Metropolitan Region, there were about five hundred victims. Next comes the Eighth Region with a little more than two hundred victims and the Ninth and Tenth Regions with between one hundred and one hundred and fifty victims each. As a rule, in the rest of the regions fewer than fifty people were killed and in some they numbered ten or fewer.

In some regions the killings were concentrated in the first few days after September 11, 1973. Elsewhere, as will be seen, there were practically no deaths until the "orders to get tough" were issued in mid-October. They are discussed toward the end of this section. In November deaths and disappearances began to decline throughout the country. Although it is difficult to present a national overview of these deaths and disappearances, at this point we will try to classify them in terms of the reasons that may have led government agencies to carry them out.

First, we must consider selective executions of a political nature.

An appreciable number of the killings during this period were of this nature, and they affected national and local leaders of the former government and the most active leaders and activists of the parties supporting it. These killings are part of the climate prevailing immediately after September 11, 1973, namely the attempt to carry out a "cleanup" operation aimed at those who were regarded as dangerous by reason of their ideas and activities and to instill fear into their colleagues who at some point might be a "threat." Such a notion may have come from military people subscribing to the counterinsurgency theories analyzed in Part Two, Chapter One (that is, the ideas behind what was then called the "DINA Group," which was not yet operating on a national level). The idea of a "cleanup" could also derive from the destructive extremes of political and social passions which by that time characterized the country, as was also noted in that chapter. Whatever the reasons may have been, it was probably to a great extent spontaneous during the first few days. Of course none of this justifies such a "cleanup" and even less does it justify leaving its deadly effects and other human rights violations unpunished. Indeed, it is likely that the lack of sanction encouraged excesses and made them a permanent feature.

In other instances people who merely sympathized with the former government were killed. Often they were not politically active, and generally they were humble people, or those who were seen as "conflictive," as noted above.

One thing that encouraged the climate of political revenge and the deaths included in those two categories was the widespread distribution of the so-called "Plan Z." The general public saw only the copy published in the Libro Blanco del Gobierno de Chile ["White Book of the Chilean Government"] in 1973. The document presented there is not specific or detailed, but rather quite general. At least from our present vantage point, what it says does not seem realistic or feasible, it refers only to Santiago, and there is little indication of who its author or authors might be or to what extent it had gone into operation. Nevertheless, through rumor and deliberately biased news reporting, Plan Z was transformed into a very detailed list of people opposed to the Popular Unity who had to be eliminated; there were regional and local variations, and new lists of these persons were added, even for the tiniest town. Thus people's own internal justification for killing their adversary or allowing or condoning such killing was nourished by attributing to that adversary the very same intentions.

The Commission also encountered cases of selective executions of those assumed to be criminals. "Eliminating" presumed criminals is another kind of "cleanup" that should be included in an examination of this phenomenon. The parallel with those executed for political reasons is obvious: one group—as those who kill them believe—harm society through their political and social ideas and activities, while another group does so through ordinary common crime. Both are equally criminal and society gets rid of all of them by killing them.

A clear example is that of some of the people who were secretly buried in the collective grave in Pisagua, which was discovered in 1990; their execution was likewise secret (since their killing had never been acknowledged). They had no political connections, but it was claimed that they had connections with drug trafficking; those ties were either unproven or proven to be false. The example of Pisagua, however, occurred repeatedly up and down the country, in large cities and in backwater rural villages: the bodies of habitual criminals, longstanding alcoholics, aggressive men who beat their wives and got in fights with their neighbors, youth addicted to drugs or beginning careers in petty theft and the like, showed up in the street or on the roadside, or mysteriously in the morgue with two or three bullet wounds—or they simply "disappeared." Latent in all such cases is the perverse idea that society has to use drastic means to free itself from an undesirable and harmful element.

The Commission has also encountered cases of killing during this period carried out by government agents who used unnecessary or excessive force. In such cases death is not intentional, but is rather the result of a display of force or of carelessness or of a culpable excess in using force. Such behavior is typical of those who have such force at their disposal when along with it there is a sense that under the circumstances they can probably act with impunity. A common case is that of people killed for being out after curfew, when there is no reason to assume that they are particularly dangerous and when there are other ways of subduing them and punishing them for breaking the law.

Finally, the Commission has uncovered some cases of selective executions out of personal revenge. Killings to settle personal accounts, whose origins may have been political—or may have been something quite different—that took place during this period also constituted human rights violations. In late 1973

some people who had power settled accounts with others who did not. Those who did so were not only, nor indeed primarily, the military, but also and perhaps mostly civilians who at that moment through their authority, friendship, false accusations, or political intrigue were in a position to utilize the power of weapons for their own purposes.

1. Procedures used

The killings we have described above took place in many ways. Some were cloaked in an apparent but nonexistent or questionable legality, as is the case with the war tribunals. There is an attempt to explain others as applications of the so-called "law of escape" [principle justifying the killing of prisoners trying to escape] or by insisting that these were extremists who had tried to attack some unit or installation of the military or the police. In other instances, a death certificate was issued with no explanation whatsoever. Other victims remain disappeared. The main forms of such killing are as follows:

1. War tribunals

Most deaths and disappearances of this nature took place during this period, and they vary a great deal. The Commission came to the conclusion that in many of the deaths said to have followed from a decision by a war tribunal it should be assumed that no such trial took place and that this was simply a way of explaining an illegal execution. However, other tribunals did take place and followed existing law to some extent, although in no instance in which someone was found guilty and executed were the rules for a proper trial fully observed.

We have already (Part Two, Chapter Three) extensively analyzed the war tribunals and the irregularities in both substance and form that make the Commission regard all the deaths to which they led as human rights violations. It would be redundant to repeat that analysis here. In the sections devoted to each region that conviction will be reinforced with further details. We need only add here two further background observations. First, the Commission has noted the seriousness of the effects of the poor legal advice available in the war tribunals not only to the victims but also to their judges. The Commission has also become aware of the unsatisfactory level of the judges' knowledge of basic principles of law, even making allowance for the fact that most of them were not lawyers. These judges may have believed-and even in good faith originally-that

particular persons "deserved" to die, and that their superiors had made that decision, and that consequently in endorsing a decision already taken at what might be called a military-administrative level, they were simply fulfilling their duty. In such cases the war tribunal was simply a way of legalizing or formalizing a decision already made.

The second point about war tribunals that must be noted has to do with interrogations. As we have already pointed out, the Commission has found that at this stage all the war tribunals (or at least the overwhelming majority of them) were preceded by different kinds of physical and psychological intimidation, if not by outright torture. Hence the Commission is morally unable to accept that those who were interrogated, put on trial, and found guilty in any of the war tribunals held in 1973 really had "due process." In addition, the right to a defense was generally denied or severely restricted.

2. Executions without any trial

Execution: methods and places

As a rule, those killed were already in custody, and the killing took place in isolated areas and at night. Some of the shootings which were not preceded by a trial took place very openly and happened at the moment of detention. The Commission has encountered other instances, especially in the southern regions, in which people already taken into custody were executed in the presence of their families.

Methods of execution varied a great deal. Sometimes people being held were killed with one or two shots to the head. Sometimes they were gunned down. Sometimes they were made to run with (or without) the illusion that they had a chance to save their lives, and were immediately shot from behind. Knives were sometimes used, as, for example, in connection with the delegation that flew from Santiago to be described below. There were also instances in which people-or their corpses-were mutilated.

The Commission feels that it must make it clear that in many instances the killing was carried out with such forms of torture and with a viciousness whose only objective seems to have been to intensify the suffering of the victims to an unspeakable degree. For example the mother of Eugenio Ruiz-Tagle, killed in Calama on October 19, 1973, who saw her son's body for a

moment describes its condition: "An eye was missing, the nose had been ripped off, the one ear visible was pulled away at the bottom, there were very deep burn marks as though done by a soldering iron on his neck and face, his mouth was all swollen up, there were cigarette burns, and judging from the angle of the head, his neck was broken, there were lots of cuts and bleeding." Other cases are those of Victor Jara, the singer, and Littré Quiroga, the head of the former government's prison system, both of whom were tortured extensively in the Chile Stadium. Jara's body, with his hands and face extremely disfigured, had forty-four bullet holes. An eyewitness saw Quiroga, who was beaten continually, "literally agonizing," "having trouble breathing" and "almost unable to speak." He seems to have been tortured largely because of the public position he had occupied, and the main purpose was to make him suffer. His body also had many bullet wounds. The bodies of both Jara and Quiroga, who had been killed on September 12 or 13, were left in the Zanjón de la Aguada. All these cases are described below when we explain the grounds for our conviction, but we wanted to single them out here as examples of how vicious such executions were.

Official explanations for these deaths

Some of these deaths were given wide attention and there was an effort to justify them as applications of the so-called "law of flight," that is, the killing of prisoners who according to officials tried to flee or escape and failed to obey prior warnings not to do so expressed, for example, with a shout or warning shots fired in the air. One common variation of such official claims, sometimes explicitly labeled the "law of flight" and sometimes not, was that the victims had attacked their captors or interrogators, or tried to seize their weapons.

The Commission regards all these cases as clear efforts to justify fatal human rights violations with no regard for the truth. To begin with, on the basis of common sense, all elementary notions of law, and the experts it has consulted, the Commission has concluded that these were not instances of the "law of flight." The mere fact that a prisoner tries to escape does not make it just or legal—even after issuing all kinds of warnings—to kill him or her. The other circumstances surrounding each case must be weighed: how dangerous the prisoner is; the possibility of using other methods, less drastic than killing, to prevent him or her from getting away; how easy it will be to recapture a person after escape, and so forth. This last

point was especially relevant in Chile during this period when the country was under the iron fist control of the armed forces and police, and the state of siege, curfew and so forth were in effect. It is even more relevant in places like the Pisagua prison camp, where the physical surroundings made it true madness to try to run away. Finally, if after taking into consideration all the foregoing, it ultimately became necessary to shoot at someone trying to escape, it was imperative that initially efforts be made to avoid killing the person.

Actually, however, the Commission found that in their official versions of these events, authorities did not prove or even state any of these necessary conditions. Indeed, even though the Commission made numerous requests and inquiries concerning these matters, it found no instance of the "law of flight" in which there was the least trace of a judicial investigation (which was absolutely obligatory since people had been killed) nor of an internal investigation of these events within the armed forces or police. Nor was there ever a single survivor of cases in which the "law of flight" was supposedly applied.

Moreover, and apart from what has just been said, in none of the cases it studied did the Commission find the supposed "escape attempt" even minimally plausible. The people who are presented as trying to escape are unarmed and held in custody by a large heavily armed contingent; they are tied up, shackled, or chained up; they are wounded or physically in poor shape as a result of long imprisonment and torture; they had turned themselves in voluntarily, and so forth.

Another equally implausible explanation commonly presented by authorities in the press was that these people were killed when they resisted arrest or tried to attack a military or police unit. We are not saying that no armed clashes ever took place but rather that they were sometimes invented to cover up these executions, as the Commission has verified in each case.

We may speculate that these explanations were not spontaneous. It is suggested that explanations of the first type, that people were killed trying to escape, occurred mostly around some dates in October 1973; and the notion that they were engaging in armed opposition or resisting arrest occurs mostly between September 18 and the end of that same month. Officials have not given any explanation for most of the

executions during this period, nor was any given to the press during that time, nor to this Commission while it was doing its work, despite the requests made in this regard.

Some of the deaths during this period are officially recorded in the Civil Registry. In the remaining cases, the bodies were hidden and to this date the status of the victims is that of having disappeared after arrest.

3. Torture to the point of death

We have already given an account of the ill treatment that usually accompanied arrest, and the systematic way torture was practiced in the various detention sites.

Torturing people to death can be regarded simply as one form of execution. We are treating it separately, however, insofar as torture-when it is not simply a way of making the punishment or death more painful (the less frequent situation to which we have already referred)-seeks to extract some information from the one being tortured. During this period, the information sought was anything regarded as necessary or useful for the "cleanup" operation. There is however, one item repeated incessantly and monotonously in the particular instances of torture: anything that might lead to locating arms caches prepared by the deposed government or its supporters.

In this regard it should be noted that while such caches certainly existed, and many of them were found in 1973 and even 1974, they were far less significant than they were in the minds of the armed forces and police who had been affected by all the talk about them by both sides before September 11. When the military did not come across the quantity of weapons they had anticipated, they redoubled their search efforts. That was one of the most common-and senseless-reasons for torture in late 1973. It is logical to assume that many of those who died as a result of torture are likewise to be numbered among the "disappeared."

f. Disposal of the bodies

The subsequent discovery of the remains of people executed in the period under study in the most diverse and distant places in our country-Lonquén, Pisagua, Calama, Chihuío, Paine, and so forth-reflects one of the most painful aspects of these killings, the tendency not to return bodies to the victims' families but rather to hide them, whether by leaving them in clandestine

graves or in mineshafts, by dumping them in rivers or the ocean, or by dynamiting them. Execution and elimination of the body might even be combined in a single action; thus in Santiago and in the south it was common to shoot people on bridges so that the body would fall into the river and float down the current. Cruelty sometimes reached great extremes in this regard. People reverently drew floating bodies out of a river only to have government officials throw them back in. Families of some of those buried at Pisagua were officially informed (with official signature) that their loved ones were alive and free on bail and that it was very important that they show up each week to sign in at their local police station because otherwise they would risk being put in prison. They were also told that only the families could deduce why their relatives did not return home and that it was beyond the responsibility of government officials.

Hiding and refusing to hand over the bodies of those executed was to occur again in the following period (1974-1977), as we will see, and was to be systematic in nature. In the period we are examining now, it was a haphazard and irrational procedure. Sometimes the purpose was clearly to enable those carrying out the crime to avoid any kind of responsibility. Sometimes it was to hide the abuse the bodies received either before or after death. But sometimes there was no imaginable reason, as for example, when the remains of those shot by firing squad in Pisagua were not turned over; they may or may not have been sentenced by war tribunals, but the authorities themselves had very openly spoken of the firing squads.

g. Treatment of families

What has just been said about the disposal of bodies is just an example of the kind of abuse that the prisoners' families had to endure. Even if the victims had committed some crime their families had no part in it. We may list the following as endlessly repeated abusive practices:

- * Telling the family no arrest had taken place;
- * Refusing to tell where the arrest had taken place or where the prisoner had been taken;
- * Refusing permission to visit, or allowing it only for a few moments and in the presence of guards, even after very long periods of no outside contact and harsh interrogation;

* Concealing the fact that the prisoner had died;

* Turning the body over in a sealed coffin with orders to keep it closed; prohibiting a wake or a public funeral; ordering that the body be buried immediately with no one present; ordering that it be buried somewhere else;

* Forcing family members to wait long periods of time to receive some word about those imprisoned and usually treating them crudely or insulting them, sometimes using physical violence, and almost always treating them arrogantly;

* Destruction or theft of objects and furniture during search operations;

* Extortions made of the families, under false and excruciating promises of release; in one place the family had to show its good will by depositing money in an account in the Banco del Estado;

* An absolute order to leave the city or town very quickly, and so forth.

It would not be accurate to say that prisoners' families were treated this way everywhere, but such was the case in many places and for too long a period of time. Given what they had to endure, it is remarkable how patient, persistent, and dignified the families were in striving, first, to stay in contact with the prisoners; second, to aid and console them; third, to provide for their legal defense, and fourth, when they were dead or disappeared to look for their remains in order to honor them.

h. Tougher approach in October

As the Commission was able to deduce, a few weeks after September 11, the top officers of the central command determined that the military officers in some of the provinces seemed to have a view of the military intervention different from their own. The top officers realized that, with some exceptions, the military officers in the provinces had not experienced the same kind of resistance that the military movement had encountered in Santiago. Indeed, they had often cultivated friendly relations, or at least coexisted, with the provincial authorities or officials of the former government. As a result, in some provinces the treatment had been and still was "soft" or even lenient; since the result might be a resurgence of

opposition resistance, this state of affairs urgently required correction.

As the top officers saw things, some developments in the provinces justified such apprehensions and made it necessary to take measures to quickly prevent a situation that had to be avoided at all costs. These and other ideas seem to have been what gave birth to the idea of imparting instructions to the provincial authorities in order to align and make more rapid and severe the punishment for crimes of a political nature. This was done by bringing many of those who had been jailed for that reason before war tribunals.

The Commission has gathered a body of evidence leading it to the conviction that this was the purpose of the mission entrusted to a high army official who travelled throughout the country by air in September and October, 1973, with the open and seemingly official purpose of hastening the trials of political prisoners and making them more harsh, by instructing local authorities to that effect. Whether such an official mission was legal is very questionable, as has become clear. That mission even included telling the governor of Coquimbo to call a new war tribunal in order to give a death sentence to someone who had been given a lesser punishment by a previous tribunal and who was already sentenced. They did not propose executions without trial, however; indeed, the message of the travelling delegation explicitly and repeatedly referred to assuring that those being tried had a right to be defended.

Thus, with all the foregoing qualifications it may be said that this high level delegation went up and down the country, and specifically to all those places where those in charge believed local officials had given signs of being "soft," bearing an open and official message to carry out war tribunals quickly and harshly, but to do so with relative respect for legal frameworks. We speak of "relative respect" because of some variations in the trip, such as what was said about the war tribunal in La Serena. We refer to it because in any case the open message of that delegation by its very nature meant that it was to some extent interfering in the activity and independence of the war tribunals, above and beyond the jurisdiction delegated to the military commanders in the provinces and departments visited and even though the mission did not formally have the role of a tribunal.

The point to be emphasized now is that this high level official delegate went to the various points in the country that he had to

visit accompanied by other persons who were also army officers and who at first glance were obviously members of an official group accompanying and supporting the main delegate and under his authority. Nevertheless, the Commission has been able to ascertain that such was not necessarily the case, since almost all the other members of the delegation came from various levels and units of the army where they were not normally under the direct and exclusive command of that high ranking official delegate. An important additional item of information is that all these persons except for the top officer later belonged to the DINA; several of them held major responsibilities in the DINA and were involved in illegal executions. The delegation visited a number of cities, the main ones being Valdivia, Temuco, Linares, Cauquenes, Talca, La Serena, Copiapó, Antofagasta and Calama.

Alongside the policy of "getting tougher" which was an open and somewhat normal result that the high ranking official sought to obtain on his trip, there was another quite different "getting tough" that took place on this same mission and partly in the wake of its trips. Some of the delegation's brief visits in fact took place at the same time as executions without trial. As has been observed, these executions were sometimes made worse with savagery and covered up with false stories, and often bodies were not handed over to families but were concealed and even destroyed, presumably to hide the viciousness of the crime.

These executions, which took place in October 1973 are treated in greater detail in the parts of this chapter dealing with the various regions. However the overall toll is seventy-two people killed: four executions in Cauquenes (October 4), fifteen in La Serena (October 16), thirteen in Copiapó (October 17), fourteen in Antofagasta (October 19), and twenty-six in Calama (October 19).

We should now consider the relationship between the high level delegation from Santiago and these executions. The delegation was physically present in all these cities and at these times. The reason given for all these executions was that they were killed "while trying to escape" with the exception of Antofagasta, where in some instances war tribunals were seemingly invented to hide the truth and to make the relevant documentation formally correct. Finally, all the executions were selective: the victims were members of the Socialist and Communist parties and of the MIR, with the accent on the first. Forty of the seventy-two persons executed were Socialists.

From these coincidences, one may conclude that it is very likely that members of the delegation were involved in those five groups of executions. However, the Commission has not been able to come to the conviction that they were involved in Cauquenes. In this instance there is no concrete proof of their involvement, the relatively low number of victims is out of line with the much higher number of executions elsewhere, and the delegation spent only a few hours at Cauquenes.

On the other hand, the Commission has come closer to being fully convinced that they were involved in the killings explained as a response to an escape attempt in Copiapó (although it has not quite reached complete certainty). The events in Copiapó are as similar to those in La Serena, Antofagasta, or Calama as two drops of water. It is unlikely that whoever among the local officials in Copiapó was physically responsible for the crimes acted without orders from above. It is unlikely that the local commander would give such an order if there were present a superior who possessed delegated maximum powers or officers in the delegation who could act in representation of that superior or who themselves had the same level of power as his. However, the available evidence makes it unlikely that members of the delegation in fact were involved on the night of October 16 in Copiapó although the possibility that those locally involved may have been prompted by them cannot be entirely discounted.

The case of La Serena, Antofagasta and Calama is quite different. In these instances it is absolutely certain and unquestionable—and there is decisive evidence—that at least three members of the delegation were directly involved in the crimes. Since they took place one after another as the commission arrived at each of the three cities on the same trip, the conclusion is inescapable that the delegation was not only involved in the executions but organized them and prompted the local commanding officers to participate in them. Indeed these three cities have a common feature (which has been proven, but not entirely, for Cauquenes and Copiapó as well), namely, that the delegation officers and officers from each city were jointly involved, using troops and resources, such as vehicles, and apparently without the local commanding officer being aware, that is, while he was off duty, as is indicated by the evidence that the Commission has gathered. We deal with the question of who was formally the head of the delegation when we take up the case of Copiapó.

In any case, it is beyond question that the official and extraordinary character of this delegation's journey to the north and its degree of authority-from the commander-in-chief-coupled with what it left in its wake in the form of executions without trial and the blatant impunity with which it operated can only have given officers of the armed forces and the police one signal: that there was only one command structure, and it was going to be used with severity.

2. Cases

We have organized the grave human rights violations committed by government agents or people working for them during this period according to the various regions in which they occurred. The fact that each region presents different features makes it convenient to group the material by regions. Each section begins with a brief account intended to provide an overview of what happened there. In order to be faithful to the order of the events themselves, we begin this section with the Metropolitan Region.

a. Metropolitan Region

▪ Overview

The Metropolitan Region is made up of what are currently the provinces of Santiago, Chacabuco, Cordillera, Maipo, Melipilla and Talagante. The political capital of the country, the seat of executive, legislative, and judicial power in 1973, is located in this region. Many of the events that took place starting on September 11, 1973 are related to that fact. It was there that events such as those around La Moneda Palace on the day of the military intervention and the arrests of the top leaders of the former government took place.

This section deals with 493 cases of human rights violations that led to death or disappearance and were committed by government agents or persons working for them in the Metropolitan Region starting on September 11. The account includes some cases from 1974 in view of their similar features.

On September 11, 1973, President Allende and his closest aides and the officials who worked in the government palace arrived earlier than usual. Very early in the morning they had received information of troop movements in Valparaiso. At dawn La Moneda Palace was surrounded by police forces, and witnesses say that the atmosphere inside was calm but expectant.

At approximately 10:00 a.m. tanks of Armored Regiment No. 2 surrounded La Moneda Palace, and air force and army helicopters were flying over Santiago. After meeting with the president, who allowed them to make their own decision, the palace guard, the military aides, and bodyguards left La Moneda. Officials of the investigative police and members of the president's personal security guard decided to remain, as did the president's closest aides. Radio stations broadcast the first decrees of the military junta. One of them announced that La Moneda Palace had to be evacuated before 11:00 a.m. or it would be attacked by the Chilean Air Force.

Over Radio Magallanes President Allende addressed the nation: "This will be my last opportunity to speak to you... Given these developments I can only say to the workers: I am not going to resign. Set upon a historic path, I will pay for my loyalty to the people with my life... These are my final words, and I am certain that my sacrifice will not be in vain..." A few hours later, the president of the republic kept that promise by taking his life inside La Moneda Palace.

In view of the announcement that the Palace would be bombed at 11:00 a.m., the president ordered the women and administrative staff to leave. Approximately fifty people remained inside the building. The bombing of the government palace began at 11:52, setting it on fire. Thus began the events to be dealt with in this section on the Metropolitan Region, which is the political center of the country.

On the whole we can say that the new military authorities did not encounter significant armed resistance in the region. There were only a few isolated events, primarily those that took place around the government palace on September 11 itself and in a few other places such as the La Legua shantytown. The armed forces' own internal reports, some of which the Commission examined, prove that this was the case. Thus the new military government's own internal assessment stated that "our actions in Lo Hermida were successful, and were supported by the people. There was no resistance to the search operations and no weapons were found." (Status Report on the Country No. 7, September 15, 1973, Ministry of National Defense, Military Junta, C.O.F.F.AA. [Armed Forces

Operational Command])

One indication of the lack of resistance and armed clashes in the region is the fact that the army and police suffered about twenty-five casualties between September 11 and December 1973 and that approximately fifteen of them took place on the day of the coup itself.

By September 13, the armed forces and the police had complete control over the region, and activities in business, industry, finance, education, and government administration slowly returned to normal. By the end of the month, these activities were completely normal. The military authorities themselves admitted as much when only three days after the military intervention they said that "businesses are slowly starting to function again" and that "public services are also returning to normal" (Status Report on the Country No. 4, September 14, 1973, Ministry of Defense, C.O.F.F.AA).

Certainly what has been said does not mean that there were not a few isolated and tiny points of armed resistance. As was noted before, these basically consisted of snipers in buildings near La Moneda Palace on September 11, and some other incidents that in no way affected military control over the region.

The new authorities in the region were army officers, and it was their branch of the armed forces that took over political, military, and administrative control. Thus they had positions such as head of the zone under state of siege, the governorship, and other administrative positions.

In its examination of events, the Commission found that members of the army and police were involved in activities of repression and controlling public order. Members of the air force were less involved in the intervention, and their activity was primarily focused in the area near the El Bosque air base. The Commission likewise noted in this region that the investigative police and more generally the intelligence services of the various branches of the armed forces were little involved in the events it studied. However, it was at this point that the first activities of the air force and army intelligence services were observed.

Army troops from units outside this region were also

involved in these incidents, for example, members of the Yungay Regiment of San Felipe and Guardia Vieja unit from Los Andes, which moved to Santiago during this first period. Territorially, the city of Santiago was divided into several zones, each of which was under the control of a particular group of military troops, generally those located in each sector.

What can be observed of the police is that they generally acted in coordination with, jointly with, or subordinated to the army. In Paine and sporadically elsewhere in the region, civilians were significantly involved, either in turning in people, or directly in arresting them. That was the case in Paine where military personnel, police, and residents were involved in mass arrests of local peasants.

During the first few days repressive action was aimed primarily at leaders of the left political parties, high ranking officials of the former government, members of President Allende's personal security guard, and government ministers. This situation began to change rapidly as repression then extended to include leftist union or neighborhood leaders, members of social organizations connected to the previous government, or simply neighbors whom other civilians denounced to the new military authorities.

Our description of the victims would be incomplete unless we noted that a significant percentage of the cases during this period that the Commission considered were those of people who were not active in, or sympathetic with, any political organization and who lost their lives as the result of military operations that can be regarded as carried out with indiscriminate and abusive use of force against the civilian population. We should note in particular the case of foreigners who were targeted by the government. Many of them ultimately died or disappeared in custody. Nor can we omit the fact that some members of the armed forces were the victims of repression by the state, primarily due to their opposition to the new regime that arose on September 11, 1973.

Most of those killed in this region during this period were younger than 30 and many were under 20. In a few extreme cases 14 or 15 year old children were killed in acts that violated their essential rights. The deaths of many victims

were officially registered, even though in many instances their bodies were never turned over to their families.

The series of government agents' actions that violated human rights began to occur on September 11 itself with the detention and subsequent disappearance or death of some of the people who were in La Moneda Palace, or in university or industrial sites, such as the State Technical University or in factories in what were known as the "industrial belts," where troops carried out raids and arrested people.

During the next few days, raids were conducted in the various neighborhoods of the region, leading to massive arrests of people, some of whom were later killed or disappeared. Similar raids were carried out in various workplaces. Simply by way of example, we may mention arrests at the San Juan de Dios Hospital and in the Sumar, Aerolite, Elecmetal, and Mademsa factories, and in shantytowns such as La Bandera, La Legua, Roosevelt, Pablo Neruda and José María Caro, all of which are treated below.

Newspaper accounts, the many eyewitness reports the Commission heard, and the reports of the armed forces themselves all indicate just how massive these operations were. Thus, for example, the status reports of the armed forces operational command on September 15 refer to an "air and land operation in Polpaico [in which] around two hundred persons were captured (sic)" and note that "raids on Lan Chile [airlines] and Palacio de Bellas Artes [theater and center of state supported cultural activities] yielded no results. The results of the raid on high rise building number 18 of the San Borja complex have not come in yet."

After these operations the prisoners were transferred to the detention sites we are going to list. Some people were taken from there and executed, and their dead bodies were left on major streets throughout the city of Santiago and its environs. There were particularly large numbers of bodies left in places like the General San Martín Highway heading toward Los Andes, the road to Valparaíso near the Lo Prado Tunnel, and the intersection of Américo Vespucio and Avenida Grecia, the Metropolitan Cemetery and elsewhere.

Of such sites the Mapocho River should be singled out. Bodies were left along its banks in areas near the Pedro de Valdivia, Pio Nono and Presidente Bulnes bridges and the area of what is today the Cerro Navia neighborhood. Out of humanitarian concern, local residents buried some of these bodies.

At night staff members of the Medical Legal Institute and the General Cemetery of Santiago picked up the dead bodies of these people and took them to the institute for an autopsy. There the bodies remained for a varying length of time to allow the families to identify their loved ones. In some instances, military or police patrols took the bodies directly to the Medical Legal Institute.

Unfortunately, the staff was not able to identify through fingerprints all the bodies they received and so many bodies were buried without being identified. It is difficult to arrive at an exact estimate of how many people died as a result of bullet wounds and were taken to the Santiago morgue.

After remaining for a number of days at the Medical Legal Institute unclaimed bodies were taken to the General Cemetery of Santiago where they were buried anonymously in Lot 29 of the burial ground. The Commission gathered evidence that at least twice in subsequent years large numbers of the bodies buried in Lot 29 were removed. On one occasion they were taken to the common grave in the cemetery and on the other occasion to the crematorium, despite a 1978 judicial order forbidding such a removal.

There were however, instances in which the killers did not leave the bodies in public sites, but hid them, as happened for example, in Lonquén in October, and often in Paine during 1973.

Another procedure used was firing squad killings of those arrested together in a particular place, as happened, for example, on the Barriga upgrade near the Lo Prado Tunnel, at the Bulnes Bridge over the Mapocho River with one group of people arrested at Puente Alto, several times on the grounds of the base of the San Bernardo Infantry Regiment, in Peldehue with the people arrested at La Moneda, and in Lonquén and Paine.

Deaths due to an unreasonable use of force during curfew or in carrying out repression in the streets were also characteristic of this period. Many people who were quite uninvolved in any political, labor union, or neighborhood activity suffered the consequences.

This Commission encountered some cases of people who were abducted from medical facilities. Military or police personnel frequently visited such sites to check to see whether there were people with bullet wounds. Some of them later disappeared or died in the custody of their captors.

In only one instance in this region was there official notification of the application of a death sentence ordered by a war tribunal. Likewise, in very few cases is there an official notification to the effect that prisoners had tried to flee or attacked military personnel. Often there is no official version at all.

Torture of prisoners was common practice during this period, primarily during the interrogation sessions to which they were subjected in almost all detention sites in the Region. Beatings, abuse, and other inhuman and degrading treatment of prisoners were also common procedure.

Finally it should be pointed out that these practices occurred mainly around September and October 1973. In November they began to diminish markedly and then began to increase again with different characteristics around March 1974.

Immediately after the events of September 11, the armed forces did not have enough sites properly set up to serve as detention centers. Hence during the first few hours they used transitory sites like the Ministry of Defense, the Military Academy, and the Tacna Regiment base. The Ministry of Defense served particularly as a temporary place for holding some of the people arrested on September 11. Witnesses testified to the Commission that torture was used at Defense Ministry sites. The Military Academy was also used temporarily. Some of the people being held at the Ministry of Defense were sent there, and were later transferred to Dawson Island in the Twelfth Region. Some foreigners were also held here and later sent to the Tacna

Regiment base. That base served as a prison for all the troops of the investigative police who were in La Moneda when army troops entered on September 11, along with members of President Allende's security guard, who were held in the stables there. Later they were taken out to be executed, presumably in Peldehue on September 13.

The National Stadium was prepared on September 12 and 13, and it then became by far the largest detention site in this region with more than seven thousand detainees by September 22 according to the International Red Cross. Between two and three hundred of these were foreigners from a variety of nations. This site fell under the command of an army officer. People from all over Santiago, who had been arrested in many different circumstances, were transferred there.

Those held in the National Stadium slept in the dressing rooms and the tower room. These places had no beds, although the places set up for women had mattresses. Some international humanitarian organizations later donated blankets but they were still insufficient for the large number of people imprisoned there. The prisoners were held completely incommunicado, and were permitted no visits from relatives, lawyers, or anyone from outside. Family members were only allowed to bring them clothing and food.

People spent most of the day sitting in the stands of the stadium. A hooded individual went around pointing out left activists, who were then set apart from the other prisoners. Years later it was determined that this hooded person was a former Socialist party activist who worked with the security services of the military regime. In 1977 he quit and went to a human rights agency to testify. On October 24, 1977 his dead body with many knife wounds was found in an empty lot in the La Florida neighborhood.

There is information on the practice of torture and abuse of prisoners in the National Stadium. For example, the room for medical treatment was sometimes used for this purpose. Firing squads were simulated and other cruel techniques were employed. As a rule the prisoners were subjected to constant and intense interrogation.

In its report on a number of visits to the National Stadium

between September and October 1973, the International Red Cross notes that "several prisoners complained of mistreatment and torture, at the time of their arrest and during interrogation. The representatives and medical representatives of the IRCC (International Red Cross Committee) have found that many prisoners show signs of having undergone psychological and physical torture." The document goes on to cite some of these cases.

This Commission also concluded that a number of executions took place inside the National Stadium, and that in a number of instances persons imprisoned there were taken out and killed. Such was the case of Charles Horman and Frank Teruggi, both United States citizens.

On the morning of September 12, the Chile Stadium, located near the central train station in Santiago, also began to serve as a detention site. An army officer was likewise in charge. The first prisoners to arrive were approximately six hundred people arrested on the grounds of the State Technical University. They were later joined by prisoners from the so-called "industrial belts." Credible witnesses testified to the Commission that torture was constantly used on those held in the Chile Stadium. On September 14, 1973, prisoners were transferred en masse from the Chile Stadium to the National Stadium, which because of its size could accommodate more people.

As was the case in the National Stadium, the prisoners in the Chile Stadium were not permitted any contact with people outside the stadium and were subjected to a harsh and severe disciplinary control. Prisoners were divided in accordance with their importance in the estimation of military officials. Evidence available indicates that much of the interrogation was done by personnel of the army's intelligence service. People who were held in this stadium have all said that the lights were left on permanently and that meals were deliberately served at irregular hours, in order to make the prisoners lose their sense of time. Some prisoners in the Chile Stadium were later taken out, executed, and their corpses were left in public places. Such was the case, for example, of the former Director of Prisons, Littré Quiroga Carvajal.

Other detention sites were the Cultural Center in Barrancas (now Pudahuel) and the Barros Arana National Institute in

the Quinta Normal neighborhood, where a contingent of the Yungay Regiment from San Felipe was quartered. The army was in charge at the cultural center. Several prisoners taken out from there were later executed. The military unit stationed there was part of the School for Subofficers and they were joined by some troops from the Yungay Regiment from San Felipe. The people taken to Quinta Normal were basically from the west-central area of Santiago. That was the case, for example, of all the employees at San Juan de Dios Hospital, who were subsequently executed and left under the Bulnes Bridge over the Mapocho River.

Although the military authorities never acknowledged it, the San Bernardo Infantry Regiment base also served as a detention site. Inside was Chena Hill, where many prisoners from the area of San Bernardo and Paine were executed. Some of the bodies were sent to the Medical Legal Institute; their autopsy documents registered the fact that their corpses came from that base. Many kinds of torture were practiced there.

The air force used sites within the Air War Academy to hold prisoners, and sometimes temporarily used the El Bosque air base. All the people processed in war tribunal record 1-73 of the air force were imprisoned there. The prisoners were generally questioned by members of the air force intelligence service, and it has been established that torturing the prisoners was common practice.

One of the detention sites used in the Metropolitan Region in 1973 was the building at Calle Londres No. 38, which before September 11 belonged to the Socialist party. The DINA would later use it as a clandestine prison.

Evidence indicates that in October 1973 a group of people who had been arrested at the San Borja neighborhood in Santiago were taken to the site on Calle Londres for a few hours and were subsequently taken to the cultural center in Barrancas. Likewise, it has been established that in December some Communist party activists were taken to that address. Newspapers at the time connected them to what was supposedly a subversive plan code-named "Leopard." They were subsequently executed.

The area known as Cerrillos Park, where the International

Trade Fair of Santiago is held every year, was also used as a temporary detention site. Some prisoners are known to have disappeared from there. This fairgrounds had been conditioned to enable the army to camp there.

We should also mention that many police stations and other military installations throughout the region were used to hold people. There were so many of these that it would be difficult to list them.

Finally, it is known that in some cases prisoners were transferred to the prison camp in Tejas Verdes, which was part of the Military Engineering School there, or to the Artillery School in Linares, both of which are outside the Metropolitan Region.

- Cases: September 11, 1973 – September 13, 1973
We will now present in chronological order all the cases throughout this region from September 11, 1973 to the end of that year in which the Commission concluded that human rights were gravely violated and that the result was the death or disappearance of the victim. For the sake of clarity, a few particular areas are presented separately, since events there are better understood if viewed by themselves (Lonquén, Paine, Peldehue and San Bernardo).

On the morning of September 11, 1973, armed forces troops began to attack La Moneda Palace. The president of the republic, Salvador Allende, was inside the building together with a group of his closest aides and members of his security guard. At about 1:00 p.m. after the palace had been bombed, President Allende asked Osvaldo Puccio, Fernando Flores, Minister and General Secretary of Government, and Daniel Vergara, Undersecretary of the Interior, to go to the Ministry of Defense in order to meet with the generals who were gathered there.

When the president was told that the only kind of agreement possible was unconditional surrender, he asked the last group of people remaining with him to leave the palace. An eyewitness says, "At 2 p.m. Salvador Allende said that this was a massacre, that we should surrender and go down single file carrying a white flag, and with nothing in our pockets. The troops were already on the first floor." At 1:45 p.m. when this last group of people went out

the door leading to Calle Morandé, troops from the Tacna and Buin Regiments and a reserve unit came into the palace through several entrances.

According to several witnesses, the general in charge of the operation came into La Moneda, went up to the Salon Independencia and there found the lifeless body of President Salvador ALLENDE GOSSENS. At his side was Doctor Patricio Guijón, who says that at about 2:00 p.m., while he was at the end of the line of those leaving the building, he decided to return to get a gas mask. As he was passing by the Salon Independencia he looked inside and saw the president with an automatic rifle in his hands; at that very moment the bullets tore into his body.

With this information, the Commission has been obliged to conclude that President Salvador Allende took his own life. His case is unquestionably unique. The Commission has not regarded it as either possible or relevant to assess the death of President Allende in accordance with the criteria that it has been obliged to use in examining other cases. In so doing the Commission is not evading its responsibility. It is true that in a very deep sense the case of Salvador Allende is no different from so many other cases this Commission has examined. His life, like any life, is unique in its essential dignity and individuality. His relatives' grief is worthy of all respect. Nevertheless, it is utterly clear that the office he held, the historic circumstances of his death and the undeniable connotations of his final decision confer on his death a meaning that goes beyond the capabilities and responsibilities that this Commission seeks to elucidate.

The day President Allende took his life and the circumstances under which he did so mark the extremes of division in Chilean society. We think we see signs that this division is being overcome; with this report we hope to make a contribution toward the drawing together that we all need. To that end and in conscience the Commission respectfully bows to the grief of all who have deep feelings over the death of President Allende, and defers to Chilean society itself and to history the judgement to be made concerning the circumstances in which it took place and its significance.

Soldiers removed two wounded members of the president's security guard from inside the palace and took

them to the Central Emergency Clinic. These were Antonio AGUIRRE VASQUEZ, 29, and Osvaldo RAMOS RIVERA, 22, both members of the Socialist party. In both cases there is evidence that they remained inside the Central Emergency Clinic in Santiago and that soldiers took them away from there. Since that moment their whereabouts are unknown. Given that they were taken from La Moneda to the Central Clinic and there is proof that they remained there and were then taken away by military troops, the Commission concludes that the human rights of Antonio Aguirre and Osvaldo Ramos were violated since government agents were responsible for their disappearance.

Augusto OLIVARES BECERRA committed suicide before President Allende's death and before Fernando Flores, the Minister of Government, and his two colleagues left La Moneda Palace. He was a journalist, a Socialist, a news editor at the national television channel, and an advisor to President Allende. He was on the first floor of the building together with some civilians. From the evidence it gathered, the Commission concluded that he withdrew to a bathroom located under a stairway. Bystanders heard the shot. The bullet went into his forehead, and he lay dying. One of the doctors inside the palace described how he lay Olivares' head on his own lap, and a few moments later saw that he was dead. The fact that Augusto Olivares took his own life as La Moneda was surrounded and being attacked leads the Commission to regard him as a victim of the situation of political violence.

The group that went out of the palace onto Calle Morandé was apprehended by troops and forced to lie face down on the ground. In this group were aides to the president, members of his security guard, doctors who were on duty in La Moneda, and members of the investigative police. At that point most of the doctors present were set free-except for those who were advisors to the president and who will be mentioned below. The rest were taken to the sidewalk where they were kept lying on the ground.

At 6:00 p.m. this group was taken to the Tacna Regiment in two military vehicles. There they were kept lying on the ground face down with their hands behind their neck from the evening of September 11 until noon on September 13. On September 12, the members of the investigative police were released, except for one who was kept there until

noon on the 13th when he also was released.

According to evidence gathered, the Commission is in a position to assure that the group that remained at the Tacna Regiment until noon on the 13th was made up of nine advisors and staff members of the presidency of the republic and fifteen members of the presidential security guard. As has been noted, the evidence gathered makes it clear that the former head of the investigative police, Eduardo Paredes was also held at the Tacna Regiment until September 13. This Commission does not find credible the story that Paredes was killed in an armed clash as the press at that time reported. The members of this group of aides and staff members of the presidential office were:

Jaime BARRIOS MEZA, 47, former general manager of the Central Bank, presidential aide;

Daniel ESCOBAR CRUZ, 37, Communist party activist, chief of staff of the Undersecretary of the Interior;

Enrique HUERTA CORVALAN, 48, administrator of the palace;

Claudio JIMENO GRENDI, 33, sociologist, Socialist party leader, presidential advisor;

Jorge KLEIN PIPPER, 27, psychiatrist, Communist party leader, presidential advisor;

Eduardo PAREDES BARRIENTOS, 34, surgeon, Socialist party leader, former head of the investigative police, director of Chile-Films, presidential advisor;

Enrique PARIS ROA, 40, psychiatrist, Communist party leader, presidential advisor;

Héctor PINCHEIRA NUÑEZ, 28, doctor, presidential media advisor and

Arsenio POUPIN OSSIEL, 38, member of the Central Committee of the Socialist party, lawyer, ex-deputy director of the investigative police, presidential advisor.

The following members of the presidential security guard

were also part of this group:

Manuel CASTRO ZAMORANO, 23;

Sergio CONTRERAS CONTRERAS, 40, journalist, head of public relations of the governorship [of Santiago province];

José FREIRE MEDINA, 20;

Daniel GUTIERREZ AYALA, 25;

Oscar LAGOS RIOS, 21, leader of the Socialist Youth;

Oscar MARAMBIO ARAYA, 20;

Juan MONTIGLIO MURUA, 24;

Julio MORENO PULGAR, 24, telephone operator and courier in La Moneda;

Jorge ORREGO GONZALEZ, 29;

Oscar RAMIREZ BARRIA, 23;

Luis RODRIGUEZ RIQUELME, 26;

Jaime SOTELO OJEDA, 33, head of the presidential bodyguard;

Julio TAPIA MARTINEZ, 24;

Oscar VALLADARES CAROCA, 23; and

Juan VARGAS CONTRERAS, 23.

All of them were also active members of the Socialist party.

The members of this group of presidential aides and bodyguards were loaded onto military trucks with their hands and feet tied and taken from the regimental headquarters to an unknown destination. Consistent testimony indicates that the military vehicle headed toward Peldehue to a piece of land that belonged to the Tacna Regiment, where they must have been executed and buried. Since that date all of them are among those who disappeared after arrest. The Commission was informed

that one of the members of the security guard was able to fool his captors by moving from this group to another and was then released. It is very unlikely that he is one of those listed above.

In view of the fact that this group of the president's aides left La Moneda Palace onto Calle Morandé at about 2:00 p.m., where they were arrested by government agents, held on a military installation and from there taken by government agents toward an unknown destination, this Commission has reached a conviction that they were all victims of human rights violations, since the government agents who were holding them were responsible for their disappearance.

A similar and related case is that of a group of persons who were arrested outside La Moneda Palace at around 8:45 a.m. All were members of the presidential security guard who were arriving at this moment in a pickup truck and were arrested by police. Evidence gathered enables us to say that at least the following people were picked up under those circumstances:

Domingo BLANCO TARRES, 32;

Carlos CRUZ ZAVALA, 30; and

Gonzalo JORQUERA LEYTON, 27.

All of them were active members of the Socialist party.

The same thing happened to Enrique ROPERT CONTRERAS, 20, an active member of the Socialist party and an economics major at the University of Chile who was the son of Miriam Contreras, President Allende's secretary. The young man arrived at the same moment to drop off his mother. As she was getting out of the car, the police arrested him. This Commission examined photographs of the moment in which Ropert was put into a police vehicle.

All of these people were taken to the Santiago governor's office. At 11:00 a.m. that same day they were taken out and transferred to the Sixth police station. The bodies of all of them except Domingo Blanco Tarrés were found on the banks of the Mapocho under the Bulnes Bridge in late September. Members of the investigative police took

Blanco to the Santiago Preventive Detention Center, which he left on September 19, 1973 by order of the Second Military Prosecutor's Office of Santiago. Since then his status has been that of the disappeared.

Since there is enough evidence to state that all these people were arrested by government agents, and that subsequently three of them were found dead of bullet wounds by the Bulnes Bridge over the Mapocho River and one of them disappeared after having been taken out of the Santiago Preventive Detention Center also by government agents, this Commission has reached a conviction that they were victims of human rights violations carried out by those agents against the persons of Domingo Blanco Tarrés, Carlos Cruz Zabala, Gonzalo Jorquera Leyton and Enrique Ropert Contreras.

That same day, September 11, two other members of the presidential security guard were stopped by a military patrol as they were trying to travel on the Panamerican Highway from Talca to Santiago to join the others in their group. Their names are:

Francisco LARA RUIZ, 22; and

Wagner SALINAS MUÑOZ, 30, both of whom were active in the Socialist party.

They were in Talca, and when they heard what had happened they decided to head toward Santiago. At the outskirts of Curicó they were intercepted by a military patrol. After examining documents certifying that they belonged to the presidential security guard, the patrol arrested them and took them to the jail in Curicó. The police advised that on September 30, 1973 they were released from that jail but were handed over to government agents "with a lock and chain, and both of them were shackled." Their remains were turned over to their relatives at the Santiago morgue. Their deaths were certified to have taken place on October 5, 1973, and bullet wounds were said to be the cause. Given these antecedents, the Commission is convinced that government agents were responsible for the deaths of Francisco Lara Ruiz and Wagner Salinas Muñoz.

On September 11, 1973, Manuel OJEDA DISSELKOEN, 30, an engineer, active in the MIR, and member of the

presidential security guard, was killed in the Indumet factory. That day he went to the factory in the morning. Several days later, after searching for him in a number of places, his family identified his body at the Medical Legal Institute. The death certificate declares that he died of a bullet wound. On the basis of evidence gathered, this Commission is convinced that Manuel Ojeda was killed in a gun battle as a result of the situation of political violence at that time.

On September 11, 1973, Jorge Claudio ARAVENA MARDONES, 23, a university student who was a consultant to the investigative police, lost his life in a gun battle. According to testimony given to the Commission, on that date he was involved in a clash with armed forces troops in which he lost his life as a result of "bullet wounds" as indicated on his death certificate. Thus, the Commission came to the conviction that Aravena Mardones was killed in a gun battle that resulted from the situation of political violence at that time.

On September 11, 1973, Guillermo Jesús ARENAS DIAZ, 25, a bookkeeper who was an active Socialist, was arrested by government agents at his job at SOCORA (Agrarian Reform Marketing Association). He and others who were arrested with him were taken to the Chile Stadium and from there transferred to the National Stadium. That was the last place one of his co-workers saw him alive. His fate and final whereabouts are unknown. The Commission came to the conviction that government agents were responsible for his disappearance, which constituted a violation of his human rights. The grounds for that conviction are that his arrest and presence in arrest sites has been attested, that since that time there has been no information about him, and that he did not leave the country after that date, nor has he been involved in any administrative procedures that would leave a record of him.

On September 11, 1973, José Agustín FARFAN VERDUGO, 42, a construction worker who was an active Socialist, was killed. On that day he reported to work, but all employees were being told to return home because of what was happening. When José Farfán failed to arrive, his relatives looked for him in a number of places. About ten days later at the Central Emergency Clinic they learned that he had

died there. At the Medical Legal Institute his body was turned over to them for burial. The death certificate states that he died at about 6:00 p.m. on September 11, 1973, and that the cause of death was multiple bullet wounds. Without evidence on the precise circumstances of José Farfán's death, the Commission came to the conviction that he died as a victim of the violence prevailing at that time. That conviction is based on the date and direct cause of his death, bullet wounds.

On September 11, 1973, Emperatriz del Tránsito VILLAGRA, 38, a married homemaker, disappeared. That day she left home as she generally did to take lunch to her husband who was working at a factory in Los Cerrillos. Since then there has been no trace of Emperatriz Villagra, despite the efforts of her husband to find her some months later. That same day he had been arrested at work and later sent to the Chacabuco prison camp and therefore was not informed of the situation until he returned home. There he learned that his wife had disappeared, his house had been burned down, and his children had been taken in by different neighbors. The Commission came to the conviction that Emperatriz del Tránsito Villagra was a victim of the violence reigning at that time and could not determine the precise circumstances in which she disappeared or perhaps was killed. Her disappearance, however, was not voluntary but resulted from action by third parties. That conviction is based on the victim's prior family circumstances (it is unlikely that she would abandon her children at the very moment when it was particularly dangerous in the country), and on the fact that during those days a large number of people lost their lives or disappeared as a result of the reigning violence, and that since the time of her disappearance there has been no indication of her whereabouts.

On September 11, 1973, Hugo Fernando SANDOVAL IBÁÑEZ, 28, an office worker, was killed. He left home that day and did not return. Days later his family was told that he was being held at the Central Emergency Clinic for treatment of bullet wounds. When they went there they were told that he had died on September 14 due to "many bullet wounds to the chest cavity with complications and wounds to the abdominal cavity," as stated on his death certificate. Although it received no testimony as to the precise circumstances that led to the death of Hugo Sandoval, the

Committee came to the conviction that he lost his life due to the violence in the country at that time. The grounds for that conviction are the direct cause of his death and the date it took place.

On September 11, 1973, Luis Antonio ROJAS ROJAS, 29, an office worker, was killed in his house in the General Velásquez shantytown. His death certificate says that he died "due to a bullet in the abdominal tract." Although this Commission has no knowledge of the circumstances under which he died, the cause of his death led it to the conviction that Rojas Rojas was killed as a result of the situation of political violence in the country.

On September 11, 1973, Iván Octavio MIRANDA SEPULVEDA, 28, a lathe operator and labor leader, disappeared. On that day he left his home on Calle Lo Franco headed toward an unknown destination. Since that day there has been no word on his whereabouts. This Commission has come to the conviction that the disappearance of Iván Miranda Sepúlveda was a result of political circumstances and constituted a violation of his human rights. In doing so it has taken into account the fact that he was a union leader, that he disappeared in a context of instability and political violence and that since then there has been no indication of Miranda's whereabouts, and no death certificate or record of any transaction that might indicate he is alive.

On September 11, 1973, Francisco CATTANI ORTEGA, a dental laboratory technician who was an active member of the Socialist party, was killed. The cause of his death was a "perforating bullet wound to the right iliac fossa." His body was sent to the Medical Legal Institute by the Barros Luco Hospital, with the observation that it had been found in the street. Given the cause of death and not knowing the circumstances, the Commission came to the conviction that Francisco Cattani was killed as a result of the political violence reigning at that time.

On September 12, 1973, Mercedes del Pilar CORREDERA REYES, a minor who was a high school student, was killed. Her body was sent to the Medical Legal Institute by the Barros Luco Hospital, with the observation that she had been killed on Calle Gran Avenida. The cause of death noted on the autopsy report is "perforating bullet wound to

the left knee." The Commission has come to the conviction that Mercedes del Pilar Corredera was killed as a victim of political violence, although the precise circumstances of the events leading to her death are not known.

On September 12, 1973, Benito Heriberto TORRES TORRES, 57, a plumbing installer, was executed. Eyewitness reports indicate that at about 9:00 p.m. on September 11, there was shooting near the victim's house. Policemen from the sector's 26th station raided his house and arrested him, taking him and his son-in-law, also arrested, toward the police station. Witnesses say the victim had been in bed with sciatica. The following day his family's efforts to locate him were in vain. The victim's son-in-law returned to the house three days later with signs of mistreatment and torture on his body. The family found Torres' body in the Medical Legal Institute, and the cause of death was determined to be a "bullet wound in the thorax." The body was found in Las Barrancas and the time of death was recorded as 10:00 p.m. on September 12. In view of the evidence gathered and since it is established that he was arrested, the Commission has come to the conviction that Benito Heriberto Torres Torres was executed and suffered a grave violation of human rights at the hands of government agents.

On September 12, 1973, Juan Manuel LIRA MORALES, 23, an office worker, was killed. On September 11, he and his wife were walking on the street in La Legua shantytown. At that moment, even though there was no trouble in the area, he was shot by soldiers traveling in a jeep. He was taken to the Barros Luco Hospital, where he died on the 12th. The autopsy report stated that "the cause of death was the wound from a bullet that went through the abdomen and tore up the liver and right kidney causing acute internal hemorrhage." The Commission has come to the conviction that Juan Lira Morales was killed by government agents who abused their power and violated his human rights. The grounds for that conviction are that he was wounded by a military patrol, that he died the following day as a result of those wounds, as indicated in the autopsy report, and that there were no clashes and no trouble in the area when he was killed.

On September 12, 1973, Alberto Mariano FONTELA ALONSO, 26, a Uruguayan small fisherman, was arrested.

He was arrested at his house, together with his female companion, and another Uruguayan, by soldiers of the Tacna Regiment at about 5:00 p.m.. They were taken to the Military Academy where they were interrogated and that same night they were transferred to the Tacna Regiment. On September 14, his companion was released and was told that the prisoners were going to be transferred to the Chile Stadium. The victim's name never appeared on the lists of prisoners held at the stadium. Despite many efforts made by his companion to find him, his whereabouts remain unknown to this day. Since the victim was arrested by government agents and was last seen in their custody, this Commission is convinced that government agents were responsible for the disappearance of Alberto Fontela and that the action constituted a human rights violation.

On September 12, 1973, Tulio Roberto QUINTILIANO CARDOZO, 29, a Brazilian engineer who was active in the Communist party, was arrested. Troops arrested him and his wife at home, and took them to the Military Academy where they were interrogated. His wife was released that same day. The family presented a habeas corpus action and in that process an official document from military authorities indicated that the victim was held in the Military Academy and then sent to the Tacna Regiment. However, in a letter to the president of the appeals court, the regiment commander states that the victim is not registered as being held in any unit under his authority. Brazilian diplomats in Chile making efforts on his behalf were unable to obtain information on his whereabouts. In view of the facts, and especially since there is proof that he was arrested and indications that he was not released, the Commission is convinced that those responsible for his disappearance were the government agents who held him prisoner and that his human rights were violated.

On September 12, 1973, Sonia Isaura NORAMBUENA CRUZ, 34, a home-maker, died of bullet wounds. On that day Sonia Norambuena, who was pregnant, left her house in the area of Callejón Lo Ovalle in the Santa Adriana shantytown to make some purchases. As she was returning home at about 11:00 a.m., troops guarding the Ochagavía Bridge over Callejón Lo Ovalle fired several times. One of the shots hit Sonia Norambuena, and she died a few hours later. A young man who was walking by the same area was also wounded. Her death certificate

notes as the cause of death, "organs perforated as the result of bullet wound." This Commission could not determine why the troops used their weapons, but in view of the antecedents mentioned, the Commission came to the conviction that Sonia Norambuena's death was the result of the situation of political violence at that time. That conviction is based on the cause and date of her death and on what is known about the circumstances surrounding her death.

On September 12, 1973, Adriana de las Mercedes DOTE MENDEZ, 27, a homemaker, was shot dead. At about 5:30 p.m. on that day she was washing clothes inside her house located near the intersection of Lo Sierra and Lo Espejo, with two of her little children and two neighbors. At that moment shots were fired from a low flying helicopter and one of them hit her. She died as police were taking her to the Barros Luco Hospital. Considering the fact she was killed by bullet wounds and what is known about the circumstances of her death, the Commission came to the conviction that the death of Adriana Dote was a result of the political violence reigning at that time.

On September 12, 1973, Arturo Ramón SAN MARTIN SUTHERLAND, 36, a photographer and member of the board of the Quimantú publishing house who was an active Socialist, was killed. On September 11, he set out to take pictures in downtown Santiago. According to eyewitnesses, he was shot while doing so. He was taken to the Central Emergency Clinic where he died at 5:30 a.m. on September 12, as indicated on his death certificate. Although it did not receive testimony on the exact circumstances in which Arturo San Martín was wounded, the Commission came to the conviction that his death resulted from the violence reigning in the country at that time. That conviction is based on the direct cause of his death and on the time when the events that caused it took place.

On September 12, 1973, Tito Guillermo KUNZE DURAN, 42, an office worker who was president of the union at the Burguer textile factory and an active Socialist, was executed. During a raid at the company where he worked (Calle ñuble, 1034), police from the Fourth station arrested him along with two hundred of his fellow workers, who did not resist arrest. According to credible accounts, as he was

standing in a line of prisoners, a policeman in civilian clothes fired a barrage into his body. He died that same day at the Central Emergency Clinic. The Commission came to the conviction that Tito Kunza was executed by government agents. That constituted a grave violation of his human rights in view of the fact that he was killed not by chance but as the result of a conscious action while he was in the custody of his captors, one of whom attacked him.

On September 12, 1973, Enrique Antonio MAZA CARVAJAL, a Venezuelan university student, was killed. The autopsy report says the cause of death was a "bullet wound in the upper backbone." The date of death is September 12, 1973. His remains were repatriated to his native country. Unable to determine who was responsible for the death of Enrique Antonio Maza Carvajal nor the circumstances under which he died, the Commission has come to the conclusion that he was killed as a result of the political violence reigning in the country at that time.

On September 12, 1973, Luis Alejandro RETAMAL PARRA, 14, an elementary school student, was killed at home. On that day at about 9:45 a.m., his father saw a large number of air force troops near the house and so told his son to go back into the house. While playing with his brothers and sisters on the second floor, the child came out to the balcony and was shot dead on the spot. His death certificate says that the cause of death was "multiple bullet wounds." The Commission came to the conviction that Luis Retamal was the victim of the political violence in the country, inflicted in this instance by government agents who caused his death. Their reasons for using their weapons are not known.

On September 12, 1973, Drago Vinko GOJANOVIC ARIAS, of both Chilean and Yugoslav nationality, 23, a driver at the embassy of the German Democratic Republic and a Communist, was executed. While at his parents' home in Las Condes, he was arrested by a military patrol in a jeep. From there he was taken to his own home, which was searched as was that of his sister who lived in a nearby apartment. Then he was taken to an unknown destination. His body was later found at the intersection of Calle Tabancura and Avenida Kennedy. His family picked up the body at the Medical Legal Institute. According to the death certificate the cause of death was a "perforating bullet

wound in the thorax and a gunshot to the cranial cephalic." From these circumstances the Commission was able to come to the conviction that he was illegally executed by government agents who were holding him in their custody. That action was a violation of his human rights, particularly the rights to live and to receive a fair trial. The grounds for that conviction are that he was a Communist, that there were witnesses to the arrest and search, and that his body was found in the street with multiple bullet wounds.

On September 12, 1973, Hugo ARAYA GONZALEZ, 37, a press photographer who was an active Socialist, was shot dead. He was taking photos at the State Technical University when he was hit by shots fired by army troops surrounding the area. He was wounded and appealing for medical help but the ambulances could not enter because of the shooting by military troops. The Commission came to the conviction that in the death of Hugo Araya Gonzalez government agents were guilty of violating his fundamental human rights. The grounds for that conviction were that the victim was taking pictures, that he was shot by troops surrounding the area, and that those forces used their weapons indiscriminately and unnecessarily.

On September 12, 1973, Sergio AEDO GUERRERO, 35, a street vendor with no known political activity, was killed in the area of Carrascal. He was killed while on his way to buy food. Troops shot and fatally wounded him from within a military installation. On September 14, 1973, he died at Clinic No. 3. The Commission came to the conviction that he was killed as a result of the unreasonable use of force by government agents, which constitutes a violation of his human rights.

On September 12, 1973, Julio Antonio MARTINEZ LARA, 26, who worked at CORFO (Corporation to Stimulate Production), was killed. His dead body bearing many bullet wounds turned up at the Medical Legal Institute. According to the autopsy report, he was found in the street and he was said to have died at 3:00 a.m. on September 12, 1973. Although the Commission could not verify the exact circumstances of his death, the political conditions at that moment and the cause of his death lead it to the conviction that Julio Martinez died as a result of political violence.

On September 13, 1973, Luis Alberto MARCHANT

MARCHANT, 43, a newspaper vendor, disappeared from his home. On that day he left his home with one of his children and was on his way to work in the area of Avenida Independencia. He was stopped by a military patrol, beaten, and put into a vehicle heading south. From that moment he has remained disappeared. Since his detention was attested, the Commission came to the conclusion that he is one of the disappeared and that he suffered human rights violations at the hands of government agents.

On September 13, 1973, Cristina del Carmen LOPEZ ESTAY, 28, unmarried, was killed. On September 11, 1973 on Calle Vicuña Mackenna near the Sumar factory a shootout was taking place between police agents and factory workers. As Cristina López was passing by, a bullet hit her and she died on September 13, 1973 at 11:00 a.m. This Commission has come to the conviction that she was a victim of the political violence taking place at that moment.

On September 13, 1973, Ernesto TRAUBMANN RIEGELHAUPT, 49, a Czechoslovakian public relations employee for ENAMI (National Mining Company) who was active in the Communist party, disappeared. He and another party activist were stopped that morning by policemen. They were both taken to the Seventh police station and from there to the Ministry of Defense. Despite his family's inquiries, there has been no information on his whereabouts, and there is no indication that he left the country. The Commission has come to the conviction that Ernesto Traubmann disappeared at the hands of government agents. In view of the fact that he was known to have been arrested and held at the Ministry of Defense, and considering his political activity and nationality, it is clear that his human rights were violated.

On September 13, 1973, Enrique Ernesto MORALES MELZER, 21, a driver for INDAP (National Institute for Agricultural Development) who was a Socialist party activist, was killed. He left his house that day in the José María Caro shantytown intending to turn over the government car he drove. Along the way an air force patrol and a police patrol fired at the car. Morales appears to have been killed on the spot by a bullet. His family received word of his death from the Barros Luco Hospital, and some hours later his body was turned over to them in a sealed

coffin. This Commission has come to the conviction that Ernesto Morales died as a result of indiscriminate use of force by government agents, which is a human rights violation.

On September 13, 1973, Jorge GUTIERREZ SAN MARTIN, 41, a mechanic at the Nobis factory, was killed. He was killed on the street in the presence of eyewitnesses by a police patrol while he was on his way to work. His death certificate lists the cause of his death as "a bullet wound to the thorax with complications and acute loss of blood." The Commission has come to the conviction that the death of Jorge Gutierrez San Martin resulted from a violation of his human rights, since he died as a result of the excessive and unreasonable use of force by government agents. The grounds for that conviction are that it is attested that he was shot while walking on the street and that his death was caused by a bullet wound.

On September 13, 1973, Fernando Sofanor FLORES ACEVEDO, 42, a construction worker, was killed by a military patrol in the José María Caro shantytown. Accounts indicate that these events took place as he and his daughter were on their way to buy bread during curfew time, that is, at about 9:00 p.m. He was taken to the Barros Luco Hospital, where he died the next day as a result of the bullet wounds he sustained. The Commission came to the conviction that the death of Fernando Sofanor Flores Acevedo constituted a human rights violation, as a result of actions by government agents who used unreasonable force.

Between September 13-16, 1973, there were a number of deaths and disappearances related to the presence of prisoners in the Chile Stadium.

Sócrates PONCE PACHECO, 30, an Ecuadorian lawyer who was an active Socialist and the government representative at the INDUMET factory. The official version that the Chilean Foreign Ministry provided on March 27, 1974 stated that "this individual was a government representative at a factory and shot at the armed forces in armed resistance and was killed in the shooting." However, the Commission received credible accounts indicating that Ponce was arrested by police forces on September 11, 1973 at his workplace, and was taken to the Twelfth station.

From there he was sent to the Tacna Regiment on the morning of September 12, and then taken to the Chile Stadium at noon. In the early morning of the 13th, his name was called over the loudspeakers, and army troops took him away.

His body was found near the Chile Stadium, at the corner of Union Latinoamericana and Alameda, and bore eight bullet wounds according to the autopsy report. His relatives took the body from the Medical Legal Institute. The death certificate states that the date of death was September 12, and thus differs from what his relatives say.

In view of the foregoing, the Commission has come to the conviction that Sócrates Ponce was executed without due process of law by government agents and that thus his fundamental human rights were violated. It bases its conviction on the testimony it took on his arrest and his presence at several sites, and on the documents that explain how he died, all of which make it possible to refute the official version of a supposed shootout.

Gregorio MIMICA ARGOTE, 22, an unmarried university student and leader at the Technical University who was an active Communist. He was arrested at his house on September 14, 1973, by a military patrol shortly after returning from spending two days under arrest in the Chile Stadium and then being released. Since that day there has been no information on his whereabouts. The Commission has come to the conviction that government agents were responsible for the disappearance of Gregorio Mimica and that in so doing they violated his fundamental human rights. The grounds for that conviction are that he was a politically active student leader, that he had been imprisoned previously in the Chile Stadium, and that since that time there is no indication whatsoever of his fate and his whereabouts.

Hernán CEA FIGUEROA, 38, a textile worker who was an activist in the Communist party. He was arrested on September 11 at the Textil Progreso factory where he worked. From there he was taken with other arrested workers to the Chile Stadium. On September 15 he became involved in an argument with one of his guards and was executed on the spot by policemen. His family found the body a month later at the General Cemetery. The

Commission has come to the conviction that Hernán Cea was executed without due process of law by government agents, and that his fundamental human rights were thereby violated. It bases that conviction on the fact that execution arose out of an argument with one of his guards, that he did not attack them, and that no matter what the prisoner might have done, there is no justification for killing him without due process of law.

Victor Lidio JARA MARTINEZ, 40, a popular singer and theater director who was a member of the Central Committee of Communist Youth. A statement by the Foreign Ministry dated March 27, 1974, in response to a note from the OAS (Organization of American States) Interamerican Human Rights Commission, said, "Victor Jara: Dead. He was killed by snipers who, I repeat, were firing indiscriminately on the armed forces and on the civilian population."

This Commission received many credible reports refuting this official story and leading to the conclusion that what actually happened was quite different. Víctor Jara was arrested on September 12 on the grounds of the State Technical University where he was working as a theater director. He was taken to the Chile Stadium, where he was separated from the other people with whom he had been arrested, and detained high up in the stands together with other people considered to be dangerous. Between September 12-15, he was interrogated by army personnel. The the last day Víctor Jara was seen alive was September 15. During the afternoon he was taken out of a line of prisoners who were being transferred to the National Stadium. In the early morning of the next day, September 16, shantytown dwellers found his body, along with five others, including that of Littré Quiroga Carvajal, near the Metropolitan Cemetery. As the autopsy report states, Víctor Jara died as a result of multiple bullet wounds (44 entry wounds and 32 exit wounds).

The Commission came to the conviction that he was executed without due process of law by government agents, and hence in violation of his fundamental human rights. The grounds for that conviction are that he is known to have been arrested and to have been in the Chile Stadium, that it is attested that he died as a result of many bullet wounds, thus indicating that he was executed

together with the other prisoners whose bodies appeared alongside his. The overview to this period provides an account of the various kinds of torture to which Víctor Jara was subjected while under arrest.

Litré QUIROGA CARVAJAL, 33, lawyer who was head of the prison system and an active Communist. The official version as presented by the Chilean Foreign Ministry on March 27, 1974, stated, "Litré Quiroga Carvajal: Dead. This official of the defeated regime was killed by common criminals."

This Commission received many credible reports refuting this official story and indicating that what actually happened was quite different. On September 11, 1973, Litré Quiroga ended a sick leave and went to his office at the National Prison Bureau. There he decided to send most employees home, and he spoke with a high ranking military officer in order to inquire about where matters stood with regard to his agency and himself. In response he was told to present himself at 8:00 a.m. at the Ministry of Defense. Nevertheless at 9:45 p.m. a contingent of twenty police came to the offices of the Prison Bureau but did not go into the building. Litré Quiroga surrendered to them of his own free will. During the night he was taken to Armored Regiment No. 2. On the morning of September 13, he was sent, along with other prisoners, to the Chile Stadium where, according to eyewitness reports, he suffered many forms of torture and humiliation inflicted by army personnel. He remained there until September 15. In the early morning of September 16, his body was found near the Metropolitan Cemetery, along with five others including that of Víctor Jara.

The Commission came to the conviction that Litré Quiroga was executed without due process of law by government agents in violation of his fundamental human rights. The grounds for its conviction are that his arrest is attested, that he was in the Chile stadium, that his death was due to multiple bullet wounds, that his body was found alongside those of others executed under similar circumstances, and that given the nature of the wounds and the date on which they occurred, they can be reasonably explained only as the work of government agents. The torture Litré Quiroga underwent is described in the overview of this period.

On September 13, 1973, Eduardo Alejandro Alberto CAMPOS BARRA, 29, an auto mechanic who was a MIR activist and a JAP [Council for Supplies and Prices] leader, disappeared. On that day he left the home of a relative located in the Roosevelt shantytown along with a police lieutenant and two more police officials. His whereabouts have been unknown since that moment. The family made many efforts to determine what had happened to Campos but all of them, including legal procedures, proved in vain. The Commission came to the conviction that the disappearance of Eduardo Campos was a human rights violation carried out by private citizens for political reasons. The reasons for that conclusion were his prior political activity as an active and well known leader in the shantytown, the fact that he was last seen in the company of police agents and that since then there is no information on his whereabouts despite all efforts made by his relatives and the judicial inquiries attempted.

- Cases: September 14, 1973 – September 17, 1973
On September 14, 1973, Jaime Alejandro ALCAZAR AGUILA, 29, a Radical Party leader and a member of the party's central policy committee (CEN), left the hotel in Santiago where he was staying on his way to work at a fishing company since his superiors had ordered him to present himself. Upon leaving the offices, he was hit by three bullets. He was taken to the Central Emergency Clinic but died before arrival. Even though it has not been able to uncover the precise nature and specific circumstances of the shots, with the evidence available, this Commission has come to the conviction that Jaime Alcazar was killed as a result of the atmosphere of political violence at that time. Government agents were presumably responsible for his death.

On September 14, 1973, Ramón Augusto MUÑOZ MIRANDA, 25, a farm worker, was executed in the National Stadium. On September 12, at about 6:00 p.m. police from the Vista Alegre station in Cerillos arrested him along with other workers at the Cerillos chicken farm where he worked. They were taken to the station, and on September 14, the prisoners were transferred to the National Stadium. There he was executed by military personnel and taken to the Military Hospital. The death certificate states that his death was caused by the multiple bullet wounds he sustained, and that it took place on September 14, 1973, at

6:30 p.m. in the National Stadium. Since it is established that he was arrested and the circumstances and cause of his death are known, this Commission has come to the conviction that Ramón Muñoz was executed, and that he suffered a grave human rights violation at the hands of government agents.

On September 14, 1973, Carlos Alberto BUSTAMANTE MANCILLA, 23, who worked at the Embassy of Argentina, was killed. He was executed by a military patrol during curfew hours when he was leaving his house with a friend. His death certificate states that he died as a result of gunshot wounds sustained in downtown Santiago on September 14 at 10:00 p.m. The fact that witnesses establish that the shots were fired by military personnel and that he died of bullet wounds, leads the Commission to the conviction that Carlos Bustamante died as a result of the unreasonable use of force by government agents in an action that violated human rights.

On September 14, 1973, Angel Gabriel MOYA ROJAS, 15, a high school student, was killed. He was coming home with a friend before curfew when they ran into a military patrol that stopped and searched them and then ordered them to run and shot them down. He died on the spot. According to his death certificate he was killed on September 14, 1973 at 4:00 p.m. in Santiago as a result of a "bullet wound to the left lung cavity." Given the circumstances and cause of his death, this Commission has come to the conviction that he was killed by government agents who used excessive force and that his human rights were violated.

On September 14, 1973, Luis Alejandro LARGO VERA, 26, an unmarried student who was a Socialist party activist, disappeared. He was in the streets on his way from his own house to that of some friends near curfew time. Many raids had taken place there, since it was a university housing area. A number of his fellow party members were arrested during this same period, and he was well known in the area as a party activist. Although the Commission does not know exactly how it happened, it has come to the conclusion that Luis Alejandro Largo Vera disappeared for political reasons. The grounds for this conviction are his political activism, the repression against other party members at that time, the non-renewal of his identification card, the lack of any death certificate, voter registration, or

record of travel,⁸⁸ and the fact that he did not have any contact with his family and that there are no other possible reasons for him to have disappeared.

On September 14, 1973, Luis Alfredo ROJAS GONZALEZ, 35, was killed. That day he left his house in El Pinar shantytown to buy some items; his body was found in the street in that neighborhood. The death certificate says he died of a "perforating bullet wound" on September 14, 1973. While this Commission does not know the circumstances under which Luis Rojas died, the characteristics of that period and the fact that he died of a bullet wound leads it to the conviction that he was an innocent victim of the political violence in the country.

On September 14, 1973, Eduardo LEIVA ADASME was killed. He was still outside at curfew time as he was coming back home from the Metropolitan Cemetery. His relatives say that they received word that same night that he was lying dead in the street, and they were even given his identification card. The next day they found his body in the Medical Legal Institute. The autopsy report gives the cause of death as bullet wounds. Without knowing precisely the circumstances surrounding his death, this Commission has come to the conviction that he died as a result of the political violence of that period.

On September 14, 1973, José Eusebio RODRIGUEZ HERNANDEZ, 24, a worker who was a MIR activist, was shot by a firing squad. According to newspaper reports, he was tried by a war tribunal and killed by a military firing squad carrying out the sentence. He was accused of being the deputy of "Mickey," the pseudonym of a top MIR leader. Despite the requests it made to the proper authorities, the Commission has not obtained a copy of the supposed war tribunal record. His death certificate says he died on September 14, 1973, and that the cause of death was "multiple bullet wounds." In view of the newspaper report, which was not denied, and the cause of his death, and even though it does not know the circumstances of his arrest, this Commission has come to the conviction that

⁸⁸ Obligatory civil procedures: This term refers to those procedures such as identification card registration, tax number registration (R.U.T.), and voter registration which are obligatory for all Chileans. Upon leaving the country, Chileans are also obliged to register the exit and reentry if one occurs. "To conduct official business/dealings with government agencies" makes reference to complying with these obligatory civil registration procedures.

José Eusebio Rodríguez was executed without due process of law by government agents and that his human rights were thereby violated.

On September 14, 1973, Guillermo del Carmen BUSTAMANTE SOTELO, 39, a farm worker who was the president of the union at El Gomero farm, and Juan de Dios SALINAS SALINAS, 29, a farm worker, were arrested in the sector of Isla de Maipo by police officers assigned to the police headquarters there. They were seen by witnesses at the Isla de Maipo station, and their relatives were told that they had been transferred to the National Stadium. They have remained disappeared since that time. Since it is attested that they were arrested and imprisoned and since there has been no further word on either of them, and since furthermore it is known that similar events took place around this police headquarters as is also the case at Lonquén, the Commission has come to the conclusion that Bustamante and Salinas were subjected to a forced disappearance at the hands of government agents and that such action was a violation of their human rights.

On September 15, 1973, Carlos Alberto CASTRO LOPEZ, 20, a street vendor, and Serafin del Carmen ORELLANA ROJAS, 32, who was unmarried, without a profession and not politically active, were executed. According to witnesses' accounts and evidence gathered by this Commission, they were picked up near curfew time by a military patrol on the grounds of a sports club located in the Cerro Navia area. They seem to have failed to obey orders given by the troops searching the place and were taken out and beaten. From there they were taken to an unknown destination. Carlos Alberto Castro's relatives searched for him in all the prison sites, but failed to find him. After receiving a tip, they decided to look for him among the bodies appearing in the Mapocho River and that the people of the Cerro Navia area were burying along its banks. Thus they came to the area of El Resbalón Bridge and saw piles of sand in which a number of bodies were half buried. One of them stood out, and Castro's wife was able to identify it as that of her husband. She dug it out and later had it sent to the Medical Legal Institute. The autopsy attested that the blows the victim suffered were ultimately the cause of his death, although the documentation gives the reason for death as "trauma to the spinal cord and intense bleeding." In view of the foregoing, this Commission came to the conviction that

Carlos Castro was executed without due process of law by government agents with no justification. The care taken to conceal his body by throwing it in the Mapocho River only reaffirms that conviction.

Serafín Orellana's body could not be located but insofar as the circumstances were similar, he probably suffered the same fate as Carlos Alberto Castro López. The fact that inquiries made on his behalf have not been able to determine his fate or his whereabouts only confirm that such must be the case. Serafín Orellana has been disappeared since the day he was arrested, and it can be presumed that he was executed without any due process of law by government agents.

On September 15, 1973, Blanca Marina de la Luz CARRASCO PEÑA, 27, an art student who was a MIR activist and student leader at the State Technical University, was killed. That day she left her house to go to the Central Emergency Clinic to see a fellow student who was wounded and hospitalized. On the way she was apprehended, apparently by police since witnesses later saw her at the Macul police headquarters. That same day she was taken out in a truck, apparently in order to be transferred to the National Stadium. Some days later her husband found her name on a list at the Medical Legal Institute; she had been taken there unidentified. According to her death certificate she died at 11:00 p.m. on September 15, just a few minutes after she was taken from the police station. The cause of death was "bullet wounds to the thorax and abdomen with complications." The body had been found in the street and sent there by the Grecia police district headquarters. The Commission came to the conviction that Blanca Carrasco was executed by government agents in what constituted a human rights violation. The grounds for that conviction are that it is established that she was at a police installation and was taken out apparently headed for the National Stadium, that she was found dead in the street with her body bearing many bullet wounds, and that she was a political and student leader.

On September 15, 1973, Guillermo INOSTROZA FLORES, 34, a worker, was killed. On that date he turned up dead at the Barros Luco Hospital as the result of a bullet wound to the neck. Even though it has no knowledge of the

circumstances of his death, the Commission has been led to the conviction that Inostroza Flores died as a result of the political violence in the country at that time. This conviction is based on the characteristics of that period and the cause of death.

September 15, 1973, Juan Fernando VASQUEZ RIVEROS, 15, a high school student, was killed. On September 13, at about 5:30 p.m., before the curfew in Santiago (which began at 6:00 p.m.), he was walking by in the street just as a police squad was raiding the union office at the Ferrilozza company. Without even giving any orders to halt, police proceeded to shoot at him. In a wounded condition he was taken to the José Joaquín Aguirre Hospital, where he died on September 15 as the result of an "abdominal bullet wound." Since the circumstances of what happened are attested, this Commission has come to the conviction that Fernando Vásquez died as a result of the political violence of that period.

On September 15, 1973, Humberto Antonio VALENZUELA OLEA, 48, a worker, was killed. He left his home in the Conchalí neighborhood intending to do some errands and passed by his brother's house located in the Independencia area. It is presumed that he was shot when he left the house while the curfew was in effect. The next day his dead body was taken to the Medical Legal Institute. According to the autopsy report, he was found on Avenida Chile in the area of Plaza Chacabuco. He died as the result of "abdominal bullet wounds with complications." Taking into account the circumstances of that moment and the causes of his death, this Commission has reached the conviction that Humberto Valenzuela died as a result of political violence.

On September 15, 1973, Julio Enrique REYES ESPINOZA, an employee of the Ministry of Public Works, was killed. On September 14, he was coming home close to the hour of curfew. According to testimony gathered, a police patrol travelling in an official truck shot at him. The next day his body was found in the shantytown plaza. The death certificate listed the cause of death as "bullet wounds to the abdomen and neck." The family received the body from the Medical Legal Institute in a sealed coffin on September 18, and Reyes was buried in lot No. 29 of the General Cemetery in Santiago. In view of the circumstances and

cause of his death, and in view of the characteristics of that period, this Commission has come to the conviction that he was a victim of the political violence of that moment.

On September 15, 1973, Enrique Antonio SAAVEDRA GONZALEZ, 18, unmarried, and Carlos Ramiro GONZALEZ GONZALEZ, 18, unmarried and both university students of Bolivian nationality, disappeared in Santiago. On that day they were together when they left the Hotel São Paulo where they lived. According to their relatives, these young men were seen in the National Stadium, and a reliable witness later saw them at a detention center in San Felipe. Despite numerous efforts made by the families of both victims, there has been no word concerning their whereabouts. It is clear that they did not leave the country. The Commission has come to the conviction that government agents were responsible for the disappearance of Enrique González and Carlos González and that their human rights were violated, since it has been established that they were arrested, that they were held in detention centers, and that since that time there has been no information on their whereabouts or their fate.

On September 15, 1973, Gabriel Augusto MARFULL GONZALEZ, 22, a student, was killed. He was arrested in the street on September 14 by air force troops, who seized him and his bicycle. He was driven to the El Bosque air base. There his family was told that he was being transferred to the National Stadium the next day. On that same occasion they were given his bicycle pump. His name never appeared on the list of those imprisoned in the Stadium. Twenty-five days later his body was found at the Medical Legal Institute. On his death certificate it is stated that the body was taken from Cuesta Barriga and that it was identified by the Central Bureau of Identification. The cause of death is ascribed to a "bullet wound" and the date is said to be September 15. The Commission came to the conviction that Gabriel Marfull was executed without due process of law by government agents in an action that constituted a violation of his human rights. The grounds for that conviction are the established fact that he was arrested and was held at the El Bosque air base, and the cause of death.

On September 15 or 16, Nelson Ricardo ORELLANA TAPIA, 30, a worker, disappeared. He was arrested by police in the

presence of witnesses at the home of relatives in Padre Hurtado. Testimony received by this Commission indicates that he was taken to the Malloco police station and later to the Talagante station. From that point on there are no further traces of him. All inquiries made by his relatives have proven fruitless. Since it is established that he was arrested by police, this Commission has come to the conviction that Nelson Orellana's human rights were violated in his arrest and subsequent disappearance at the hands of government agents.

On September 15, 17, and 19, 1973, three military operations took place inside San Juan de Dios Hospital. Soldiers of a battalion of the Yungay Regiment of San Felipe who were being quartered in Quinta Normal and at the Diego Barros Arana School, arrested many people. Five of those arrested were executed and two remain disappeared to this day. Their names are:

Pablo Ramón ARANDA SCHMIED 20, a medical student at the University of Chile western campus, a member of the student federation and an active member of the Young Communists. He was abducted from the campus on September 17. He was arrested on September 17 on the grounds of San Juan de Dios Hospital in an operation carried out by troops from the Yungay Regiment from San Felipe. He was probably held at the Barros Arana school. Witnesses have told this Commission they saw him at an empty lot in the 7000 block of Calle San Pablo; he had been taken there along with other prisoners by soldiers who indicated they were going to execute him. Since the circumstances of his arrest are established and witnesses saw him in the hands of his captors, this Commission has been able to come to the conviction that Pablo Ramón Aranda Schmied was abducted by force and presumably executed by government agents, who violated his human rights.

José Lucio BAGUS VALENZUELA, 43, staff member at the San Juan de Dios Hospital who was an active member of the Socialist party, disappeared on September 17. He was arrested that day at the San Juan de Dios Hospital by troops of the Yungay Regiment. He was probably held at the Barros Arana public school; later according to statements made by credible witnesses, he was taken to an empty lot on the 7000 block of Calle San Pablo. Taking

into account the strength of the evidence and especially the fact that he was arrested and the sites where he was held, this Commission has determined that José Lucio Bagús Valenzuela was made to disappear by force and was presumably executed by government agents, who thus violated his human rights.

Manuel BRICEÑO BRICEÑO, a non-specialized staff member of the San Juan de Dios Hospital, was executed on September 18. He was arrested on September 17 along with other employees who were inside the hospital by troops of the Yungay Regiment. Where he was held is not known, but it was presumably the same school. He was executed the day after his arrest. The autopsy report says "the wounded man was transferred from the street to the (Medical Legal) Institute" and that the cause of death was "many bullet wounds to the chest and abdomen with complications." Taking into account the circumstances of his arrest, the cause of his death and the manner in which the body was found, this Commission has come to the conviction that Manuel Briceño Briceño was executed without due process of law and without any justification by government agents who violated his right to life.

Raúl Francisco GONZALEZ MORAN, 31, an employee at the San Juan de Dios Hospital, was killed on September 18. On September 17 he was arrested at the hospital by troops of the Yungay Regiment. He was executed in the early morning of the following day. The police sent his body to the Medical Legal Institute, which wrote that he died of "two penetrating bullet wounds one to the neck and chest and the other to the chest." His family identified him on September 27 and took him away for burial. The Commission determined that the government agents who illegally executed Raúl Francisco González Morán committed a human rights violation.

Joan ALSINA HURTOS, 31, a Spanish Catholic priest who exercised his ministry in the San Ignacio parish in San Bernardo and was working as the head of personnel at the San Juan de Dios Hospital, was executed on September 19. He was arrested in the basement of the hospital by troops from the Yungay Regiment. He was then taken to the hospital patio where he remained for a long time. He was driven to the Diego Barros Arana Institute and then to the Mapocho River where he was executed that same day. On

the 27th, his body was found at the Medical Legal Institute. He was buried the following day in the parish cemetery at San Bernardo. The death certificate says he was killed on the Bulnes Bridge over the Mapocho River and says that death was caused by "multiple bullet wounds" and "lash wounds to the face." In accordance with the merit of the testimony and evidence it gathered, the Commission came to the conviction that the execution of Father Juan [sic] Alsina Hurtos constituted a violation of his rights, and that those persons responsible were government agents.

Manuel Jesús IBAÑEZ GARCIA, 25, leader of the labor union at the San Juan de Dios Hospital who was a Socialist party activist, was executed on September 20. He was arrested on September 15, 1973, by troops from the Yungay Regiment while on his job at the hospital. On the 23rd, relatives found his dead body at the Medical Legal Institute. He was buried the next day at the General Cemetery. The death certificate says that he died on September 20 at about 7:00 a.m. Place: Bulnes Bridge over the Mapocho River; the cause: multiple bullet wounds. The Commission came to the conviction that the execution of Manuel Ibañez, which took place without due process of law, constituted a violation of his human rights by government agents.

Jorge Rolando CACERES GATICA, 28, staff member at the San Juan de Dios Hospital, was executed on September 21. He was arrested at work on September 17 by troops of the Yungay Regiment. He was probably held at the Diego Barros Arana school. He was executed in the early morning of the 21st and his body was found on the Bulnes Bridge near the Mapocho River, where other executions of people arrested at the San Juan de Dios Hospital took place. The autopsy report says that the cause of death was "multiple bullet wounds to the cervical region and the thoracic and abdominal regions." Given the circumstances of his arrest as well as the causes of his death, the Commission has been able to come to the conviction that Jorge Cáceres was executed without due process of law or justification by government agents.

On September 16, 1973, Gladys del Tránsito BALBOA CISTERNAS, 26, a textile factory worker, was killed. While troops were carrying out an operation in La Legua shantytown, she was wounded by a bullet and died that

same day. The death certificate states that it was caused by a "penetrating bullet wound to the head." Having established the cause of death, and particularly taking into account the date and context, this Commission, even without knowing the exact circumstances in which Gladys Balboa was killed, has come to the conviction that she died as a result of the situation of violence prevailing in the country.

On September 16, 1973, Sergio ANABALON VERGARA, 38, a police employee who, according to testimony received, was held prisoner at the general police headquarters and killed there by police officials. Although the Commission does not know the exact circumstances of his death, it believes he died as a result of the political violence in the country during the days after September 11, and believes the date on which the events occurred is especially significant in this regard.

On September 16, 1973, Walter Carlos SCHNEVER XUBERO, 21, a student who was active in FER-MIR (Revolutionary Student Front), was arrested. His family says that on that day he told them he was being followed. He left his house and was arrested in the street by policemen. The family later found his body at the Medical Legal Institute. When they asked for his remains, they were told that they had already been buried in Lot 29 of the General Cemetery. Some time later the family had them exhumed. In this instance, as in a number of others in the Metropolitan Region, the death certificate gives a date prior to the one given in the many and consistent testimonies that the Commission has received concerning the date of arrest. The death certificate says he died on September 11, 1973, and gives the cause as a "bullet wound to the head." The autopsy was carried out on September 26 and the certificate is signed October 4, 1973. The Commission came to the conviction that the execution of Walter Schnever constituted a grave human rights violation, since it was carried out by government agents and without due process of law. The grounds for this conviction are that the victim was politically active, that his arrest is well established, and that he died of bullet wounds.

On September 16, 1973, Luis Eduardo SAAVEDRA GONZALEZ, 24, photographer and folklorist, was executed. He was arrested September 16, during a military operation

in the Yarur shantytown where he lived. The family was advised of his death when they went to the Legal Medical Institute; there they identified Saavedra's body. The autopsy report indicates that the body was sent from the Yarur shantytown, and that the cause of death was bullet wounds. The date of death is the same as that of his arrest. The Commission came to the conviction that he was executed by government agents and that his fundamental rights were violated, especially since his arrest was sufficiently attested, and in view of the cause of death as registered and the place it occurred.

On September 16, 1973, Vicente Patricio CLEMENT HECHENLEITNER, 27, a leader in the Vicuña Mackenna industrial belt, was executed. He had been arrested on September 14, by air force troops when he arrived at the Loncoleche factory. Credible accounts claim that he was executed by government agents on September 16, next to La Aguada alleyway near the intersection of Avenida Vicuña Mackenna and Calle San Joaquín and that his body was left there. The San Joaquín police headquarters sent his body to the Medical Legal Institute. His death certificate gives the place of death, and says it occurred on September 16. Since his arrest is credibly attested and since there are credible accounts of the circumstances of his death and a legal document to that effect, this Commission has come to the conviction that Vicente Patricio Clement was executed, that his human rights were violated, and that government agents were responsible.

On September 16, 1973, five persons were executed at the Barriga upgrade, near Curacaví:

Segundo Nicolás GARATE TORRES, 28, retired from the military;

Jorge Gustavo GOMEZ RETAMALES, 28, a radio repairman,

Justo Joaquín MENDOZA SANTIBAÑEZ, 23, a worker who was an activist in the Communist party,

Gastón Raimundo MANZO SANTIBAÑEZ, 34, a highway worker who was a shantytown leader and active Communist; and

Jorge Manuel TORO TORO, 30, a newspaper vendor.

In the days after September 11, these five and two other persons, were arrested by policemen in Curacaví and taken to the police district headquarters there. From there they were driven to the Barriga upgrade on the night of September 16, 1973. There they were forced out of the vehicle and made to go to an abandoned hut where they were forced to stand up against the wall while flashlights were shone in their faces. The patrol chief gave the order, and they were executed and died immediately. The other two persons were wounded and managed to escape.

Later the lifeless bodies of four of the victims showed up at the morgue, with the observation that they had come from the Barriga upgrade. There has been no certification of the death of Nicolás Gárate. One of the survivors, Juan Guillermo Barrera Barrera, came with his family to the Ministry of Defense in Santiago in March 1974, where he described these events and his own situation. There he was told that although there was no legal summons for him, he had to report to the Curacaví police headquarters on March 14. He went there with relatives and on the night of the 13th a group of police came to his house and arrested him. Since that day there has been no information concerning his whereabouts and his fate.

The Commission has come to the conviction that Nicolás Gárate Torres, Jorge Gómez Retamales, Justo Joaquín Mendoza Santibañez, Raimundo Manzo Santibañez and Jorge Toro Toro were executed, without any due process of law by government agents, who violated their human rights.

On September 16, 1973, Juan Bautista CERDA LUCERO, 27, a railroad conductor, was killed. On the day after September 11, he left his house on his way to that of a friend in the El Bosque No. 1 shantytown in Conchalí. His family heard nothing more about him from that moment until his body turned up at the Medical Legal Institute. The body, bearing twenty bullet wounds, had been left in the street. The Commission has come to the conviction that the death of Juan Bautista Cerda Lucero can be reasonably attributed to action on the part of government agents using excessive force against him and violating his fundamental rights.

On September 16, 1973, Gustavo Edmundo SOTO

PEREDO, 50, an unmarried father of five children who was a shantytown leader and an active Communist, disappeared. On September 13 he had been arrested at work by a military patrol. Until the 16th he was listed as under arrest at the National Stadium. That day his relatives were told that he had been moved to the Chile Stadium, but there his presence was denied. Later his house was raided. From that point on there has been no information on his whereabouts or fate. Approximately one year later, his son Gustavo Soto Cabrera was also arrested and disappeared. The Commission came to the conviction that government agents were responsible for the disappearance of Gustavo Edmundo Soto and that it constituted a violation of his fundamental rights. The grounds for this conviction are that it is sufficiently established that he was arrested and that he was present in the National Stadium, that he was a shantytown leader and politically active, and that since his disappearance there has been no word concerning his whereabouts or his ultimate fate.

On September 16, 1973, Osvaldo Alfonso TORRES ALBORNOZ, 24, a merchant, disappeared after being arrested at his home in the Roosevelt shantytown. Those who arrested him were police from the local police station. The family assumes that he was taken to that police station. Since that time there has been no word on his fate and his whereabouts, despite the efforts of his family. A check of government agencies indicates that he has not left the country; he has not registered to vote and has not requested a new identification card. Since his arrest is established it is the conviction of this Commission that Osvaldo Torres Albornoz disappeared at the hands of government agents who violated his human rights.

On September 16, 1973, three brothers:

Hernán Rafael SEPULVEDA BRAVO, 28;

Juan Manuel SEPULVEDA BRAVO, 25; and

Ricardo del Carmen SEPULVEDA BRAVO, 16,

were executed in the Los Nogales shantytown. At about 5:00 p.m. policemen violently entered their house searched it and beat the residents. They took the three brothers to the

intersection of Calle Uspallata and Calle Antofagasta. There they executed them in the presence of eyewitnesses. Hernán and Juan Manuel were killed on the spot. Ricardo del Carmen was taken to Clinic No. 3, where he died at 1:00 p.m. Such circumstances enable this Commission to come to the conviction that these brothers, Hernán Rafael, Juan Manuel, and Ricardo del Carmen, were executed without any due process of law by government agents who gravely violated their right to life.

That same day, September 16 and in that same location, Victor Galvarino SILVA LOPEZ, 20, a shoe factory employee, was executed. He was arrested by police in his house in the Los Nogales shantytown. The police searched the house and immediately took him to the edge of La Aguada alleyway where they proceeded to execute him. The death certificate says he died of "a bullet wound to the neck and torso" and says it took place at Uspallata in the Los Nogales shantytown. These circumstances and the cause of death lead this Commission to the conviction that Víctor Silva's human rights were violated by government agents who executed him without any due process of law.

On September 16, 1973, Jorge Enrique DIAZ LOPEZ, 23, a truck driver, was killed. He was arrested in front of his parents' home on Avenida El Bosque in the community of Conchalí and taken to the Chacabuco Plaza police station. The family found his dead body at the Medical Legal Institute on September 20. The death certificate says he died at 10:00 a.m. on September 16 in the street and that the cause of death was "multiple bullet wounds." Since his arrest and the cause of death are attested, this Commission is convinced that due to the actions of its agents the government was responsible for violating the human rights of Jorge Díaz.

On September 17, 1973, the Elecmetal factory had begun operations again after the events of September 11. The workers also returned to work, in accordance with the request of the new government officials. That day at about 10:00 a.m. a contingent of police and soldiers showed up, and began to single out some of the workers and arrest them. The arrests were said to be related to accusations against the labor union at that company and against what was called the Vicuña Mackenna industrial belt, the area where the company was located. The managers, owners,

and the other workers, including a brother of one of the victims, were present while the arrests were being made. According to testimony and other evidence presented to this Commission, those arrested were:

Augusto Andino ALCAYAGA ALDUNATE, 42, the company's chief accountant who was also president of the union and active in the Radical party;

José Rosa DEVIA DEVIA, 27, a welder and union leader;

Juan Dagoberto FERNANDEZ CUEVAS, 24, a worker who was the secretary of the union and of the Vicuña Mackenna industrial belt and also active in the Socialist party;

Miguel Alberto FERNANDEZ CUEVAS, 22, a worker who was a union coordinator and active in the Socialist party; and

José MALDONADO FUENTES, 33, a welder.

According to testimony and other evidence gathered by this Commission, these five people were arrested inside the Elecmetal factory by a contingent made up of both police and soldiers. They were taken away in two different vehicles, one of which belonged to Elecmetal. The site to which they were taken and where they were executed is not known. Their bodies were found in the street and sent to the Medical Legal Institute by police from the Macul checkpoint. They died between 10:50 a.m. September 17 and 6:30 a.m. September 18, all from multiple bullet wounds.

Taking into account the circumstances of their arrest, the cause of their death, and the fact that police sent their bodies to the Medical Legal Institute, this Commission has come to the conviction that Augusto Andino Alcayaga Aldunate, José Rosa Devia Devia, Juan Dagoberto Fernández Cuevas, Miguel Alberto Fernández Cuevas, and José Maldonado Fuentes were executed by government agents in a violation of their fundamental human rights without any due process of law or any justification.

On September 17, 1973, Luis Alberto LOBOS CAÑAS, 31, a driver for a high ranking female leader in the Communist party who was himself active in that party, was executed.

According to numerous consistent witnesses' reports and other evidence examined, it has been established that he was arrested in his home in the Los Nogales shantytown on the afternoon of September 17 by a group composed of police and civilians. Where he was taken is not known. He was executed hours after his arrest, and his body was found in the street. The autopsy stated that the cause of death was "two perforating bullet wounds, one to the head and the other to the abdomen and torso." Since the circumstances of the arrest, the victim's political activity, and the cause of his death are attested, this Commission concludes that Luis Alberto Lobos Cañas was executed without any due process of law by government agents.

On September 17, 1973, Juan Segundo UTRERAS BELTRÁN, 23, a street vendor, disappeared. The evidence and testimony gathered by this Commission indicate that he was arrested at his home in the Cerro Navia neighborhood on September 17, 1973, during the curfew period by a military patrol. Noting that there were eyewitnesses to the arrest and having examined other evidence, this Commission has come to the conviction that Juan Segundo Utreras Beltrán was arrested by government agents and disappeared in their custody.

On September 17, 1973, two brothers, Paulino Ernesto ORDENES SIMON, 21, a small farmer who was active in the MIR, and Juan Miguel ORDENES SIMON, 20, a small farmer, were arrested in the presence of witnesses. Army personnel from the Patratroop and Special Forces Regiment of Peldehue made the arrest in a peasant community in Lampa.

During that same operation Victor Joaquín MALDONADO GATICA, 21, a student who was active in the MIR, was arrested in the peasant community of El Esfuerzo in Lampa. Other persons were also arrested in that same raid. One of them was Maldonado's brother, who was released after he had been held for some time. The following day their father, Manuel Maldonado Miranda, was also arrested and taken to the installation at Peldehue (his case is related below).

The prisoners were taken to Peldehue where they were beaten. On the night of the 18th they were transferred to the National Stadium where, according to credible witnesses,

they were interrogated. According to the statement of a survivor, they were taken out of the National Stadium along with others on September 19, 1973 and executed at the Grecia traffic circle during curfew. According to the death certificates, Paulino died as a result of "two perforating bullets to the torso," Juan Miguel Ordenes died as a result of "bullet wounds to the torso and abdomen," and Victor Maldonado Gatica died of "bullet wounds to the abdomen and the head."

It should be noted that the death certificates of the Ordenes brothers put the time of death as 4:00 p.m. and 10:00 p.m. September 16, 1973. Both certificates were written on October 1. This information conflicts with that of the many eyewitnesses to their arrest and that of others who were arrested with them, who consistently say that they were killed later. Maldonado's death certificate, however, puts his death at 11:00 p.m. September 19, 1973 on the corner of Avenida Grecia and Américo Vespucio, which is consistent with the account received.

The Commission has come to the conviction that the Ordenes Simón brothers, Paulino Ernesto and Juan Miguel, and Victor Joaquín Maldonado Gatica, were executed without any due process of law by government agents and that the killing constituted a grave human rights violation.

- Cases: September 18, 1973 – September 23, 1973
On September 18, 1973, Jorge AVILA PIZARRO, 27, a doctor who was a MIR activist, was executed. He was arrested on September 17 at Police Station No. 9 when, in obedience to a request, he reported at the Psychiatric Hospital, where he worked. That day at about 4:00 he came to his house in the company of two police officers, who searched the house and impounded some books. He was taken back to Station No. 9, this time accompanied by his wife, who was told that Jorge Avila was being transferred to the National Stadium. Shortly after she returned home, her husband telephoned confirming that he was going to be transferred. Nevertheless, when his wife went to the National Stadium the next day to see Avila, she was told he was not there. Police at Station No. 9 insisted that the transfer had taken place. Only on December 20, 1973, did the family learn that Jorge Avila Pizarro had been dead since September 18 and had been buried in Lot 29 of the

General Cemetery.

According to the autopsy report, the military prosecutor's office sent the body to the Medical Legal Institute, with the name listed as "unknown" and stating that the site of death was not known. The body was identified by the Identification Bureau and the cause of death was declared to be a "gunshot wound to the face and head and a bullet wound to the left side of the thorax."

The Commission came to the conviction that Jorge Avila Pizarro was executed without due process of law by government agents in what constituted a human rights violation. The grounds for its conviction are that his arrest is sufficiently attested; it is not likely nor has it been stated that he was released; and that the military prosecutor's office sent his dead body to the Medical Legal Institute.

On September 18, 1973, Luis Humberto MIÑO SALINAS, 26, was arrested by government agents. Police Station No. 3 sent his dead body to the Medical Legal Institute, noting that it had been found on the Manuel Rodríguez Bridge over the Mapocho River, and that the cause of death was bullet wounds to the chest with complications. The Commission came to the conviction that Luis Miño was killed as a result of political violence.

On September 18, 1973, Manuel Beltrán CANTU SALAZAR, 36, a public school teacher who was a Socialist and an aide to the governor of Santiago, and José Fernando TORRES ARENAS, 25, a DIRINCO (National Bureau of Industry and Trade) inspector, were executed. On September 11 both were arrested by police at the office of the governorship in Santiago, and were being taken toward the Ministry of Defense, but were released before they arrived. From that moment they both stayed at José Torres' apartment located at the corner of Calle Pio Nono and Calle Dardignac. On September 16 police arrested them there and took them to the Calle San Isidro police station. Credible eyewitness reports indicate that they were subsequently taken to the National Stadium and killed there on September 18, 1973. Their bodies, however, appeared at the Medical Legal Institute, where they had been sent by the military prosecutor's office as having been found in the street. The cause of death was said to be "multiple bullet wounds" and was said to have occurred on

September 18.

The Commission came to the conviction that Manuel Cantú Salazar and José Fernando Torres were executed without any due process of law by government agents who violated human rights. The grounds for that conviction are that their arrest and their presence in the National Stadium are attested; their dead bodies were sent to the Medical Legal Institute as though they had been found in the street, (although that is unlikely since they were imprisoned and in the custody of government agents); the circumstances of their death suggest a firing squad; and at least Cantú had a politically important position in the Popular Unity government and was an outstanding leader in his party.

On September 18, 1973, Charles Edmund HORMAN LAZAR, 31, a United States citizen, filmmaker and writer, was executed. He was arrested on September 17, by a group of five or six soldiers while he was alone at his home in the Vicuña Mackenna neighborhood. When his wife arrived the next day, it was clear that their house had been raided. Documents that were part of an investigation Horman was carrying out along with other North Americans with whom he had set up a journalistic working group were taken in that raid. On the 17th, Charles Horman was sent to the National Stadium, where he was interrogated. Officials never acknowledged his arrest. Some weeks later his family was informed that he was dead and buried at the General Cemetery. The military prosecutor's office had sent his body to the Medical Legal Institute with an indication that the place of death was not known. His death certificate registers the time of death as September 18, 1973, at 9:45 a.m., and the cause as "multiple bullet wounds." The Commission has come to the conviction that Charles Horman was executed without any due process of law by government agents, and that his human rights were thereby violated. The grounds for that conviction are that his arrest by army agents and his entry into the National Stadium are sufficiently attested, that from that moment there was no further word about him until the family learned of his death, and that the bullet wounds from which he died were similar to those of a firing squad.

Related to that execution, on September 22, 1973, Frank Randall TERUGGI BOMBATCH, 24, a United States citizen with Chilean residency who was a student at the University

of Chile, was killed. He was involved with Charles Horman and other U.S. citizens in the press group FIN (North American Investigatory Source). On September 20 at about 9:00 p.m. he and another North American were arrested in his apartment in the ñuñoa neighborhood by policemen from the Macul Subofficers Training School. Both were taken to that school and remained there until the morning of September 21, when they were transferred to the National Stadium. At about 8:00 p.m. on the 21st, the prisoners were separated when Frank Teruggi was summoned by an army officer who was taking names from a list. His friend never saw Teruggi again. Days later his body turned up at the Medical Legal Institute. The death certificate said he died September 22, 1973, at 9:15 p.m., that the cause was "multiple bullet wounds" and that it had taken place in the street. The official version of his death presented by the Foreign Ministry asserted that Frank Teruggi had been arrested on September 20, 1973, for a curfew violation and that he had been released for lack of a reason to hold him.

The Commission cannot accept the official version and in fact has come to the conviction that Frank Teruggi was executed without any due process of law by government agents and that his human rights were thus violated. In doing so it has taken into account that it is established that he was arrested at home and not for a curfew violation and that he was held in the National Stadium; it is clear that he was killed by many bullet wounds while he was being held prisoner by government agents; and his execution took place at the same time as that of Charles Horman.

On September 18, 1973, Leopoldo Raúl BENITEZ HERRERA, 37, an architect who was on the department of architecture faculty at the Catholic University, was killed. On September 17 at about 7:30 p.m. while he was at the house of his wife's parents in the Ñuñoa district, police forces came from the Macul Subofficers Training School forced their way in, searched the house, and threatened the people there. After asking to see the identification papers of everyone in the house, they arrested Benítez, and took him in a police van that had previously been parked outside the entrance to the house. At the Subofficers' Training School his wife learned that he had been there and was told that if he was still alive, she should look for him at the National Stadium. Her inquiries there proved in vain. His body was

found on September 24 at the Medical Legal Institute. It had been sent there by the military under the name Leopoldo Raul Benítez Herrera, with a note that he had been found on the street. The death certificate states that he died on September 18, 1973 at 1:35 p.m. as a result of "multiple bullet wounds." However, seven days went by between his arrest and the official notification of his death, and during that time his relatives were given misleading accounts of what had happened to him. One of these was that he was being brought to trial and that his case was going to be heard along with others on September 24, 1973 at the Military Academy.

It is the Commission's conviction that Leopoldo Raul Benítez Herrera was executed without any due process of law by government agents who violated his right to life. That determination is based on the following elements: his arrest by government agents is attested; it is clear that he was at the Macul Subofficers Training School for police; he was killed while in the custody of his captors.

On September 18, 1973 at 3:00 p.m., Humberto PICARTE PATIÑO, 30, was arrested at his home in San Joaquín by police agents. His mother found his body at the Medical Legal Institute after the Vicuña Mackenna police headquarters had sent her there. The death certificate says he died as a result of "bullet wounds to the thorax and lung areas," and says it occurred at September 18, 1973 at 3:00 p.m. in San Joaquín. Since it is established that he was arrested by police agents and died of bullet wounds, this Commission has come to the conviction that Humberto Picarte Patiño was executed by government agents who violated his right to life.

On September 18, 1973, Ernesto Carlos BRIZUELAS PONTIGO, 34, a worker, died at the intersection of Calle Gorbea and Calle Molina as a result of a bullet wound to the head. In view of the nature and date of his death, the Commission has come to the conviction that Ernesto Carlos Brizuelas Pontigo was killed by government agents using excessive force.

On September 18, 1973, Sergio Orlando PERALTA MARTINEZ, 39, a surveyor who was an advisor to the governor's office in Santiago and active in the Socialist party, was killed. On September 16 he was arrested by air

force troops at his home on Calle Obispo Donoso in the neighborhood of Providencia, and taken to an unknown destination. Countless efforts by his family to determine his whereabouts were in vain. His body was found on September 23 at the Medical Legal Institute. The death certificate says he died of a "perforating bullet wound to the thorax," and puts the date as September 18, 1973. This Commission has come to the conviction that Sergio Orlando Peralta was executed without any due process of law by government agents who violated his right to life. The grounds for that conviction are the certainty that he was arrested, his political activity and the manner in which he died.

On September 18, 1973, Jorge Rodrigo MUÑOZ MELLA, 18, a student, and José Andrés GARCIA LAZO, 29, a television repairman, were arrested at their home on Calle Bascuñán. That night a police patrol burst violently into their house and arrested both young men. Numerous consistent witnesses say they heard shouts and shots and observed the young men being put into the police truck. Then they saw the police take two people out of the truck, shoot them while they were lying on the ground, and then put them back in the vehicle. The many inquiries and legal efforts made by their relatives were all met with denials. To the present nothing is known concerning the fate or whereabouts of these young men. Since it is fully established that they were arrested, and that neither of these young men had subsequent contact with their families, had any dealings with government agencies, or were registered as having left the country, this Commission has come to the conviction that Jorge Muñoz and José Andrés García disappeared at the hands of government agents who violated their human rights.

On September 18, 1973, two brothers, José Gregorio HERNANDEZ ANDRADE, 27, a public school teacher and a MAPU activist, and Roberto Darío HERNANDEZ ANDRADE, 26, an employee at CORFO who was also a MAPU activist, were killed. On September 16 police forces arrived at the home of the Hernández Andrade family. They searched the property inquiring about the Secretary General of MAPU, for whom both brothers had worked as a driver. They then arrested both of them, along with a neighbor who was in the house. Witnesses say they were taken to the Second police station. The neighbor was released the next day. The

family's efforts to discover the whereabouts of the young men were fruitless. On September 26 relatives found their bodies at the Medical Legal Institute. Both had been found in the street. José Gregorio's death certificate says the cause of death was a "bullet wound to the thorax and neck region," and Roberto Dario's was "a perforating bullet wound to the head." The date of death for both is September 18, 1973. Since it is fully attested that both were arrested and that the cause of death was bullet wounds, this Commission has reached the conviction that the execution of José Gregorio and Roberto Darío Hernández Andrade was a human rights violation for which the government was responsible because it was the work of its agents.

On September 18, 1973, Luis Hilario HERMOSILLA MUÑOZ, 45, a driver for a high ranking Communist party leader who was also an activist in that party, was killed. He was arrested on September 17 by police forces who took him away, telling him that they needed him to turn over the vehicle he drove which was parked a few blocks away. His relatives searched for him unsuccessfully in a number of places until September 22, when they found his body at the Medical Legal Institute. The death certificate states that he died of "a perforating bullet wound to the head." Place: the street; date: September 18, 1973. Since it is attested that he was arrested by government agents and that he died of bullet wounds, and taking into account his political activism and job, this Commission has come to the conviction that Luis Hilario Herмосilla was executed by government agents who violated his right to life.

On September 18, 1973, José Fernando TORRES ARENAS, 26, an inspector at DIRINCO (Bureau of Industry and Trade) and a firefighter, was executed. On September 16 he was arrested together with another person at his home in the presence of witnesses. Those arresting him were police, and a family acquaintance says he saw José Torres that same day at the National Stadium. Some days later on the 26th, the family found his name among the lists of people dead at the Medical Legal Institute. The autopsy report indicates that the body was sent by the military prosecutor's office, supposedly after it was found in the street. The cause of death is listed as "multiple bullet wounds." The Commission came to the conviction that he was executed in an action for which government agents

were responsible, and that his human rights were thereby violated, especially since his arrest is attested and that the cause of death makes it reasonable to assume that it was the work of government agents.

On September 19, 1973, Segundo Enrique THOMES PALAVECINOS, 15, a high school student and a worker, was killed. On that day he took a public bus on the way back to his house. Along the way at around 6:30 p.m., police stopped the bus in the Walker Martínez neighborhood and arrested all the male passengers. An eyewitness who was among those arrested reported this information to the family. Segundo Thomes' death occurred at 9:00 p.m. on September 19; the certificate says the body was found in the street with a bullet wound to the head and many to the abdomen. The family identified the body at the Medical Legal Institute, and it was buried in the General Cemetery. In view of the evidence gathered and credible testimony received, this Commission has come to the conviction that the death of Segundo Enrique Thomes Palavecinos can be attributed to the political violence of that period and that it is reasonable to think that it was the result of actions by government agents.

On September 19, 1973, Ramón Luis ESCOBAR CHAVARRIA, a taxi driver, was killed at about 2:00 a.m., while curfew was in effect. He took a woman from his neighborhood to the Carolina Freire Maternity Hospital. On his way home, at about 3:30 a.m. [sic] at the intersection of Calle Carrión and Calle Vivaceta, he was hit by a bullet, and was taken to the José Joaquín Aguirre Hospital and died there. His body had a "bullet wound in the chest with complications," according to the autopsy report. Taking into account the context in which these events occurred, and the cause of the victim's death, this Commission has come to the conviction that Ramón Luis Escobar Chavarría was killed by government agents using excessive force.

On September 19, 1973, Alvaro Agustín SALCE ASCORRA, 48, a resident in the United States who worked there administering buildings and was in Chile for family reasons, was killed. That afternoon he set out toward the house of a female friend near Plaza Italia and never arrived. His family searched for him without any result, until they found his body at the Medical Legal Institute on September 26. His body had been sent there by the military

prosecutor's office after he had been found on Avenida Bustamante. The autopsy report states that the cause of death was "three perforating bullet wounds to the chest." Taking into account the cause of death and the date and time of these events, this Commission is convinced that Alvaro Agustín Salce died as the result of use of excessive force by government agents.

On September 19, 1973, Mario Armando CANEDO ROJAS, a security guard who was the neighborhood council secretary of Villa Salvador Allende and active in the Socialist party, was arrested. The arrest took place in the street in the presence of witnesses, in front of the San Rafael police headquarters. His relatives looked for him in a number of places, but everywhere they went they were told he was not there. On September 23 his body was found at the Medical Legal Institute. The autopsy report attests that the body was "sent by the Chilean Air Force at El Bosque, with the note that it had been found at the El Bosque air base," and that the cause of death was "a perforating bullet wound to the neck." The Commission has come to the conviction that the death of Mario Armando Canedo Rojas involved a grave violation of his right to life committed by government agents. The grounds for this conviction are the fact he was arrested and the cause and place of his death.

On September 19, 1973, at 3:00 p.m. Luis Gilberto MATAMALA VANEGAS, 16, a high school student and vendor, was executed. Police forces from the San Joaquín headquarters violently entered his house in the Isabel Riquelme shantytown. Without even asking him his name, they shot him and withdrew, leaving him gravely wounded. He died on the way to the Red Cross Clinic. When the family went to the police to ask for an explanation of what had happened, they were told it had been a mistake. Nevertheless, in a 1976 response to the Interamerican Human Rights Commission, the Foreign Ministry stated that Luis Matamala had died in a shootout with the police. The information given here indicates in itself that the official version is implausible. This Commission is convinced that Gilberto Matamala was executed without due process of law by government agents.

Several persons were arrested between September 19-21, 1973 at the Aiolite, S.A. factory, located on the

Panamerican highway north in the Conchalí district. Three of them were executed:

Ernesto VASQUEZ GODOY, 22, an employee who was a MIR activist. He was arrested by police from the Fifth station inside the factory on September 19. That same afternoon police forces raided his house. His family unsuccessfully looked for him in a number of detention sites until they found his body at the Medical Legal Institute on September 26. The death certificate indicates that he died of "multiple bullet wounds." (The autopsy report attests that he was hit sixteen times). Place: the street. Date: September 19, 1973.

Guillermo Osvaldo VALLEJO FERDINAND, 38, a law school graduate who was the legal advisor to the government representative at the company and an active member of the Socialist party. Police from the Fifth station arrested him September 20, 1973 inside the company and took him to that police station. His wife saw him there and was told that he was going to be transferred to the National Stadium, but officials there did not acknowledge his presence. His body was later found at the Medical Legal Institute. The death certificate says he died of a "bullet wound to the head." Date: September 22, 1973. Place: the street. The autopsy report attests to fourteen bullet holes in various parts of his body.

Miguel Hernán ARANCIBIA CASTILLO, 28, an employee and union member. He was arrested on September 21 inside the company by police who took him to the Fifth station. At that station his relatives were told that he had been released. His body was found buried in Lot 29 of the General Cemetery on October 11 and was exhumed on October 14. The death certificate states that he died of "bullet wounds to the head and neck and to the chest and right hand." Date: September 22, 1973. Place: the street. The autopsy report notes obvious signs of torture.

This Commission has come to the conviction that Ernesto Vásquez, Guillermo Vallejo, and Miguel Arancibia were executed without any due process of law and that their bodies were left in the street by government agents. The grounds for this conviction are the proof that they were arrested, the cause of their deaths, and the manner in which their bodies were found.

On September 20, 1973, Jorge Carlos Romualdo RUZ ZUÑIGA, 26, a hydraulic engineer, was arrested. He worked at SERCOTEC (Technical Cooperation Service) and was arrested there by army troops from the Guardia Vieja Regiment of Los Andes. He was transferred to the grounds of the International Trade Fair of Santiago, where troops from that regiment were quartered. He was later transferred to the National Stadium, where he was interrogated but was held for only four hours. That same night, September 20, he and another of those arrested at SERCOTEC, were taken out, along with three others. They were driven in a police van to the edge of the Maipó River, where the police forced them to kneel down and executed them. Their bodies were thrown into the river. One of these people managed to escape the firing squad by jumping into the river and avoiding being hit by bullets. Jorge Ruz's body was never found. This Commission has come to the conviction that since it is established that he was arrested, held, and executed, but his remains have not been found, Juan [sic] Ruz Zuñiga is one who disappeared after arrest at the hands of government agents in a violation of his human rights.

On September 20, 1973 at 6:00 a.m., air force, army and police troops in a joint operation began a raid in the La Bandera shantytown in the district of La Granja. This Commission has received testimony indicating that several people were arrested during this raid, and were taken to an athletic field in the shantytown. There the troops blindfolded them and forced them to lie face down on the ground. This operation lasted until 6:00 p.m. Later some people were transferred to the El Bosque air base and the 25th police station, which is located on Avenida Santa Rosa. This Commission examined the cases of three of those arrested on this occasion who remained disappeared and one person who was executed:

Ricardo Octavio LOPEZ ELGUEDA, 15, street vendor. He was arrested inside his house in the presence of his family and taken to the athletic field. From there he was taken as a prisoner to the 25th police station, where he was last seen by witnesses. From that moment his fate and whereabouts are unknown.

Héctor Orlando VICENCIO GONZALEZ, 24, a worker, was arrested at home in the presence of his family and

neighbors by air force troops. They arrested him when he said he had no identification card. Despite his family's countless efforts to locate him, he remains disappeared to this date.

Simón Eladio SANCHEZ PEREZ, 17, student, who lived with his family in Villa O'Higgins in the La Florida district. That day his father sent him to drop off a sheet of roofing in the La Bandera shantytown. The area was being searched at that very moment, and it is assumed that he was arrested when he entered it. His whereabouts are unknown since that date.

Luis Osvaldo SILVA, 38, a street vendor. He was arrested at home, in the presence of witnesses, by troops who beat him and took him to an unknown destination. His family looked for him in vain in different places. On September 30 they were told that his body had been found on San Cristobal hill with many bullet wounds. The date of death is September 21.

Taking into account the circumstances of these arrests and the fact that three of these persons had no further contact with their families, had no official dealings with government agencies, and were not registered as having left the country, this Commission has come to the conviction that Ricardo López, Héctor Vicencio and Simón Sanchez were disappeared by force and that Luis Osvaldo Silva was executed, all by government agents in violation of their human rights.

On September 20, 1973, Juan Carlos DIAZ FIERRO, 27, an office worker who was the secretary of the labor union at Casa García and a Communist party activist, was killed. He was apprehended by army troops the previous day at the Casa García store, and taken to a military unit where the family says his arrest was acknowledged. However, they were later given different and contradictory accounts of his fate and whereabouts. Their countless inquiries proved fruitless. His dead body was brought to the morgue on September 20 and was buried in Lot 29 of the General Cemetery. Since that time his family has not been able to reclaim his body in order to bury it. The death certificate states that the cause of death was a "perforating bullet wound to the head." Place: Santiago, Avenida España, 450. Date: September 20, 1973 at 6:30 a.m. Since his arrest is

fully attested, and taking into account the cause of his death, this Commission came to the conviction that Juan Díaz was executed without any due process of law by government agents, thus violating his right to life.

On September 20, 1973, Vicente Ramón BLANCO UBILLA, 37, president of the association of homeless in the El Olivo shantytown in San Bernardo and active in and the registrar of the Communist party of San Bernardo, disappeared after being arrested. According to his family, the authorities were looking for him from September 11 onward and so he hid. He finally decided to surrender and did so with his wife at the San Bernardo police station. Both were arrested on September 20, 1973, but she was released two days later. After her own release she heard nothing more about the fate of her husband. Given these antecedents, this Commission has come to the conviction that the disappearance of Vicente Ramón Blanco Ubilla constituted a grave human rights violation for which government agents were responsible, since his arrest is attested by credible testimony and there is no indication that he was ever subsequently released.

On September 20, 1973, José Rafael MUÑOZ CONTRERAS, 24, married, a street vendor, was killed in the street. On September 20 at about 10:00 p.m. he left his house to go to the store. Twenty days later his wife found his body at the morgue. The death certificate states that he died of "two abdominal bullet wounds" and that the place of his death was "a public thoroughfare in Santiago." Although it does not know under precisely what circumstances José Muñoz lost his life, this Commission has come to the conviction that he died as a result of the political violence in the country at the time of his death.

On September 20, 1973, Rafael ARCE JEREZ, 21, an office worker, was killed. At around noon on September 20 he left his house on the way to the Gran Avenida branch of the Banco del Trabajo in order to cash a check. When he did not return home, his family began looking for him. They finally found his body at the Medical Legal Institute. According to the death certificate the body had bullet wounds. The time of death was 11:00 p.m. September 20. The family later learned that there had been a major military operation there that day and many arrests were made. Since it is attested that members of the armed forces were

carrying out an operation, and taking into account the circumstances and causes of death, this Commission came to the conviction that Rafael Arce Jerez died as a result of political violence, and it is to be presumed that government agents killed him.

On September 20, 1973, Pedro Armando MENA SEPULVEDA, 38, a butcher, was killed. He was last seen on September 20 as he was leaving his job at the Franklin slaughterhouse. He turned up dead of bullet wounds at the Medical Legal Institute. The date of death is September 20. Because of the antecedents noted, the fact that he was shot to death, and the circumstances of the time, the Commission has come to the conviction that Pedro Mena Sepulveda died as a result of the political violence that took place after September 11, 1973.

According to his family, on September 20, 1973, Carlos Antonio GUZMAN ALTAMIRANO, 23, an unmarried vendor, was killed. His dead body was sent to the Medical Legal Institute by the Vicuña Mackenna police headquarters, and the cause of death was multiple bullet wounds. The Commission has come to the conviction that Carlos Guzmán was killed as a result of the political violence prevailing at that time.

On September 20, 1973, Luis Alfredo DIAZ JERIA, 18, disappeared. That day he was arrested by police from the Curacaví police force headquarters that day, while he was buying some things, and he was taken to that police station. Since that date there has been no further information on him. Since the evidence in its possession attests to the fact that he was arrested, this Commission has come to the conviction that his disappearance was the work of government agents who violated his human rights.

On September 21, 1973, Patricio Enrique MANRIQUEZ NORAMBUENA, 17, a student who was active in the Young Communists, was executed. He was arrested the previous day by police from the Fourth station, who searched his house and apprehended him as well as confiscating some books. The following day police at that station said that he had been transferred to the National Stadium, but that proved to be false. On the 22nd, the bullet-ridden body of Patricio Manríquez was found along the train tracks in the area of Lira, as indicated in his death certificate. Alongside

the body were the books that his captors had taken from the young man's house. The Commission came to the conviction that the execution of Patricio Manríquez Norambuena constituted a grave violation of his fundamental rights at the hands of government agents. The grounds for this conviction are that it is thoroughly established that he was arrested, his political activity, and the place and state in which his body was found.

On September 21, 1973, police from the Dávila station arrived to carry out a raid at the Clínica Bancaria de Pensiones and arrested:

Antonio Artemio TAMAYO REYES, 31, an office worker;

Luis Alberto ORTEGA FERNANDEZ, 31, an office worker;

Luis Porfirio ALZAMORA GONZALEZ, 21, an office worker;
and

Luis Sergio MENDEZ ORTEGA, 25, a mechanic.

They arrested a total of ten employees whose names they had on a list and took them to the police station for interrogation. That afternoon they released six of them. The other four were taken to the National Stadium, and their names appeared on the list of people there, according to testimony received by this Commission. Word came to the clinic that their bodies were at the Medical Legal Institute. All the autopsy reports indicate that the bodies were brought from the National Stadium and that the cause of death was bullet wounds. When the coffins were turned over to the families, they were already sealed. The date of their death is September 22. After examining the evidence gathered, the Commission came to the conviction that these people were executed without any legal process. The grounds for that conviction are that it is established that all were arrested and held in the National Stadium, that they died of bullet wounds, and that three died in the National Stadium; hence it is to be presumed that the fourth death took place under the same circumstances.

On September 21, 1973, at about 7:45 p.m. police from the Walker Martinez station arrested the following three people at their home:

Alamiro Segundo GONZALEZ SAAVEDRA, 41, a merchant;

Manuel José GONZALEZ ALLENDE, 16, a student; and

Simón Cirineo ALLENDE FUENZALIDA, 26, a merchant.

According to those who witnessed what happened, the police were drunk and during the arrest searched the home of these men. Alamiro González was wounded in the leg in front of his house at the moment of arrest. The next day relatives found their bodies near the Pio Nono Bridge on the banks of the Mapocho River. This Commission came to the conviction that the deaths of Alamiro González Saavedra, Manuel Antonio González Allende and Simón Allende Fuenzalida were executions which occurred without any due process of law and which constituted a grave human rights violation by government agents, particularly of the right to life. The grounds for coming to this conviction are that their arrest is attested and that the bodies with bullet wounds were found on the banks of the Mapocho River, as indicated on their death certificates, which registers the date of death as September 21.

On September 22, 1973, Nelson Gonzalo DURAN CASTILLO, 22, an ex-marine, was killed. On that day Durán, who had retired from the marines a few months before September 11, went to present himself at the recruiting office on 18th St.⁸⁹ Since he did not return home and there was no word about him, the family went looking for him, until at the Medical Legal Institute they were told that he had died as a result of bullet wounds. The autopsy report described the body as having "many fractures and widespread destruction along the whole left side and part of the right side of the facial cranial mass, torn skin muscle and a bruise wound on the upper third of the left thigh," which indicates that he had been subjected to torture; he also had bullet wounds, to the "head and abdominal cavity with complications." The relatives said that they had not been able to view the body and that it was handed over to them in a sealed casket. The time of death registered by the death certificate is 4:00 a.m. September 22, that is, while the curfew was in effect.

⁸⁹ Eighteenth Street: This is a street located in the heart of downtown Santiago. The name refers to September 18, which is observed as Chile's National Day. September 19 has traditionally been observed as Armed Forces Day. The two days together are referred to as the Fiestas Patrias.

The Commission came to the conviction that the death of Nelson Durán Castillo was an execution which took place without any due process of law and that it constituted a grave human rights violation. The grounds for this conviction are the state of his remains and the fact that he was killed during the curfew period, which indicate a premeditated action against him. Under the circumstances government agents can reasonably be assumed to have been responsible.

On September 22, 1973, police at the Conchalí checkpoint arrested:

Juan Guillermo ARREDONDO GONZALEZ, 33, a lathe operator who was an active Communist;

Juan Humberto Alberto ORELLANA ALARCON, 31, a worker; and

José Gabriel MOLINA GUERRERO, 31, a married locksmith who was an active Socialist.

They were arrested in the presence of many witnesses during a police operation in the Pablo Neruda shantytown in the Conchalí district and taken to the area checkpoint. The bodies of Arredondo and Molina were found along the General San Martín highway; that of Orellana was found in the street and taken to the Medical Legal Institute. Molina's death certificate registers the date of death as September 22, 1973, and the cause, according to the autopsy report, was "two perforating bullet wounds in the cranium which destroyed the raquidean bulb, protuberance, and cerebellum." It also adds that such wounds are made by "high power bullets." The cause of Arredondo's death, according to his autopsy report is "bilateral bleeding in the thoracic cavity, a perforating wound of the superior and middle lobes of the right lung and a perforating wound of the inferior lobe of the left lung." The cause of Orellana's death was "bullet wounds to the head." These two are dated on September 23.

Given the evidence it has examined, this Commission has come to the conviction that the human rights of Juan Guillermo Arredondo González, José Gabriel Molina Guerrero and Juan Humberto Orellana Alarcón were

gravely violated, and that government agents are responsible for that action since their arrest is thoroughly attested by reliable witnesses and the causes of their deaths can reasonably be attributed to armed agents, who left the bodies abandoned.

On September 23, 1973,

Jaime Iván MENESES CISTERNAS, 28, a freelance photographer;

Miguel Segundo ORELLANA BARRERA, 32, a driver;

Jorge Bernardino PINTO ESQUIVEL, 53, a union leader;
and

Nardo del Carmen SEPULVEDA MANCILLA, 24, a worker,

were killed. The first three were arrested in a military operation carried out in the Roosevelt shantytown that morning and loaded onto a bus being used by soldiers from the Buin Regiment. It has not been possible to determine where they were taken. The fourth was arrested at his workplace, in the Conchalí district, also by troops of the Buin Regiment. All the bodies, with many bullet wounds as indicated on their death certificates, were found that same day on the Panamerican highway north. The Commission has come to the conviction that the deaths of Jaime Iván Meneses Cisternas, Miguel Segundo Orellana Barrera and Jorge Bernardino Pinto Esquivel were executions which took place without any due process of law and were grave human rights violations that can be attributed to the action of government agents, since it is established that they were arrested and in view of the specific causes of their deaths.

On September 23, 1973, José Alfredo VIDAL MOLINA, 27, a worker, disappeared. He was arrested on September 23 at his house in the Nueva Matucana shantytown by a group composed of both police and soldiers and then taken to an unknown destination. From that moment there have been no indications of his whereabouts. His family went to the banks of the Mapocho River, where the bodies of people arrested under similar circumstances had been found, but they were unable to locate his body. José Alfredo Vidal has remained missing since the date of his arrest. Further

confirmation comes from the fact that he has not carried out any dealings with the government, he has not left the country, and has not had contact with his family throughout this period. These facts, which the Commission has verified, support its conviction that we have here the case of someone who disappeared after being arrested by government agents.

On September 23, 1973, Ramón Osvaldo JARA ESPINOZA, 23, a plumber, was killed. He was arrested at his home in the Roosevelt shantytown in the Conchalí district, by soldiers, police and investigative police, during the search operations being carried out by this shantytown's police station. His bullet ridden body turned up on the Bulnes Bridge, and it was sent to the Medical Legal Institute where it was identified by his relatives. According to the autopsy report, the cause of death was a "perforating bullet wound to the head with complications." The date of death was the same as that of his arrest. Since it is established that he was arrested and held in a police facility, that his body was found in a public place, that the autopsy report says the cause of death was a bullet wound, and that it occurred on the date of his arrest, the Commission has come to the conviction that Ramón Osvaldo Jara Espinoza was executed and that his human rights were gravely violated by the action of armed government agents while he was a prisoner in their custody.

On September 23, 1973, Enrique Segundo MONTERO MONTERO, 29, an itinerant vendor, disappeared after being arrested at his house by police from the San Bernardo station. Police told the family that the day after he was taken to the San Bernardo police station, he was transferred to Cerro Chena. However, at that site they did not acknowledge his arrest. Since that date the family did not discover anything more about his fate, until as a result of their efforts SENDET (Executive National Secretariat of Prisoners) answered that "according to official information in the possession of this secretariat, the citizen Enrique Segundo Montero Montero, died in combat as a result of September 11, 1973." Despite this official statement, there is no death certificate or any other document attesting to his death. This Commission is convinced that the status of Enrique Segundo Montero Montero is that of disappeared, and government agents were responsible for the violation of his human rights. The official version that he was killed

in combat is not credible since it is established that he was arrested by police and therefore must have been in their custody, and that there is no legal evidence of whatever kind of death he may have suffered.

On September 23, 1973,

Ofelia Rebeca VILLARROEL LATIN, 29, a foreign trade department secretary who was responsible for the women's section of unionized office workers and an active Communist;

Donato QUISPE CHOQUE, an employee of Bolivian nationality; and

Adrián del Carmen SEPULVEDA FARIAS, 27, an employee in the thread making section who was an employee representative and a leftist sympathizer,

were arrested along with twenty other workers at the Sumar factory, which was part of what was known as the Vicuña Mackenna industrial belt. Soldiers had raided and searched this factory on September 12 and taken over the company. On September 23, most of the workers obeyed a call from the new authorities and showed up for work. As the employees arrived at the factory they were lined up; those who were considered the most dangerous according to lists the military were consulting were set apart. Numerous factory and office workers who were inside the company consistently testified that soldiers arrested these people and separated them from the other workers who had also been arrested. This was the last time they were seen alive.

Their bodies were found on the General San Martín highway and sent to the Medical Legal Institute. The autopsies indicated that they died the day they were arrested. Their bodies bore many bullet wounds. The fact that all were blindfolded indicated that they had been executed. The evidence gathered, particularly the testimony that credibly attests to their arrest and how it was carried out, added to the date and cause of death, has led this Commission to the conviction that Ofelia Rebeca Villarroel Latín, Donato Quispe Choque, and Adrián del Carmen Sepúlveda Farías were executed and that their human rights were gravely violated by government agents.

On September 23, 1973, Fernando Isidro VERA ORTEGA, 18, was executed. He had been arrested at his house in La Pincoya shantytown during a large scale search operation. All those arrested were taken to the local athletic field and then to the La Pincoya police station. His relatives say that there they were told that the prisoners had been taken to the Buin Regiment, but all their inquiries made there were in vain. His body was later found on the General San Martín highway. The time of death is 11:15 a.m. that same day, September 23. His body had deep wounds in the left temporal and right parietal lobes and the cause of death was "bullet wounds to the head and thorax with complications." In view of the evidence it has examined, and since it is established that he was arrested on the day of his death and that the circumstances of his death prove that this was the work of armed agents, the Commission has come to the conviction that Fernando Isidro Vera was executed without any due process of law and suffered a grave human rights violation at the hands of government agents.

- Cases: September 24, 1973 – September 30, 1973
On September 24, 1973, Carlos Enrique Mario NICHOLLS RIVERA, 27, a chemical engineer and active Communist, was executed after being arrested at his home in the Maipú district by a military patrol. On the day he was arrested he was taken to the International Trade Fairgrounds in Santiago. From there he was taken by night and later executed at the intersection of Avenida General Velásquez and the road to Melipilla. Government officials had his body buried in Lot 29 of the General Cemetery without informing the family. They were able to have it exhumed only some time later. The autopsy certificate says that his death was caused by multiple bullet wounds to the torso and abdomen with complications and that it occurred on the same day he was arrested. The Commission has been able to come to the conviction that Carlos Nicholls Rivera died as a result of being executed without any due process of law, and that this was a grave human rights violation for which government agents were responsible. The grounds for that conviction are the attested fact that he was arrested, his violent death and the circumstances of his burial; his political activism has also been taken into account.

On September 24, 1973, Roberto Hernán CACERES

SANTIBAÑEZ, 16, an itinerant vendor, was executed after being arrested by police. After being arrested he was taken to the Fourth police station. Some days later his bullet ridden body was found at the Medical Legal Institute, where it had been sent by the military prosecutor's office. The autopsy report states that the place of death was the corner of Avenida Departamental and Macul and that it took place on September 24, at 11:00 a.m. Since it is established that he was arrested, and taking into account the cause of death, the Commission has come to the conviction that Roberto Hernán Cáceres was executed without any due process of law, and that his human rights were violated by government agents.

On September 24, 1973, Arnolando CAMU VELOSO, 36, a lawyer who was a legal advisor to the presidency and active in and member of the political commission of the Socialist party, was executed in the street. He had been in hiding from September 11 while still maintaining contact with his family. Prior to his death troops had come to his house intending to arrest him. On September 24, he had arranged to meet his wife in a public place in downtown Santiago but did not arrive there. According to eyewitness reports the Commission has received, he was stopped in the street by armed civilians who put him in a car and shot him there. Fatally wounded, he was taken to the Central Emergency Clinic where he died. The autopsy report says the cause of death was a "recent perforating bullet wound to the spinal cord," and that it took place on September 24 at 12:45 p.m. Taking into account the political activity of the victim, his responsibilities in the party and his work as a legal advisor to the president, the fact that he was being sought by troops, that he was named in the legal process initiated by the Chilean Air Force-trial record 1-73, and that the autopsy report notes that he was shot at close range and is consonant with the eyewitness report that he was shot inside a vehicle, the Commission has come to the conviction that Arnolando Camú Veloso was executed without any due process of law by government agents, and that this act was a grave human rights violation.

On September 25, 1973, Jorge Alberto VERGARA UMAÑA, 30, a shoemaker, was executed after being arrested by troops at his home in the Nueva Ilusión shantytown located at El Cortijo on the Panamerican highway north. He was arrested during a large scale search operation in the area.

After many inquiries, the family found his body at the Medical Legal Institute. According to the death certificate the cause of death was a "perforating bullet wound to the head," and the date was the same as that of his arrest. In view of the cause and date of death, and since according to credible testimony he was arrested by government agents, the Commission came to the conviction that José Alberto Vergara was executed without any due process of law, and that his human rights were thereby violated by government agents.

On September 26, 1973

Oscar Antonio LOBOS URBINA, 24, a worker;

Amado de Jesús RIOS PRADENA, 31, a merchant; and

Manuel Jesús ARANCIBIA ARANCIBIA, 29, a street vendor,

were killed on the grounds of a police facility. The official account states that these three men had participated in an attack on a police ambulance in the La Legua shantytown on September 11, 1973. According to the newspaper report, First Sergeant José Humberto Wettlyn and three other police were killed in this attack. On September 15 air force personnel arrested Lobos and Ríos in La Legua, and the next day they arrested Arancibia at his house. Arancibia was transferred to the National Stadium, and nothing more was known of him until his body showed up at the Medical Legal Institute. The newspaper account states that the three were submitted to a war tribunal, sentenced to death, and killed by firing squad at a police unit on Calle Las Perdices in the La Reina district.

The autopsy report states that the La Reina Police Subofficers headquarters sent the bodies to the Medical Legal Institute, and that the cause of Rios Pradenas' death was a "perforating bullet wound to the head." It states that Lobos Urbina died of "perforating bullet wounds to the head and to the neck," and that Arancibia Arancibia died of "perforating bullet wounds to the thorax and abdominal thorax." The Commission submitted requests to the proper officials for the trial record but did not receive it.

By reason of the foregoing, the Commission came to the conviction that these three men were executed and were

not granted their right to a proper trial, since there is no reliable record that the alleged war tribunal actually took place, that even if it did take place, they did not have the right to a legal defense that could have prevented the death penalty or modified the degree of guilt or of participation. All of this was a human rights violation, regardless of whatever responsibility those who were executed may have had for the events for which they were condemned to death.

On September 26, 1973, Freddy Flavio MOLINA RODRIGUEZ, 34, a worker, was executed after being arrested by police and soldiers the previous day at his house in the El Cortijo shantytown. All those arrested on that occasion were taken in a truck to the Fifth police station in Plaza Chacabuco. There his family was told that he had been transferred to the National Stadium, but it became clear that such was not the case. Relatives found his body on October 5, 1973 at the Medical Legal Institute. According to the death certificate he was killed on September 26, 1973 at Portezuelos, Quilicura. Since his arrest has been established, and taking into account the cause of death, the Commission has come to the conviction that Freddy Flavio Molina was executed without any due process of law, and that his human rights were thereby gravely violated by government agents.

On September 26, 1973, Juan Arturo CERON BARROS, 32, an itinerant merchant, was executed. That day he came to the La Pincoya shantytown, the departure point for the trucks with which he worked. He was arrested in the course of a search operation conducted in the neighborhood by military and police. His body was later found in Portezuelos in the Quilicura district. The autopsy report says that the cause of death was "a series of perforating bullet wounds, to the head, thorax and members, hemorrhaging and acute loss of blood. The path of the bullet wound in the middle third of the left upper arm is from back to front, left to right, and top to bottom." The date of death is the same as that of his arrest. Since his arrest by military personnel is attested, and taking into account the date and cause of death, the Commission has come to the conviction that Juan Arturo Cerón Barros was executed without any due process of law, and that government agents were thereby responsible for violating human rights.

On September 27, 1973, Juan Patricio PALMA

RODRIGUEZ, 17, a student, was killed. He had disappeared on September 11, 1973, in the course of a search operation being conducted near his home in San Joaquín during which several people were arrested. His family heard no word about him from the time he disappeared until they learned that the youth's body had turned up near the Metropolitan Cemetery, and that, according to his death certificate the cause of death was "bullet wounds to the head and thorax," and that it took place on September 27. The family never saw his body, and he was buried in Lot 29 of the General Cemetery in Santiago. Taking into account this evidence, the fact that a police operation took place the day the youth disappeared, and the specific features of his death (which occurred several days after the date of his probable arrest), the Commission has come to the conviction that Juan Patricio Palma Rodríguez was executed by government agents and that he was consequently a victim of political violence.

On September 27, 1973, Ramón Bernardo BELTRAN SANDOVAL, 24, itinerant vendor, was killed. On the day of his death, he left home and never returned. In their efforts to determine his whereabouts, his family found his body already buried in Lot 29 of the General Cemetery and learned from his death certificate that he had been killed by multiple bullet wounds. Based on the evidence it has received, this Commission has come to the conviction that the death of Ramón Bernardo Beltrán Sandoval was a product of the political violence of that time, and it is presumed to be the work of government agents.

On September 27, 1973, Julio CHACON HORMAZABAL, 26, a member of the presidential security guard and an active Socialist, was arrested at home by men in civilian dress who identified themselves as investigative police. At the time of arrest, it was said that he was going to be taken to the Defense Ministry. He had been held prisoner at the headquarters of the San Fernando Regiment from September 8-16, 1973. After his arrest there was no further information concerning his whereabouts, despite the many efforts his relatives made on his behalf. His identification card has not been renewed, and there is no record of death, voter registration, or information on any travels. The Commission has come to the conviction that the human rights of Julio Chacón Hormazábal were violated, and that since the fact that he was arrested is thoroughly attested,

his death should be regarded as the work of government agents.

On September 27, a military patrol came to the Chilean Autos Company and arrested two workers, both of them union leaders. Their names are Mario PARRA GUZMAN, 29, a worker, and Luis Ricardo HERRERA GONZALEZ, 34, a worker who was active in the Communist party. Their bodies, bearing bullet wounds, were found the next day in front of a garage at the Peugeot dealership. The management at Chilean Autos asked the army for information on the arrest of two of its workers. The answer received was that "these people had in fact been arrested and interrogated at a military facility, but that they had been released at 9:15 p.m." It added that "there is no evidence on what they were doing between the time they were released and when their bodies were found the next day. However, it can be presumed that these activists had a gun battle with an unidentified patrol and that in the course of the gun battle these citizens lost their lives." Since the fact that they were arrested is established by the express statement of their captors; since the army's official response is implausible—namely that they were released during curfew hours—and since it is even less credible that they would have been carrying weapons immediately after being released and then had a shootout with an unknown military patrol; and also taking into account their political activity and their roles as union leaders, and the cause and circumstances of their deaths, the Commission has come to the conviction that the execution of Mario Parra Guzmán and Luis Ricardo Herrera González constituted a grave violation of their human rights committed by government agents.

On September 28, 1973, Omar Enrique BALBOA TRONCOSO, 18, a student, and Patricio Humberto PARRA QUINTANILLA, 14, a student, were executed after being arrested in their homes in the Villa La Cisterna No. 1 shantytown by air force personnel from the El Bosque air base. They were arrested as the result of accusations by neighbors. Toward the end of October the Medical Legal Institute told their relatives that their bullet ridden bodies had been found alongside the Metropolitan Cemetery, that the date of death was September 28, and that they had been buried side by side in Lot 29 of the General Cemetery. As a result of the evidence it has found, and especially

since it is established that they were arrested, and in consequence of the style and circumstances of their deaths, this Commission has come to the conviction that Omar Enrique Balboa Troncoso and Patricio Humberto Parra Quintanilla were executed and that they were victims of a grave human rights violation at the hands of government agents.

On September 29, Raúl Antonio MUÑOZ MUÑOZ, 50, an office worker and union leader, disappeared after being arrested at his home in the Einstein shantytown in El Salto by troops from the Buin Regiment. He was immediately transferred to the headquarters of the special forces police. He then disappeared, and there has been no further word on his whereabouts or his fate. The Commission came to the conviction that Raúl Antonio Muñoz Muñoz disappeared at the hands of government agents. This conviction is based on the fact that it has been established that he was arrested and was held in a police installation and that he has not been involved in any subsequent dealings that might provide a record that he is still alive. Consequently his human rights were gravely violated by the actions of government agents.

On September 29 at 5:00 a.m. Luis Alberto VALDIVIA CONTRERAS, 32, a cargo loader, was killed. He left his house at bus stop No. 25 on Gran Avenida on September 28 and never returned. His family later found his body at the Medical Legal Institute and was told he had been killed for violating curfew. The Commission came to the conviction that the death of Luis Alberto Valdivia entailed a violation of human rights as a result of the unreasonable use of force by government agents responsible for maintaining public order.

On September 29, 1973, Nelson Miguel SANCHEZ ROJO, 28, a street vendor, was killed. Testimony gathered by this Commission indicates that he was arrested at his home by a military patrol in late September. Neighbors had reported him when he was intoxicated and beating his sister. His body was later found in the Mapocho River, with bullet wounds in the thorax. Taking into account the established fact that he was arrested and the causes of his death as reported on his death certificate, the Commission came to the conviction that Nelson Miguel Sánchez Rojo died as the result of an execution which took place without any due

process of law and a violation of human rights at the hands of government agents.

On September 29, 1973, Mario Ramiro MELO PRADENAS, 27, a retired army officer who was a private secretary of the president, a member of his security guard and an active Socialist, disappeared. On that day he was arrested at the house of a female friend by a patrol of the Chilean Air Force. He was taken to the Ministry of Defense, and according to hearsay was last seen at the military base in Peldehue. The Commission came to the conviction that his status is that of having disappeared at the hands of government agents in a violation of his human rights. In doing so it took into account the fact that he had been a member of the security guard, was an ex-member of the military, and active in the Socialist party, as well as being President Allende's private secretary, that he had been summoned by decree to present himself to the new authorities and that since that time there has been no information on his whereabouts or his fate, nor is there any record of his death or of any dealings with the government that might indicate he is alive.

On September 30, 1973, the following six residents in the Santiago Pino squatter settlement in the Pudahuel (formerly Barrancas) district were arrested:

Victor BARRALES GONZALEZ, 25, a worker, settlement leader, and active Socialist;

Sergio Osvaldo DE LA BARRA DE LA BARRA, 26, a post office worker, president of the settlement, and an active Socialist;

Raúl Eliseo MOSCOS QUIROZ, 24, a settlement leader;

Mario SALAS RIQUELME, 24, a worker, settlement leader, and active Socialist;

José Eusebio VILLAVICENCIO MEDEL, 25, a worker, vice-president of the settlement; and

Luis Sergio GUTIERREZ RIVAS, 29, a miner, active Communist and former regional secretary in Lota.

According to the accounts provided by eyewitnesses, at

about 5:00 a.m., troops began a search operation in the settlement, which is located behind the Barrancas cultural center. They arrested six other persons, who were subsequently set free. The prisoners were taken to the cultural center, which was serving as a detention site. A group of military from the training school for subofficials in Santiago and the Yungay Regiment at San Felipe were quartered at the center. All the prisoners died that same September 30, and it has been determined that they died "on the streets" as a result of "multiple bullet wounds." The only death certificate that places the site of death as the Santiago Pino settlement is that of Víctor Barrales. The military took the bodies to the Medical Legal Institute.

Luis Gutiérrez did not die from the bullet wounds he had sustained, and he was taken from the Medical Legal Institute to the José Joaquín Aguirre Hospital. His wife visited him there on October 2, 1973. That day she was told he had been transferred to the Military Hospital. However, there is no record of his entering there, and there has never been any further trace of him.

The official version of what happened to these six people as published in newspapers on October 2, 1973 is that during their search operation the troops had been attacked by a group of subversives who were then captured. The news report goes on to say that, "They were all executed at that settlement." The official story provided through the press does not seem plausible since there is no sign that there was any "attack by subversives"; since even had such an attack taken place, it does not seem necessary to kill settlers who are already arrested; since there is sufficient evidence to attest to the fact that residents of the settlement had been arrested and subsequently taken to the cultural center; and in view of the selective way the arrests were carried out and the political position of those imprisoned. All these factors led the Commission to the conviction that in the executions of Víctor Barrales González, Sergio Osvaldo de la Barra de la Barra, Raúl Eliseo Moscoso Quiroz, Mario Salas Riquelme, and José Eusebio Villavicencio Medel which occurred without any due process of law, and in the disappearance of Luis Sergio Gutiérrez Rivas, human rights were gravely violated by government agents.

On September 30, 1973,

Carlos Emilio DONOSO AVILA, 30, a street vendor;

Jorge Humberto NUÑEZ CANELO, 27, street vendor; and

Romelio Antonio VASQUEZ GUAJARDO, 33, a merchant,

were executed after being arrested by police in the house of one of them. They were arrested along with one other person, who was subsequently released, and taken to the Twelfth police station where they remained that day.

Although the families were told that they were being transferred to the National Stadium, witnesses who were arrested with them, attest that they remained in the station all day. On October 1, the bodies of Vásquez and Núñez were found with bullet wounds alongside the Metropolitan Cemetery. Donoso's body was found with many bullet wounds at the Departamental traffic circle.

According to credible witnesses, on the night of September 30, 1973, police took these three people to a place along one side of the Metropolitan Cemetery near a shantytown. Vásquez and Nuñez were executed there at about 9:30 p.m., by shots fired from behind at close range. The police released the fourth person and took Carlos Donoso away. He was undoubtedly executed further on, since his body appeared at a different site. By reason of these antecedents, and especially since witnesses attest to the fact that these three were arrested and executed, and taking into account their death certificates, the Commission came to the conviction that they were executed without any due process of law by government agents in violation of their human rights.

On September 30, at about 10:30 p.m.

José Sergio MUÑOZ GONZALEZ, 32, a merchant,

Jorge Eduardo Cristián OYARZUN ESCOBAR, 23, a retailer, and

Juan Joaquín ESCOBAR CAMUS, 31, a merchant,

all of whom were relatives, were executed in front of the Escuela Haiti. The first two were arrested in front of Muñoz's house after civilians and one soldier shot at their car. The

third, who was walking toward the same place, showed up dead alongside the other two. Bullet wounds caused the death of all three. The relatives say that before they found the bodies at the Medical Legal Institute, a soldier involved in the arrest told them that the prisoners were being held at the Tacna Regiment, and that he had handed them over himself; he even gave the families the documentation of the two he had arrested.

Press accounts at that time said that they had been executed in that same location for having shot at a military housing compound. Despite this semiofficial version, the Commission came to the conviction that these three people were executed without any due process of law by government agents. The grounds for its conviction are that it is attested that they had been arrested (as confirmed by one of their captors); that the press version is implausible since they had previously been arrested by government agents; that there are no clear signs that any armed clash took place or that these people had weapons; and finally the circumstances and causes of their deaths.

Consequently, Jose Sergio Muñoz González, Jorge Eduardo Cristián Oyarzún Escobar and Juan Joaquín Escobar Camus suffered a grave human rights violation.

On September 30, 1973, Mario Emiliano STAPPUNG LOPEZ, 30, a worker and MIR activist, was executed after being arrested at home that same day by the air force. He was active in MIR and, according to his family, he was in close contact with Miguel Enríquez.⁹⁰ After he was arrested his relatives went looking for him unsuccessfully until they were told at the Medical Legal Institute that he was buried in lot no. 29 at the General Cemetery. The autopsy report says he died of "multiple bullet wounds," and gives the day of his arrest as the date of death. Since it is credibly attested that he was arrested, and in view of the cause and date of death, the Commission came to the conviction that Mario Emiliano Stappung was executed by government agents, who thereby violated human rights.

In late September 1973, Carlos Ramón REYES AVILA, 19,

⁹⁰ Miguel Enríquez Espinosa: In August of 1965 Miguel Enríquez Espinosa along with Baustista van Schowen, Luciano Cruz, and others founded the Revolutionary Left Movement (MIR). In 1967 he assumed the position of party secretary general. Miguel Enríquez was a physician from Concepción, Chile. The case of his death, on October 5, 1974, is recounted on page 538 of Volume Two.

day laborer, disappeared after being arrested in the presence of witnesses in his house in the April 16 shantytown in the Conchalí district. Those arresting him were police, who according to testimony taken, were working with a list of names. Since his arrest there has been no information on his whereabouts. The Commission came to the conviction that government agents were responsible for the disappearance of Carlos Reyes and that it was a violation of his human rights since it is established that he was arrested and that there has been no information on his whereabouts or his fate since then.

In late September, Raúl René FUENTES VERA, 42, a loader at the slaughterhouse, was arrested by the military at the boarding house where he lived. According to testimony received by the Commission, on the day of his arrest troops from the area were carrying out a raid in response to accusations that the children of the military were being robbed. The patrol came asking about a person who had recently entered that place, and that turned out to be Rojas. They arrested him and took him to an unknown destination, along with two other persons, whose identities are unknown. Since that time, there has been no information about his fate or his whereabouts, despite efforts made by his relatives. Since the Commission has received reliable testimony to the effect that he was arrested, it has come to the conviction that Raúl René Fuentes Vera was arrested by government agents and then made to disappear, also by government agents, and that human rights were thereby violated.

- Cases: October 1, 1973 – October 9, 1973
On October 1, Gilberto ESTAY ESTAY, 46, an employee of the Barros Luco Troudeau Hospital, and Julio Alberto MUÑOZ TORRES, 43, a plasterer, were executed, after police had arrested them at about 1:30 a.m. in their homes. Their dead bodies showed up at 3:00 a.m. on October 1 at the Departamental traffic circle, alongside the body of Carlos Donoso, whose case is described above. The investigative police who found the remains attested to the many bullet wounds and stated that it was the work of common criminals. A press account indicated that "three criminals had been shot down... investigative police experts calculated that they had been killed at around 3:00 a.m., that is, while the curfew was in effect." The news in another paper said that "three criminals had been killed as a result

of personal feuds." Nevertheless, the Commission came to the conviction that like Donoso, these two men were executed without any due process of law by government agents. In doing so, it took into account that it is established that they had been previously arrested by police officials; that there are many eyewitness reports about how these prisoners were transferred from a police station to the Metropolitan Cemetery and how two were executed there; that the circumstances and causes of the deaths of the others suggest that the same agents were involved; that the alleged feud mentioned in the newspaper is unlikely, since these people were being held in custody; that the moment of death was very close to the moment these people were arrested; and that the immediate causes of the death of the victims suggest the participation of armed agents.

On October 1, three youths

Miguel Angel RIOS TRASLAVIÑA, 16, a student,

Rogelio Gustavo RAMIREZ AMESTICA, 18, a student, and

Marcos Orlando RIOS BUSTOS, 15, a student,

were executed after being arrested by a military patrol in an establishment where they were playing fuzball.

Neighbors saw these young people being taken out of that establishment to the street. Numerous eyewitness accounts say that the military beat them fiercely, forced them to run, and shot down two of them. The third continued to run until he came to the Iquique Bridge, where he was killed by another military patrol that was guarding that area. Even though this event took place very much in the open, and many people in the neighborhood observed it, no official explanation was given for what happened. Autopsies revealed numerous bullet wounds on the bodies: Rogelio Ramírez had twelve, Miguel Ríos Traslaviña had eighteen, and Marcos Ríos had three. Since the circumstances and cause of death as well as the previous detention of these people are well established, the Commission came to the conviction that Miguel Angel Ríos, Rogelio Gustavo Ramírez, and Marcos Orlando Ríos, all of them minors, were executed and that this execution constituted a grave human rights violation carried out by

government agents.

On October 2, 1973, the body of Luis Humberto MUÑOZ AGUAYO, 25, a shoe repairman, was found in the street. Police from the 22nd station picked up his body and sent it to the Medical Legal Institute. The death certificate states that the cause of death was a "perforating bullet wound to the abdomen." This Commission came to the conviction that Luis Humberto Muñoz died as a result of the political violence then present in the country.

On October 2, 1973, Mauricio Segundo CAYUAN CANIUQUEO, 22, a worker, and Carlos Humberto GARRIDO OCAREZ, 19, a fruit and vegetable street vendor, were killed after being arrested in public that same day. Their families were told that these prisoners had been taken to the National Stadium, but there they were told there was no record of their arrest. Later their bullet ridden bodies appeared at the Medical Legal Institute. Carlos Garrido's death certificate states that the cause of his death was a "series of many perforating bullet wounds to the head, thorax, abdomen, and appendages." The time of death is given as October 2 at 11:30 p.m.. Cayuán's death certificate was similar. The Commission has come to the conviction that the deaths of Mauricio Segundo Cayuán Caniuqueo and Carlos Humberto Garrido Ocarez were human rights violations since it is established that they were arrested by government agents and the circumstances of their death indicate that armed agents were involved.

On October 2, 1973, Nelson Jorge FLORES ZAPATA, 29, who worked at INDAP (National Institute for Agricultural Development) and was active in MAPU (United Popular Action Movement) and a community leader, was killed at his home in the Robert Kennedy shantytown after it was raided by combined army and police forces. According to the story as told by witnesses, after a brief interrogation by these agents, he was immediately taken out to the backyard of his property and was executed. His wife and two small children observed these events. His body remained there until a patrol came by and took it away. The autopsy report says that the cause of death was "bullet wound to the face and head." Considering the testimony received from eyewitnesses to this event and the direct cause of death, this Commission came to the conviction

that Nelson Jorge Flores was executed by government agents, while he was in their custody, and that consequently he suffered a violation of human rights.

On October 2, León Eduardo CELEDON LAVIN, 33, a lawyer, died at the José Joaquín Aguirre Hospital. According to testimony received, on September 30, 1973 while he and a friend were on a public bus, he was arrested by officials of SICAR (Police Intelligence Service), with whom he had previously had an argument. He was forced to get out of the vehicle on Calle Trieste, in the Recoleta area, and immediately was shot down by his captors. Having suffered many bullet wounds he was driven to the José Joaquín Aguirre Hospital, where his relatives found him. He died as a result of "bullet wounds to the torso with complications." Since his arrest, and the circumstances and cause of death are all attested, the Commission has come to the conviction that León Eduardo Celedón Lavín was executed without any due process of law by government agents in what constituted a human rights violation.

On October 3, 1973, Sergio FUENTES SILVA, 44, a fruit and vegetable street vendor, was killed. Early in the month he left home in order to buy some goods and never returned. While trying to determine his whereabouts, his relatives went to the Medical Legal Institute where they learned of his death. Administrative authorities had already cremated the body. The autopsy report states that he died on October 3 of a "perforating bullet wound to the face and head." Although the specific circumstances that led to his death are unknown, this Commission, noting in particular its cause and date, has come to a conviction that Sergio Fuentes died as a result of the situation of political violence in the country at that time.

On October 3, 1973, Hugo Manuel ROJAS CORTES, 38, an employee at the Luchetti company, was killed. He was arrested in a raid of the company on September 13, 1973 and taken to the Chile Stadium. He died at 6:00 p.m. on October 3, 1973, and the death certificate states that the cause of death was "bronchial pneumonia to the right lung." The family was told that he had died of this cause and that the body was already buried in Lot 29 of the General Cemetery. The autopsy, however, indicates that he was repeatedly tortured, since the body showed signs of

mistreatment. The family had the body exhumed in order to identify the victim, and in fact determined that it was the body of Rojas. By reason of the evidence it has in hand, the fact that Rojas was arrested and died in custody, that his autopsy report notes signs of torture and that the body was not handed over to his relatives but ordered to be buried instead, the Commission came to the conviction that the government agents who had him in custody were responsible for the death of Hugo Rojas, since their treatment of him either caused his death directly or contributed to causing it, and that all of this constituted a human rights violation.

On October 3, 1973, two brothers, Juan Enrique RODRIGUEZ AQUEVEQUE, 20, a shoe repair shop employee, and Florentino Aurelio RODRIGUEZ AQUEVEQUE, 17, a shoe repairman, were arrested by troops. The arrest took place in the home of one of them during a family feud while curfew was in effect. Some days later the family found Juan Enrique's body at the Medical Legal Institute. According to the death certificate, he died on October 3, 1973. The Commission was also able to obtain the autopsy report of another person found in the same spot who was not then identified; the characteristics of the body indicate that it is presumably that of Florentino Aurelio who has remained disappeared. There were many bullet wounds in both bodies. In view of the established fact that they were arrested, and keeping in mind the circumstances and cause of death of one of these brothers as well as the information gathered from the autopsy reports, this Commission has come to the conviction that Juan Enrique and Florentino Aurelio Rodríguez Aqueveque died as a result of human rights violations for which government agents were responsible; it is established that one was executed, and the same is very probably the case with the other.

On October 3, 1973, Gustavo CANTUARIAS GRANDON, 45, army colonel and former director of the Los Andes Mountain Training School, died while under arrest at the Military Academy. The evidence gathered by this Commission, especially that provided by human rights agencies, indicates that in the period after September 11, Gustavo Canturarias was transferred under arrest to the Military Academy. The official accounts state that there he committed suicide. His death certificate says he died of a

bullet wound to the mouth and head. Gustavo Cantuarias had close family ties with high ranking people in the Popular Unity government, one of whom he released from arrest at the Military Academy. In view of these antecedents and keeping in mind that the suicide took place inside the Military Academy, where he had been taken after September 11, this Commission believes this was the suicide of a person who was being subjected to so much pressure by government agents that such a decision offered an avenue of escape.

From October 3-8 five people were arrested in the sectors of Pudahuel and Quinta Normal and were all taken to the cultural center in Pudahuel (Barrancas). These arrests were the result of raids in the various poor and working class neighborhoods being conducted by military stationed in these districts. According to their death certificates, these five prisoners were found dead in the streets between October 4-9, 1973. In all five cases the cause of death is listed as "multiple bullet wounds to the torso, abdomen, neck, and head." Their names are:

Rafael Antonio MADRID GALVEZ, 23, a university student, active Socialist, and leader at the State Technical University. A military patrol arrested him and a friend at the house of an aunt and uncle in the Quinta Normal district. Both were subsequently transferred to the Twelfth station and from there to the cultural center in Pudahuel (Barrancas). There they were interrogated and then in the early morning of October 4, they were taken to the highway near the Lo Prado Tunnel. Testimony received indicates that here they were forced to run so as to simulate an escape attempt. Both were shot and wounded. Policemen arriving on the scene found that Rafael Madrid was dead; they took the other man, who was very seriously wounded, to Emergency Clinic No. 3.

Exequiel Segundo CONTRERAS CARRASCO, 22, a janitor who was an active Socialist and a member of the president's security guard. He was arrested by a military patrol in a selective search operation on October 4 in the Pudahuel shantytown, and was taken to the cultural center along with four other people. On the morning of October 4, his dead body was found on the road to the airport near San Pablo. His credentials as a guard for President Allende were found on his body.

Carlos Leonardo IBARRA ECHEVERRIA, 21, an education student at the university who was an active Socialist and a student leader at the Pedagogical Institute. On October 5, he was arrested by soldiers at his home during a search operation in the Manuel Larraín shantytown in the Pudahuel district. He was also taken to the cultural center in Pudahuel. According to the death certificate, he was killed on October 8, 1973, in Pudahuel-Santiago at 11:00 p.m. When his relatives inquired about him at the cultural center on October 9, they were told that he had been transferred to the National Stadium, even though he had been executed the previous day.

José Elías QUEZADA NUÑEZ, 28, driver's assistant who was an active Socialist and a member of the Council on Supplies and Prices in the shantytown. On October 8, 1973, troops arrested him in the Manuel Larraín shantytown and transferred him to the cultural center in Pudahuel. According to the death certificate, he was killed on a public thoroughfare at 7:30 a.m. on October 9. On that day when his relatives made inquiries at the cultural center, they were told that he had been transferred to the National Stadium, at a moment when, as in the previous case, the execution had already taken place.

Alberto Toribio SOTO VALDES, 20, a MIR activist. On October 8 he was arrested by troops in the Manuel Larraín shantytown together with José Quezada and both were taken to the cultural center in Pudahuel. According to his death certificate, he was killed on a public thoroughfare at 7:30 a.m. in a way that was similar to the previous case. That same day at the cultural center his relatives were told that he had been transferred to the National Stadium, even though he was already dead.

Considering the many credible testimonies received, and especially since it has been established that these people were arrested and killed; the circumstances and causes of their deaths make it reasonable to think it was the work of government agents; these people were political activists and community or student leaders; there are similar episodes involving the agents who arrested them; and the stories offered by the military to relatives when they inquired about what had happened to these men are contradictory, this Commission has come to the conviction that Rafael

Antonio Madrid, Exequiel Segundo Contreras, Carlos Leonardo Ibarra, José Quezada Núñez and Alberto Soto Valdés were executed and that they suffered grave human rights violations at the hands of government agents.

On October 4, Isaías Rodolfo CANALES VENEGAS, 23, an office worker at the Mademsa company and an active Socialist, was killed. His family last saw him in early October, 1973, when he told them that he was being followed. Some time later his body was found at the Medical Legal Institute. The cause of death was bullet wounds, and it had taken place on October 4. The body had been sent from the José Joaquín Aguirre Hospital. While his family was seeking to determine his whereabouts, civilians came to search his house on three occasions. The Commission came to the conviction that Isaías Canales was killed as the result of a grave human rights violation and that government agents were involved in his death. The grounds for that conviction are the kind of political activist he was, the circumstances of his death, and the fact that government agents were looking for him.

On October 4, Edmundo Alejandro MAUREIRA MIRANDA, 26, a tailor, was arrested at his house by police from the Eleventh station in Maipú. The next day his bullet ridden body was found at the corner of Camino Lo Errázuriz and Cinco de Abril. The body was taken to the Medical Legal Institute, but the family only learned what had happened to him after he was already buried in Lot 29 of the General Cemetery. The Commission has come to the conviction that Edmundo Alejandro Maureira suffered a grave human rights violation, and that there are very serious reasons for presuming that government agents were involved in his death.

On October 5 the following people were arrested in the José María Caro shantytown during a search operation carried out by the military:

Manuel Fernando CANTO GUTIERREZ, 18, a merchant;

Sergio Fernando FERNANDEZ PAVEZ, 18, a loader at the central fruit and vegetable market;

Luis Eduardo ROJAS GERALDO, 21, a driver's assistant;

Miguel Angel SANTIBAÑEZ DURAN, 19, a merchant.

Many people were arrested in that raid and were sent to the 21st police station. All were later released except for the four listed. There has been no further word on the whereabouts of two of them. At the Medical Legal Institute family members of the other two, Rojas and Santibáñez were told that the victims were buried in Lot 29 of the General Cemetery and that they had died of bullet wounds. Since it is established that they were arrested, and taking into account the causes of the deaths of two of them, the Commission has come to the conviction that Manuel Fernando Canto Gutiérrez and Sergio Fernando Fernández Pavez disappeared at the hands of government agents, while Luis Eduardo Rojas Geraldo and Miguel Angel Santibáñez Durán were executed by the same kind of agents, and that the human rights of all four were gravely violated.

On October 5, Jorge Ernesto CARRION CASTRO, 22, a municipal public works department worker who was a shantytown leader and MIR activist, was arrested during a raid of his house by troops from the Puente Alto Regiment. According to a number of eyewitness reports, a military operation which took place in the Casas Viejas and 12 de Mayo shantytowns led to the arrest of some sixty people. At military offices the family was told that he had been arrested and sent to the National Stadium. There, however, his arrest was not acknowledged, and his name did not appear on the official prisoner lists. According to credible testimony, Carrión was executed that same day, October 5, during the night. However, there is no record of his death, and his body was not found. Since there is reliable testimony to his arrest and since there is no evidence establishing beyond any doubt that he is dead, this Commission believes that there are enough elements to come to the conviction that Jorge Ernesto Carrión suffered a grave human rights violation and that government agents, and specifically those who arrested him, are responsible for his disappearance.

On October 5, 1973, Fernando de la Cruz OLIVARES MORI, 27, was arrested by troops at CELADE (Latin American Center for Demography), a UN (United Nations) agency, where he worked in administration. Witnesses state that he was taken to the Ministry of Defense. There his relatives

were told that he was to be transferred to the National Stadium, but at the stadium it was never acknowledged that he was being held. Despite numerous efforts to find him made by his family and his colleagues at work, they never found any true information on his whereabouts. The Commission has come to the conviction that the disappearance of Fernando Olivares Mori was a human rights violation for which government agents were responsible, since it is sufficiently attested that he was put under arrest and that since that time there has been no further word on his whereabouts or his fate.

On October 5, 1973, Héctor Andrés QUEGLAS MATURANA, 23, a furniture maker, was killed the day after he and a friend had been arrested in his home by police. The next day the relatives heard from the police in San Gregorio that these prisoners were going to be released. His wife looked for him unsuccessfully until November, when she found his name on the lists at the Medical Legal Institute, where he was said to have died of bullet wounds. The name of the person arrested with him was also listed as having died of the same kind of wound. His death certificate put the date of death as the same day he was arrested. The Commission came to the conviction that Héctor Andrés Queglas suffered a grave human rights violation. The basis for that claim is that the fact of his arrest and the cause and circumstances of his death are all established.

On October 5, 1973, Luis Eduardo MORALES MUÑOZ, 27, was executed. At approximately 10:00 p.m. on October 4, he was arrested by police in the presence of witnesses at his home in the San Ramón shantytown and driven away in a pickup truck that the police were using. On October 5 his body was sent to the Medical Legal Institute, with a note stating that he had been found on the corner of Departamental and Santa Rosa. The cause of death as indicated on his death certificate was two bullet wounds to the thorax with complications. His family was not given this information until November 1973. The Commission came to the conviction that Luis Morales was executed by government agents and that his human rights were thereby violated. The grounds for that conviction are that eyewitnesses attest to the fact of his arrest; he died the day after being picked up and while still under arrest; he died of bullet wounds and his body was found on a public thoroughfare and sent to the Medical Legal Institute.

On October 5, 1973, Oscar Jesús DELGADO MARIN, 30, a member of the presidential security guard and an active Socialist, was executed in the National Stadium. His family last saw him at home on September 18. They later began to look for him until they learned that he had been killed at the National Stadium on October 5, due to a "bullet wound to the shoulders and thorax with complications," according to his death certificate, which expressly notes that his death occurred at the stadium. His body was buried in Lot 29 at the General Cemetery in Santiago on October 22. In view of the evidence gathered, the Commission has come to the conviction that Oscar Jesús Delgado was executed by government agents at the site where they were holding him prisoner, thereby violating his human rights.

On October 5, 1973, Dagoberto YAÑEZ YAÑEZ, 25, was killed. His body was found on the northern bank of the Mapocho River at the Bulnes Bridge, and taken by police from the Juan Antonio Ríos police headquarters to the Medical Legal Institute. The body bore numerous bullet wounds and the date of death was certified to be October 5. The Commission has come to the conviction that Dagoberto Yañez Yañez died as a result of the political violence at that time, and that it is reasonable to think that it was the work of government agents.

On October 5, Vicente del Carmen VIDAL PAREDES, 25, was killed after being arrested at his house in the Anibal Pinto shantytown in the San Miguel district. After the arrest he was transferred to the police unit in the Sumar shantytown. Some hours later he was found dead in the La Aguada alleyway with "bullet wounds to the torso and head." The autopsy report notes that the bullets were "of different calibers." The Commission came to the conviction that Vicente Vidal Paredes was executed without any due process of law and suffered a grave human rights violation at the hands of government agents, presumably those who arrested him.

On October 6, at about 9:00 p.m. Eduardo Emilio TORO VELEZ, 42, a traveling salesman who was active in the Radical party, disappeared. According to eyewitness accounts, he left his apartment intending to go to the Plaza Italia area. They further state that he was stopped by a military patrol which was carrying out an operation in the

neighborhood. He has not appeared since that moment, and his family has had no word about his whereabouts or his fate. Since credible testimony establishes that he was arrested by armed forces personnel, and since there is no information about his arrest, this Commission has come to the conviction that Eduardo Toro Vélez disappeared and was thus a victim of a human rights violation at the hands of government agents.

On October 6, 1973, five young men attempted to seek asylum in the Embassy of Argentina. Four of them were:

Eduardo Santos QUINTEROS MIRANDA, 19, a high school student who was active in the Young Communists;

Abelardo Jesús QUINTEROS MIRANDA, 21, who was learning to be a tailor and active in the Young Communists;

Raúl Buridán SAN MARTIN BARRERA, 19, a worker who was active in the Young Communists; and

Celedonio SEPULVEDA LABRA, 25, a worker who was also active in the Young Communists.

The fifth person managed to survive these events.

On October 6, 1973, they went to the San Borja Hospital intending to enter the Argentinian embassy by climbing a wall that at that time marked the boundary between the hospital and the embassy. When they entered the inner courtyard of the hospital, witnesses observed them being ambushed by members of the investigative police who were dressed like hospital personnel and were inside ambulances parked in front of the wall leading to the embassy. Eduardo Santos Quinteros Miranda was killed by perforating bullet wounds to the abdomen. The other members of the group were unsuccessful and were arrested in the presence of a number of witnesses. They have remained disappeared since that moment. The last word about Celedonio Sepúlveda is that he was admitted to the San Borja Hospital on October 8.

Bearing in mind that each of these people was active in the Young Communists, and that one of them died as a result of bullet wounds inflicted by police, and that there has been no further word concerning the others who were arrested,

this Commission has come to the conviction that Abelardo Jesús Quinteros Miranda, Raúl San Martín Becerra, and Celedonio Sepúlveda Labra have disappeared at the hands of government agents and that Eduardo Quinteros Miranda was executed by those same agents, and that these all constitute a human rights violation.

On October 6, 1973, Jaime Benjamín VIDELA OVALLE, 28, an office worker who was active in the National party, disappeared. He and other people were arrested that day by police in the Vicuña Mackenna area. According to eyewitness accounts, he was taken to the police chorus rehearsal room and from there to the Fourth station. That night he was taken out to an unknown destination, and there has been no further word about him. Since his arrest and detention in two police installations are attested, this Commission has come to the conviction that the arrest and subsequent forced disappearance of Jaime Benjamín Videla constituted a grave violation of human rights for which government agents were responsible.

On October 7, Luis Alberto SANCHEZ MEJIAS, 21, a bartender, was killed after being arrested during a police raid in the San Gregorio shantytown. He was transferred to the La Granja police station. From that point all traces of him were lost until his relatives found his body at the Medical Legal Institute. The death certificate states that he died of bullet wounds to the head October 7, 1973 on a public thoroughfare. Since it is established that he was arrested and bearing in mind the cause and circumstances of his death, this Commission has come to the conviction that Luis Alberto Sanchez Mejías was executed and suffered a human rights violation at the hands of government agents.

On October 7, 1973, Manuel Antonio VALENCIA NORAMBUENA, 39, a street vendor, was killed after being arrested the previous day at his home by police stationed in San Gregorio. He was taken by his captors to an unknown destination. The next day his relatives talked with officials who denied that he had been arrested. After much searching in vain, the family located his body at the Medical Legal Institute, and learned that he had died of bullet wounds. The death certificate registers the date of death as October 7. Since it is sufficiently established that he was arrested, and taking into account the circumstances and

cause of death, the Commission has come to the conviction that Manuel Antonio Valencia suffered a human rights violation at the hands of government agents.

On October 7, Francisco SAEZ VALENZUELA, a merchant and active Socialist, was killed by police at the home of one of his brothers and in the presence of witnesses. Eyewitness accounts state that the police put him into a truck and shot him. He was taken to the emergency clinic and died there that same day as a result of the bullet wound. Since his arrest by police and the circumstances and cause of death are attested, the Commission has come to the conviction that Francisco Sáez was executed and hence suffered a grave human rights violation at the hands of government agents.

On October 7, 1973, Jorge Segundo PEREZ UBEDA, 22, a worker, was killed. At 9:00 a.m. he left his home in the La Legua shantytown and was heading toward the athletic field when, according to witnesses, he was arrested by police, presumably from the Twelfth station. The next day his dead body was found in that shantytown at the corner of Calle Pedro de Valdivia and Camino Agrícola. He had four bullet wounds, and the cause of death was "bullet wounds to the head and abdomen." Bearing in mind these facts, and particularly the established fact of his arrest and the circumstances and conditions in which his body was found, this Commission has come to the conviction that Jorge Pérez Ubeda was executed by government agents in violation of his human rights.

On October 7, 1973, Luis Enrique OTTS FLORES, 28, was executed. He was arrested that day in the San Gregorio shantytown during a search operation conducted by soldiers and police and then taken to the police station in San Gregorio. Testimony received indicates that at that police station a group of seventeen persons was set apart and then taken by night to the corner of Camino Agrícola and Macul. All the prisoners were executed at that point, and their bodies were left in different sites. One of the prisoners survived and told relatives what had happened. The body of Otts Flores was found on the road to Lo Espejo alongside three other bodies. The death certificate states that the cause of death was a "bullet wound to the head." The time of death is said to be 11:00 p.m. on the day he was arrested. Since reliable witnesses attest that he was

arrested and taking into account the cause and circumstances of the death of Luis Enrique Otts, the Commission has come to the conviction that he was executed and suffered a violation of his human rights at the hands of government agents.

On October 7, 1973, Jorge Hernán ESPINOZA FARIAS, 19, disappeared from the San Gregorio shantytown. According to witnesses, he was arrested along with his brothers and his father by police stationed at San Gregorio together with soldiers. The troops conducted a search operation in the shantytown and arrested many of the males. All the prisoners were first held at athletic field No. 3 and then were taken to the police station. Since that day their relatives have had no further word about them.

After the arrest, the family received the eyewitness account of a young man who had been with Espinoza at the police station. He said, "The day after the October 7 raid, the police led a group of young people to believe that they were releasing them. They made them run and shot them from behind. They put them onto a vehicle thinking they were all dead, and went to throw them in the San Carlos canal." Of all the people who had been shot, this young man and Espinoza were still alive. According to this survivor he was able to crawl up out of the canal, and received care at a nearby parish, but Espinoza could not because he was exhausted and wounded in the shoulder. In view of the information it has examined, this Commission has been able to come to the conviction that Jorge Espinoza has been disappeared since his arrest and suffered a human rights violation that can reasonably be attributed to government agents.

On October 8, 1973, Zacarías Enrique PARDO GONZALEZ, 25, a street vendor, was killed. He was arrested at his house in the San Miguel district by government troops at around 3:00 a.m. on October 3. Those who arrested Pardo accused him of hiding weapons. Along with another person arrested at the same time, he was then taken to a destination unknown to his relatives. Some time later, his relatives learned that his body was found floating in the Mapocho River, near the Bulnes Bridge, and was pulled out by police from the Juan Antonio Ríos headquarters. According to the autopsy report, the body had bullet wounds to the abdomen and the face, and the latter were the cause

of death. The time of death was said to be 6:30 a.m. on October 8. The investigative police, however, said that the death presumably occurred at midnight on October 7. Since it is established that he was arrested, and taking into account the circumstances and cause of death noted here, the Commission has come to the conviction that Zacarías Pardo was executed by government agents in violation of his human rights.

On October 8, 1973, Víctor Fernando RAMIREZ ORTIZ, 19, was killed. His body appeared on the north bank of the Mapocho River, near the Purísima Bridge. Police from the First station transferred it to the Medical Legal Institute. According to his death certificate, he died of bullet wounds to the abdominal thorax. Testimony received indicates that he left his house in San Gregorio at about 9:00 a.m. on October 7, just as soldiers and police were carrying out a search operation. According to those same eyewitness reports, many people from the shantytown were arrested, especially criminals and people who did not have their identification papers. Ramírez was among those arrested. Due to the information here presented and the causes and circumstances of his death, this Commission has come to the conviction that Víctor Ramírez was executed and that he suffered a human rights violation at the hands of government agents.

On October 8, 1973, Ernesto Antonio YEVENES APABLAZA, a worker, was arrested. At 10:00 p.m. the previous day, he had left his mother's funeral wake, but had not returned home. On October 29, his relatives obtained a death certificate according to which he had died at 6:00 a.m. on October 8, 1973 and had been buried at the General Cemetery. The relatives went to the cemetery and received documentation indicating that he was buried in Lot 29. They have never been permitted to examine the body. According to the autopsy report, he died of penetrating wounds to the face, skull and neck and thoracic regions, possibly due to a burst of gunfire, and his body had been found in the vicinity of the Metropolitan Cemetery. Keeping in mind that he was killed during curfew, as well as the cause of death and the place his body was found, this Commission has come to the conviction that Ernesto Yévenes Apablaza died as a result of the political violence in the country at that time.

On October 8, 1973, Héctor Juan MALVINO CAMPOS, 26,

showed up dead along the General San Martín highway, near the road to Portezuelo. His body had 32 bullet wounds. At that time the newspaper indicated that according to information provided by the investigative police, his death resulted from a dispute between common criminals. This Commission has come to the conviction that Héctor Malvino Campos was executed by government agents, in violation of his human rights, since there is no evidence to lead this Commission to think that the death took place in combat, and since the large number of bullet wounds in the body, the political circumstances at that time, and the fact that he was killed at 3 a.m. when the curfew was in effect, make it difficult to entertain the possibility that his death was the work of civilians.

On October 8, 1973, Samuel Eduardo MATURANA VALDERRAMA, 21, an office worker who was active in the Socialist party, was arrested by unidentified people in civilian dress at his home in the presence of witnesses and during curfew. They asked for Samuel Maturana and after arresting him, they took him away in their unlicensed vehicle. To this day there has been no word concerning his whereabouts. This Commission has come to the conviction that the arrest and subsequent disappearance of Samuel Eduardo Maturana Valderrama constituted a human rights violation carried out for political reasons, presumably by government agents. The basis for this conviction is the political activity of the victim and the fact that those who apprehended him were driving about in an unlicensed vehicle during the curfew period in October 1973.

On October 9, 1973, Víctor Segundo BENITEZ ORTEGA was killed. Police from the Vicuña Mackenna substation sent his body to the Medical Legal Institute, indicating that it had been found in the La Florida area. The cause of death was "multiple bullet wounds." Not knowing the precise circumstances in which Víctor Benítez died, the Commission came to the conclusion that he was a victim of the political violence of that period.

- Cases: October 10, 1973 – October 17, 1973
On October 10, 1973, Nelson Mario TORRES GONZALEZ was killed. His body was sent to the Medical Legal Institute by the military prosecutor's office, with the observation that it had been found in Renca. The cause of death was five

bullet wounds to the head, abdomen, and thorax. Unaware of the exact circumstances in which he was killed, the Commission has come to the conclusion that Nelson Torres was a victim of the political violence at that time.

On October 10, 1973, Víctor Moisés CASTILLO ALEGRIA, 27, a student and watch repairer, was executed. He was arrested at his home after midnight on the night of October 9 by police from the Renca station. His relatives' efforts to locate him were in vain since all the places they checked denied that they were holding him prisoner, until they learned that he was dead at the Medical Legal Institute. The death certificate says he died at 6:30 a.m. on October 10, as a result of bullet wounds to the head, chest and abdomen. Keeping in mind the circumstances of the arrest, the cause of death, and the fact that it took place a few hours after his arrest, this Commission has come to the conviction that Víctor Moisés Castillo was executed by government agents and that such an action was a human rights violation.

On October 10, 1973, the body of José Sergio ALEGRIA HIGUERA, a 22 year old worker, was found in the Mapocho River. According to information on the death certificate, he was killed along the Mapocho River at 11:00 a.m. October 10. The autopsy report says the cause of death was a series of bullet wounds to the abdomen and thorax with complications. In view of the place and cause of death and the conditions at that time, the Commission has come to the conviction that the death of José Sergio Alegria can only have been the work of government agents who executed him, and that such an action constituted a human rights violation.

On October 10, 1973, Francisco MIRANDA MIRANDA, 22, disappeared. Eyewitnesses saw police arrest him that day on the street during a search operation conducted in the Illanes de Renca shantytown. He was then taken to the local police station. Since that time there has been no word concerning his whereabouts. Since it is established that he was arrested and has remained disappeared since that date, this Commission has come to the conviction that Francisco Miranda was arrested and that he disappeared at the hands of government agents, and that thus his human rights were violated.

On October 11, 1973, Luis Alberto MARTINEZ HORMAZABAL, 19, an office worker, was killed. After making many efforts to locate him, his wife found his body buried in a common grave in the General Cemetery. The death certificate says he died of a "perforating bullet wound to the thorax." He died at the Central Emergency Clinic on October 11, 1973, according to that certificate. Taking into account the cause of death and credible testimony it has received, this Commission has been able to establish that Luis Alberto Martínez suffered a human rights violation as a result of the political violence during that period, and that it can reasonably be presumed that those responsible were government agents.

On October 11, 1973, Carlos Helen SALAZAR CONTRERAS, 46, a lawyer and professor at the law school of the University of Chile who was a Socialist party activist and personal friend of President Salvador Allende, died. He was arrested on October 5, 1973 at home with eyewitnesses present. Those arresting him said they were agents from the investigative police. Inquiries carried out by his family established that Carlos Salazar had been taken to the National Stadium that same day. For ten days a policeman kept telling them that he was in good condition. According to witnesses, on October 11, 1973, Salazar urged his prison companions to spend "a minute in silence to mark the one month observance of the death of Allende." He died in the stadium that very day. The cause of death was "strangulation by hanging." According to the official version provided by the Undersecretariat of the Interior at that time, Carlos Salazar committed suicide. The Commission has come to the conviction that he committed suicide because he could no longer endure what he was undergoing, and in view of the conditions under which he was imprisoned, his human rights were violated.

On October 11, 1973, Julio César FERNANDEZ FERNANDEZ, a Uruguayan, 24, an artisan who had ties to the Tupamaro Movement and had entered the country in August 1972, disappeared. He and the woman with whom he lived were arrested that day by government agents. Witnesses have said they saw him in the Tejas Verdes prison camp in San Antonio in October and November 1973. Since then there has been no further word about him. This Commission has come to the conviction that Julio César Fernández was arrested by government agents and

that while acting as such they caused him to disappear thus gravely violating human rights. The grounds for this conviction are the testimony it has received, the fact that there has been no further word about him, and that there is no record of his leaving the country.

On October 11, 1973, Raúl Fernando SANTIS URRIOLOA, 26, a mechanic who was active in the Socialist Party, was killed. Six days previously he was arrested in the street by police and taken to the police station at the corner of San Francisco and Condor. During curfew time he was taken away by police and army troops and driven with other prisoners to the banks of the Mapocho River near the Pio Nono Bridge. There they were told to run and were immediately shot down. Raúl Santis was still alive and managed to send word to his relatives, who came looking for him. They took him to the José Joaquín Hospital where the bullets were removed. Then they took him home. While he was at home, his condition worsened, and he was rushed to the Melej Clinic. He died there on October 11, 1973 as a result of the bullet wounds and of pneumonia. Having established these facts, this Commission has come to the conviction that Raúl Santis died as a result of an attempt by government agents to execute him, and that this was a grave human rights violation.

On October 11, 1973, Joaquín Segundo MONTECINOS ROJAS, 44, furniture maker, was killed. According to the account given by his relatives, he had been arrested that day in a police raid on the San Ramon shantytown. They later found his body at the Medical Legal Institute and were told that he had died of bullet wounds, as is noted on his death certificate. He had already been buried in Lot 29 of the General Cemetery. Taking into account the situation in the country at that time and the cause of death, and also keeping in mind that it has not been able to reliably establish that he had been arrested previously, the Commission came to the conviction that he died as a result of the political violence in the country at that time.

On October 12, 1973, Eduardo Elías CERDA ANGEL, 8, was killed. That day he was together with his family at his house, which is located in the Quinta Normal district. When they heard shots near the house, Eduardo Elías opened the door and was hit by a bullet in the chest; that same bullet also wounded a sister. His older brother picked up

his body and ran out into the street, following the military patrol that had done the shooting. He managed to have his younger brother driven to the emergency room at the San Juan de Dios Hospital in the car the troops were driving, but the boy was dead upon arrival. According to the death certificate he died at 10:30 p.m. on October 12, 1973, as the result of a bullet wound in the thorax. Bearing in mind what witnesses have said, and having attested that he was killed, this Commission has come to the conviction that Eduardo Cerda Angel died as the result of an indiscriminate use of force by government agents who violated his right to life.

On October 12, 1973, Oscar Roberto LUCERO ALDANA, 23, a married painter and worker, was arrested by police at his home. His dead body was found at kilometer 18 of the General San Martín highway. The cause of death was perforating bullet wounds to the head, and the date was October 12. The Commission came to the conviction that Oscar Lucero was executed by government agents, and that this was a case of grave human rights violation.

On October 12, 1973, Francisco Arnaldo ZUÑIGA AGUILERA, 22, an office worker, disappeared. That day he left his job at 9:30 p.m. Curfew began at 10:00 p.m. He failed to reach home that night. Witnesses have stated that the next day a policeman who knew Zúñiga's boss went to his workplace. According to testimony given, that policeman said that Francisco Zúñiga was under arrest at the Third police station and he had asked that a fellow worker take him clean clothes. There has been no further word concerning him since then. His family's efforts to find him there and elsewhere proved in vain. There is no record of Francisco Zúñiga renewing his identification card, registering to vote, or leaving the country, nor is there any death certificate. Since it is established that Francisco Zúñiga disappeared, and in view of these facts, this Commission has come to the conviction that his disappearance constituted a human rights violation for which government agents were responsible.

On October 12, 1973, Waldemar Segundo MONSALVEZ TOLEDO, 26, a Politec factory employee who was a MIR activist and a leader in the Nueva La Habana shantytown, disappeared. That day a police patrol from the Thirteenth station arrested him at his job. Since then there has been

no further word about him, and in view of his established arrest, his political activism, his role as a shantytown leader, and his disappearance without further word, this Commission has come to the conviction that Waldemar Monsalvez was arrested and then made to disappear by government agents, thereby violating his human rights.

On October 12, 1973, Teobaldo René SALAZAR LEAL, 50, an official at the University of Chile who was a neighborhood leader and active in the Communist party, was killed. On October 10, he had been arrested by police at his house on Calle Vía Láctea in the Macul district. His body was found at kilometer 18 of the General San Martín highway and was sent to the Medical Legal Institute by the military prosecutor's office. He was buried without the knowledge of his relatives. According to the death certificate, he died at 6 a.m. on October 12 of bullet wounds to the head, abdomen and chest. In view of the circumstances of his arrest, the cause and time of his death, and the fact that his body was found along a public thoroughfare, this Commission came to the conviction that Teobaldo René Salazar was executed by government agents and that his human rights were thereby violated.

On October 13, 1973, Floridor de Jesús FLORES CAROCA, a worker at FENSA [National Electronics Manufacturer, Inc.], was executed. That day his house was raided by troops of the Chilean Air Force, and he was arrested. His body appeared that same day, October 13, at the corner of Suárez Mujica and Covarrubias. The autopsy report states that he died as a result of perforating bullet wounds to the abdomen and thorax and to the face and head. The Commission has come to the conviction that Floridor de Jesús Flores was executed by government agents, in what constituted a grave human rights violation. This conviction is particularly supported by the circumstances of his arrest and the fact that his body, dead from bullet wounds, appeared on the very day he was arrested.

On October 13, 1973, Carlos Patricio FARIÑA OYARCE, 13, a student who was politically uninvolved, disappeared. That day he was arrested in the presence of witnesses during a raid on the La Pincoya shantytown which was being conducted by members of the army, police and investigative police. Another youth was also arrested at this same time and later was found dead from bullet wounds.

Fariña was taken from his house to the local soccer field. His relatives say that they learned that the youth was taken to Infantry Regiment No. 3, which was then quartered in Quinta Normal. The family made countless efforts to locate him, but since that day, October 13, 1973, there has been no further word on his whereabouts. Particularly since it is established that he was arrested and that another youth arrested with him was executed, this Commission has come to the conviction that the arrest and subsequent disappearance of Carlos Patricio Fariña was the work of government agents, and that it constituted a grave human rights violation.

On October 13, 1973, Héctor Eugenio ARAYA GARRIDO, 18, a plumber, was executed. That day he was arrested along with Carlos Patricio Fariña by army troops of the Yungay Regiment, who were carrying out an operation in the La Pincoya No. 1 shantytown. According to testimony taken by this Commission, he was held on the grounds at Quinta Normal where those troops were stationed. On October 14, his body with numerous bullet wounds to the head and thorax was found at the Medical Legal Institute. To this day his body has not been turned over to his relatives. According to his death certificate, he was killed October 13, 1973. The autopsy report states that the cause of death was multiple bullet wounds to the head and thorax. This Commission has come to the conviction that Hector Eugenio Araya Garrido was executed by government agents who sought to kill him and thereby committed a human rights violation, since it is established that he was arrested and later died, for the reasons already given.

On October 13, 1973, Víctor Iván VIDAL TEJEDA, 16, a high school student, was killed. Troops arrested him and took him to the La Pincoya shantytown, and later presumably to where they were stationed at Quinta Normal. His mother went there but her efforts to find him were in vain. Two months later his mother found a file with information on her son at the Medical Legal Institute. He had been transferred there at 1:00 a.m. on October 14. The body was buried on Lot 29 of the General Cemetery. The autopsy report states that he died of the multiple bullet wounds he sustained. The body was found in the street at 10:30 p.m. on the day he was arrested. Having established that he was arrested and taking into account the cause and date of his death on the same date as his arrest, the Commission came to the

conviction that Víctor Vidal was a victim of human rights violation at the hands of government agents.

In the early morning of October 14, 1973, eight people were executed by police. They were:

Alfredo Andrés MORENO MENA, 23, a worker;

Luis Miguel RODRIGUES ARANCIBIA, 23, a fruit and vegetable street vendor;

Luis Alberto VERDEJO CONTRERAS, 26, a merchant;

Elizabeth LEONIDAS CONTRERAS, a 14 year old student who was pregnant;

Jaime Max BASTIAS MARTINEZ, 17, a worker;

Luis SUAZO SUAZO, 20, an automobile painter;

Domingo de la Cruz MORALES DIAZ, 20, an electrician; and

Luis TORO.

On the afternoon of October 13, 1973, a police patrol arrived at Los Sauces de Puente Alto recreation park and in the presence of witnesses proceeded to arrest the people listed. They were taken to police station No. 20 in Puente Alto and from there were driven to the Fourth station in Santiago. Very early on October 14, they were put into a jeep and taken to the banks of the Mapocho River at the Bulnes Bridge. In the presence of witnesses they were forced out of the vehicle. They were told to start running and were immediately shot down. Their relatives later found the bodies at the Medical Legal Institute. The autopsy reports indicate that the bodies were found in the Mapocho River near the Bulnes Bridge, and that they had been shot to death. Since the arrest, and the place, date and cause of their death is attested, this Commission has come to the conviction that Alfredo Moreno, Luis Miguel Rodríguez, Luis Alberto Verdejo, Elizabeth Leonidas, Jaime Max Bastías, Luis Suazo and Luis Toro were executed by government agents and that this action constituted a grave human rights violation.

On October 14, 1973, Hernán Antonio MUÑOZ ROJAS was

killed. He had been arrested three days previously at home by police from the Curacaví headquarters. Since that moment there were no traces of him until October 14 when his dead body was found on the Esperanza Bridge in the Padre Hurtado neighborhood. The body had a bullet wound to the thorax and abdomen. This Commission has come to the conviction that Hernán Antonio Rojas was executed by government agents since it is established that he was arrested and subsequently met a violent death during the curfew period. This act was a crime against his right to life.

On October 14, 1973, Segundo del Carmen LIRA BRAVO, 28, a plumber, was executed. Early that month witnesses had seen him being arrested by army troops as they were carrying out a search operation in the La Legua shantytown. Days later his family found his body at the Medical Legal Institute. It had many perforating bullet wounds to the face and head, the chest and abdomen. According to the death certificate, he was killed on October 14, 1973. Bearing in mind these circumstances of his arrest and death, this Commission has come to the conviction that Segundo Lira Bravo suffered a human rights violation when he was executed by government agents.

On October 15, 1973, Manuel Segundo TAQUIAS VERGARA, 38, a worker who was not politically active, was killed. At 10 a.m. that day he was with other people on the corner of Calle San Diego and Calle Copiapó when a police patrol came by. In the presence of witnesses, the police told them to break up and began shooting. They wounded Taquias and two other people. He was taken to the Barros Luco Hospital where he died some hours later. This Commission has come to the conviction that Manuel Taquias Vergara died as a result of the actions of government agents who used excessive and indiscriminate force, and thereby gravely violated human rights.

On October 15, 1973, Sergio Manuel CASTRO SAAVEDRA, 15, a fruit and vegetable vendor, was executed. He was arrested that day at his home in the Renca district by members of the army and police. His body, bearing an abdominal wound, was found at Quilicura hill, which is very close to where he was arrested. Officials had him buried without informing his relatives. According to the death certificate, he was killed on October 15, 1973. Taking into

account the evidence it has gathered on his arrest and also the circumstances and cause of his death, this Commission has come to the conviction that Sergio Manuel Castro was executed by government agents while he was at their mercy; such an action constituted a human rights violation.

On October 15, 1973, Luis VERGARA GONZALEZ, 22, a worker, and Hernán PEÑA CATALAN, 20, a driver's assistant, disappeared. At 9:15 p.m. that day police from the Thirteenth station at Los Guindos arrested Luis Vergara in the La Faena shantytown a few blocks from his parents' house. The police went with Vergara to Hernán Peña's house. There, according to relatives, the police said they already had Vergara and if they found Peña they were going to kill him. In the course of the day they proceeded to search the house. They asked about Peña but he was not there since he was working. Neither of these persons was ever heard from again, despite numerous efforts both families made to find them. Since it is established that one was arrested by government agents, the other one for whom they were looking must be presumed to have been arrested. Bearing in mind that there was never any further word of them and that there is no record of their having left the country, this Commission has come to the conviction that Hernán Peña Catalán and Luis Armando Vergara were arrested and disappeared at the hands of government agents and that this action constituted a grave human rights violation.

On October 15, 1973, Domingo Manuel MEDINA RIQUELME, 25, an electrician, was executed. At 2:30 a.m. that day he and his brother were arrested by a patrol of five soldiers and one police officer who were using a government jeep. The patrol took the prisoners to lot 68 on the road to Lonquén in the Santa Ana de Chena district. There they ordered them to stand alongside an irrigation canal and shot them at around 11:00 a.m. that same day. Domingo Medina Riquelme died of these bullet wounds, and his body was carried away downstream. His brother was only wounded and managed to escape. According to the autopsy report the cause of death was multiple bullet wounds. In view of these established facts, the Commission has come to the conviction that Domingo Medina Riquelme suffered a grave human rights violation since he was executed by government agents.

On October 16, 1973, José Wannio DE MATTOS SANTOS, 47, a Brazilian, was killed. Highly reliable sources told this Commission that by October 13, 1973, he was being held in the National Stadium and was ill. That day he had "symptoms of worsening typhus with constipation and vomiting." Officials at the stadium said he would have to wait ten days to receive attention in the field hospital because they did not have the capacity to take care of all the sick. When the medical delegate in the National Stadium was asked to have him transferred to the Military Hospital, the request was denied. Consequently, he died on October 16, 1973 in the field hospital at the National Stadium as a result of "acute peritonitis." It is the conviction of this Commission that José Wannio de Mattos Santos died because government agents denied him the timely and effective medical treatment he needed, and that this was a grave violation of his right to physical integrity and of his right to life.

On October 16, 1973, Mario Armando GHO ALARCON, 19, a conscript of the Buin Regiment, was killed. He was arrested at the regimental headquarters, where he was doing his military service, and he was accused of intending to free a prisoner. Witnesses say that ever since September 11, 1973 Mario Gho had been expressing reservations about the military's actions in a number of operations. That was why he was tried before a war tribunal. During the interrogation he was repeatedly beaten. Qualified witnesses have testified to this Commission that after one of these interrogations, he was shot from behind without any provocation on his part. He died at the José Joaquín Aguirre Hospital. With the evidence and testimony it has received, this Commission has come to the conviction that whatever disobedience to military discipline he may have committed, Mario Armando Gho Alarcón was executed without any due process of law nor justification by those who had arrested him. That was a violation of his right to due process and his right to life.

On October 16, 1973, Juan Angel GALLEGOS GALLEGOS, 38, a tailor who was president of the neighborhood council of the Sarmiento shantytown and an active Communist, disappeared. That day he was arrested in the presence of witnesses by police who were carrying out a search operation in that shantytown. Other residents were also

apprehended, and all were taken to the local athletic field. That was the last place Gallegos was seen, and his whereabouts remain unknown to this day. He has not requested to have his identification card renewed, there is no record of his leaving the country, nor is there any record of his death. Since his arrest is established, this Commission has come to the conviction that government agents were responsible for the subsequent disappearance of Juan Angel Gallegos, which constituted a human rights violation.

On October 16, 1973, Luis Enrique PEREZ BALBONTIN, 22, a disabled news vendor, was killed. On the 15th, witnesses observed him being arrested at his worksite by police who were making inquiries in order to arrest people whose names they had on a list. He was then taken to the San Rafael shantytown checkpoint. The next day, October 16, his body was found on an empty lot in the area of Nos. The autopsy report states that the cause of death was a bullet wound and that it occurred on October 16. Bearing in mind that it is established that he was arrested and was taken to the San Rafael checkpoint and that he died while he was being held prisoner, the Commission came to the conviction that he was executed by government agents in violation of his human rights.

On October 16, 1973, José Daniel HERNANDEZ ORREGO, 31, a worker who was active in the Socialist party, disappeared. When army troops searching his house that day did not find him, they left orders that he present himself at the cultural center in Barrancas (now Pudahuel) where army troops from the Subofficials Training School and the Yungay Regiment from San Felipe were quartered. When he came home from work José Hernández was given that summons and decided to comply. This happened at about 1:00 p.m. He told his family that if he did not return by 7:00 p.m., they should take him a blanket. Since he did not return they went to the cultural center. They were told he did not need anything. His relatives heard different stories, but since that day they have had no further word about him. This Commission has come to the conviction that José Daniel Hernández did in fact report to government agents, and they made him disappear and so violated his human rights.

On October 17, 1973, Juan Carlos AMPUERO GOMEZ, 26,

an office worker and an active Communist, was killed. He was arrested that day by a military patrol and taken to the National Stadium. According to witnesses, he was executed at the stadium. Although the body was not turned over to the family, they were given a death certificate which says that he died October 17 of "a perforating bullet wound to the thorax." They were told that his body was buried in Lot 29 of the General Cemetery. Since witnesses have testified that he was arrested and held in custody, and considering the cause of death, the fact that it occurred two days after his arrest [sic] and the nature of his political activity, this Commission has come to the conviction that Juan Carlos Ampuero was executed by government agents in an action that gravely violated human rights.

On October 17, 1973, Jaime JIMENEZ JIMENEZ, 29, a worker and CUT (Unified Labor Federation)⁹¹ leader was arrested. He was arrested during a military operation in the Nuevo Amanecer shantytown, and was taken to the Puente Alto Regiment. There his family was told he had been taken to the local prison where prison officials at first admitted, and later denied, that they were holding him. Subsequently his wife went to the Medical Legal Institute, where his name appeared on a list. She also learned that he had been buried in Lot 29 of the General Cemetery. According to his death certificate he died of a "thoracic cardiopulmonary bullet wound," and had been found in the street on October 21, 1973. The Commission came to the conviction that Jaime Jiménez was executed by government agents, because he died while he was in their custody; this action constituted a grave violation of his right to life.

On October 17, 1973, Pedro Hugo PEREZ GODOY, 15, a seventh grade student, disappeared. That day while curfew was in effect police arrested him before witnesses and took him to the National Stadium. He was last seen there during November 1973. The Commission came to the conviction that government agents were responsible for the

⁹¹ CUT-Central Unica de Trabajadores de Chile: The CUT was officially founded in February of 1953, but it was preceded by several other organizations in an attempt to unify into a single force Chile's many and disparate labor groups. It was formed by unions and federations of state workers, students, miners, factory workers, rural workers among other labor sectors. Its first president was Clotario Blest, who continued to be an influential leader throughout the history of the CUT, and its first Council of National Direction was composed mostly of communist and socialist labor leaders. The CUT was disbanded by the junta in November 1973. With Chile's transition to democracy it has slowly reemerged as a voice for labor in negotiations with private industry leaders and the government.

disappearance of Pedro Pérez Godoy and so violated his human rights, since it is established that he was arrested and that there has been no further word about his fate, and especially because his age makes it unlikely that he would have disappeared by his own decision.

On October 17, 1973, the following persons were executed: Carlos Rodolfo ADLER ZULUETA, 25, an Argentinean with Chilean residency since March 1973; it is not known whether he was politically active;

Beatriz Elena DIAZ AGUERO, 26, a pregnant Argentinean with Chilean residency since March 1973;

Víctor Alejandro GARRETON ROMERO, 60, an importer who was active in the National party;

Cristián MONTECINOS SLAUGHTER, 27, a married employee of the International Monetary Fund;

Julio Andrés SAA PIZARRO, 37, a dental surgeon;

Jorge Miguel SALAS PARADISI, 25, mathematical pedagogy student at the Valparaiso campus of the University of Chile who was then living in Santiago in order to undergo a medical treatment that kept him confined to bed for long periods of time.

These persons were arrested in high-rise No. 12 of the San Borja apartment complex early in the morning October 16, 1973 by troops from the Army Subofficers School in Santiago. Except for the first two, who were a married couple, they had no connections with each other. They were arrested after a female neighbor turned them in by telephone, as has been duly established in testimony taken by this Commission. After arrest they were taken first to a house at Calle Londres No. 38 (the address that the DINA later used as a detention site). While still in army custody they were then taken to the cultural center in Barrancas, where others saw them.

Their dead bodies were found on October 17, 1973 at kilometer 12 of the highway from Santiago to Valparaiso by the Lo Prado Tunnel, and were taken to the Medical Legal Institute. This was indicated on all their death certificates and autopsy reports, which in every case state that the

cause of death was "multiple bullet wounds." Immediately after these events, at the request of Carlos Garretón, the father of one of the victims, the army undertook an internal investigation and concluded that this was a case of "a military error." The families were so advised and the army proceeded to inform them of the "junta government's regret over this enormous military error."

In a response to the Interamerican Human Rights Commission, the Chilean government stated that at around 5:00 a.m. on October 17, 1973, these six people, "taking advantage of the precarious conditions of the building, fled through a window without bars toward a fence between the apartment area and surrounding shantytowns. Sentries for the military garrison caught them as they were fleeing, notified them that they were under arrest, properly ordered them to halt, and shot into the air." The report provided by the military government goes on to say that "the prisoners nevertheless continued to run away, and thus the sentries took aim and shot them, thus causing their death." The official response concludes by noting that "subsequently the bodies of the six prisoners were driven in a truck to the area of the Lo Prado Tunnel, where the army had a field hospital. Their bodies were handed over and driven in a hospital ambulance to the Medical Legal Institute, where the required autopsies were carried out."

The Commission has rejected the official version offered by the Chilean government, especially for the following reasons:

- * The two written accounts, the army's investigation and the government's official reply, are contradictory;

- * It is inconceivable that these people could have gotten together to plan to run away, since there was no relationship between them except the fact that they lived in the same building. Moreover, it must be kept in mind that one of these people was a pregnant woman and another was a young man who was in a continually drowsy condition as a result of his medical treatment, and thus it is unlikely that he would be strong enough to try to get over a fence as stated in that account;

- * It does not make sense that after being wounded, they would be transferred to another place, the Lo Prado Tunnel,

which is twelve kilometers away;

* Finally, the story about attempted flight is common to a number of other executions by troops who were quartered at the cultural center in Barrancas.

With regard to the official account and the facts it has been able to attest, the Commission has come to the conviction that Carlos Rodolfo Adler, Beatriz Elena Díaz, Víctor Alejandro Garretón, Cristián Montecinos, Julio Andrés Saa, and Jorge Miguel Salas were executed without any due process of law nor justification by government agents who violated their right to life.

On October 17, 1973, Néstor GONZALEZ RAMOS, a draftsman and leftist who had actively participated in the Popular Unity's presidential campaign, was killed. On the day of his death, witnesses observed him being arrested by troops at the house of his uncle. His family made many efforts to determine his whereabouts but to no avail. His body bearing bullet wounds was found near the Lo Prado Tunnel. The death certificate states that he died on October 17, 1973. This Commission has come to the conviction that Néstor González Ramos was executed by government agents while he was under arrest and in their custody, thus constituting a grave human rights violation.

On October 17, 1973, José Miguel VALLE PEREZ, 15, disappeared. At 10:30 a.m. that day the police arrested him in his house. That day shots were coming from a jeep as it pulled up to the entrance to the Lo Ovalle alleyway. Like many other people José Valle went out to see what was happening. When he came back home and closed the door, police knocked it down and seized the youth, handcuffed him, and put him into the jeep. His mother looked for him in local police stations and headquarters and in the Medical Legal Institute but to no avail. When inquiries were made as the result of a habeas corpus introduced by his family, officials never acknowledged that he had been arrested. Having established his arrest and subsequent disappearance on the same day, this Commission has come to the conviction that José Miguel Valle was arrested by government agents and disappeared in their hands, and that this action constituted a grave human rights violation.

On October 17, 1973, José Miguel MUÑOZ BIZAMA, 21, a student who was active in MIR, disappeared after being arrested at his home in the San Ramón district. He was transferred to the Paratroop Training School at Colina, where he was held prisoner and was seen by witnesses. Since that time there has been no further word about him, despite many efforts by his relatives to determine his whereabouts. This Commission has come to the conviction that José Miguel Muñoz was arrested by government agents and disappeared in their hands, in what was thus a human rights violation. The nature of the victim's political activism and the circumstances of his arrest and detention, after which all traces of him vanish, lend support to this conviction.

- Cases: October 18, 1973 – December 30, 1973
On October 18, 1973, Jorge Cristián CLAVERIA INOSTROZA, 19, an office worker and student who was active in the Young Communists, was killed. On October 10, he showed up at DINAC [National Bureau of Trade], where he worked, in order to present himself to the new authorities. Since that moment there has been no further word concerning him. His relatives went to DINAC and to some police stations but found no evidence of him. On October 27, 1973, the family found his body at the Medical Legal Institute. Records indicate that he had been brought there from the Mapocho River. The autopsy carried out on October 19 established that the cause of death was a series of three perforating bullet wounds, one to the face and head, one to the thorax and one to the abdomen. According to the death certificate, he was killed at 5 a.m. on October 18, 1973. This Commission has come to the conviction that Jorge Cristián Clavería was executed by government agents, and that this constituted a grave human rights violation. His political activism, his disappearance from a place under the control of the new authorities, the place his body was found, and the fact that he was killed during the curfew period all lend support to that conviction.

On October 18, 1973, Ramón Edmundo REBOLLEDO ESPINOZA, 41, a worker, disappeared. That day he was arrested in a bar before witnesses during a search operation being conducted by troops in the La Faena shantytown. His family made numerous efforts to determine his whereabouts but all proved in vain. Since the

day of his arrest, Ramón Rebolledo has not sought to have his identification card renewed, or registered to vote, and there is no record of him having left the country. Since it is established that he was arrested and since there is no word on him since that date, this Commission has come to the conviction that Ramón Edmundo Rebolledo suffered human rights violations at the hands of government agents who arrested him and later forcibly made him disappear.

On October 18, 1973, Santiago Rubén ROJAS ARANCIBIA, 16, a student, was killed. As the accounts we have received indicate, he left his house in Quinta Buin near curfew time on October 17. His family heard nothing more about him until they found his body at the Medical Legal Institute, where it had been sent by the El Salto police department. Police officers found his body on the road to El Barrero at about 8:30 a.m., and the document sent to the Third Criminal Court in Santiago states that "... the victim had bullet wounds in the back and thus he was presumably killed by a military patrol for violating curfew." The death certificate says that the cause of death was "perforating bullet wounds to the head, torso, and abdominal cavity." In view of this evidence gathered, and the circumstances and cause of his death, the Commission has come to the conviction that the death of Santiago Reubén Rojas Arancibia, was due to the political violence of that time and can reasonably be assumed to have been the work of government agents.

On October 19, 1973, Pedro Enrique TRONCOSO SAAVEDRA, 33, a painter, was executed. That day in the presence of witnesses, air force personnel arrested him at his house in Conchalí. His dead body was found one hour later on the road to Lo Espejo, as indicated in his autopsy report. The cause of death was a perforating bullet wound to the head. Bearing in mind that the last information available about Troncoso dates from the moment he was arrested by air force personnel, the fact that his dead body was later found on a public thoroughfare, as well as the cause of death, this Commission has come to the conviction that he suffered a violation of his right to life as a result of actions carried out by government agents.

On October 19, 1973, Jorge Antonio ARANGUIZ GONZALEZ, 16, a high school student, disappeared. He had been involved in a dispute with a neighbor in the

Rosita Renard shantytown where he lived. She then made accusations against him to police. According to his family, the police soon arrived at Aranguiz' house intending to arrest him. They did not find him, however, since he had already run away. In the judicial investigation that followed the disappearance of Aranguiz numerous eyewitnesses provided testimony to these events. Since that day there has been no information on the whereabouts of Aranguiz, despite the various efforts made by his family to locate him, including that judicial investigation. A check with various government agencies did not result in any indication that he had had any dealings with the government or had left the country. In view of these facts, this Commission has come to the conviction that government agents made Aranguiz disappear by force, and thus it believes that his fundamental rights were violated.

On October 20, 1973, Hernán SOTO CARDENAS, 34, a shoe repairman, was killed. Five days previously, on October 15, he was arrested by army troops at his home in the Teniente Saavedra shantytown in the Barrancas district. His dead body was found at the Medical Legal Institute on October 20. He had died of bullet wounds to the chest and abdomen. Since it is established that he was arrested, and since he died that same day of bullet wounds, this Commission has come to the conviction that Hernán Soto was executed by government agents who in their assault on his life committed a human rights violation.

On October 20, 1973, the following people were executed:

Sergio Orlando CANDIA SALINAS, 28, a butcher at the Lo Valledor slaughterhouse;

Carlos Octavio CHAMORRO SALINAS, 18, a tailor's assistant;

Jaime Alberto VEAS SALINAS, 21, a butcher at the Lo Valledor slaughterhouse; and

Miguel Angel PONCE CONTRERAS, 18.

They were all arrested by police in the San Gregorio shantytown and were taken to the local police station. When their relatives arrived to inquire about them, the police told them they were under arrest "for looking

suspicious" and that they would be released in a few hours. [sic-material missing here]...the date, hour and place of death is noted on the respective death certificates as October 20, 1973 at 11:00 p.m. at the intersection of Barros Arana and Eucaliptus in the case of Sergio Candia, on the road to Melipilla in the case of Jaime Veas, and in the Padre Hurtado neighborhood in the cases of Miguel Ponce and Carlos Chamorro. Considering the manner in which these events occurred, this Commission has come to the conviction that these four people were executed by agents of the state, therefore being victims of a violation of their right to life.

On October 20, 1973, Mario SALINAS VERA, 16, a high school student, was arrested at home by soldiers in the presence of witnesses. He was arrested by members of the Guardia Vieja Regiment of Los Andes, who were quartered on municipal property in Maipú. Since that date there has been no information on the whereabouts of Salinas, and efforts made by his family to locate him have been unsuccessful. When his father introduced a habeas corpus plea in October 1973, officials acknowledged the fact that Mario Salinas had been arrested when they answered that he had been released the day after his arrest, that is, on October 21, 1973. It has been established that Mario Salinas was arrested, but this Commission does not find plausible the official account, namely that Mario Salinas was set free the next day, since he never had any further contact with his family. After checking with a number of government agencies, the Commission finds no proof that he ever conducted any official business these years, nor is he registered as having left the country. Hence it concludes that he never recovered his freedom. Consequently, the Commission has come to the conviction that Mario Salinas was arrested and disappeared at the hands of government agents, in violation of his human rights.

On the night of October 20, 1973, the following persons were executed:

José Tomás BELTRAN BIZAMA, 25, a worker who was not politically active,

Eduardo Antonio FONSECA CASTRO, 26, a street vendor who was not politically active; and

Hernán Anselmo CORTES VELASQUEZ, 22, a worker, who was not politically active.

In the presence of witnesses a police patrol that was moving about in an ambulance arrested all three of them in their homes in the 18 de Septiembre squatter settlement near the central railroad station and took them away. The next morning their bodies were found in an empty lot along the Lo Errazuriz road in the Maipú district. According to the autopsy reports, the cause of death was multiple perforating bullet wounds to the head. The circumstances in which Beltrán, Fonseca, and Cortés were killed, hours after they had been arrested by the police, lead this Commission to the conviction that they were executed by government agents in violation of their essential rights.

On October 20, 1973, Pedro GUEVARA MUÑOZ, 28, a painter, was killed. Relatives found his body at the Medical Legal Institute, where it had been taken after being found out in the open on the northern bank of the Mapocho River near the Manuel Rodríguez Bridge. According to the death certificate the body had bullet wounds to the head; the autopsy report, however, said that the body had around eighteen bullet wounds. The body was finally buried in Lot 29 of the General Cemetery. The Commission has come to the conviction that Pedro Guevara Muñoz was executed as a result of the political violence of that time, presumably by government agents.

On October 20, 1973, José Ismael CAVADA SOTO, a painter, was killed. According to testimony received, Cavada's father found his body at the Medical Legal Institute, where it had been sent after being found out in the open on the northern bank of the Mapocho River near the body of Pedro Guevara. It was established that the cause of death was the many bullet wounds he had received, and that he died on October 20. The body was finally buried in Lot 29 of the General Cemetery. In view of the evidence obtained, and although the exact nature of what happened is not known, the Commission came to the conviction that José Ismael Cavada Soto was killed as a result of the political violence of that time, presumably by government agents.

On October 21, 1973, Luis René LOBOS GUTIERREZ, 25,

and Carlos Germán MALDONADO TORRES, 41, both farm workers, disappeared. That day civilians went to the military and accused these two men of having threatened them. These same civilians and the military went to where the two men were and proceeded to arrest them in the presence of witnesses. They took them to the Malloco police station, but they were not permitted to detain them there on the grounds that the events in which they were involved had taken place outside that district and also because the officer in charge did not think they should be jailed and so they were returned to their captors. Since that moment there has been no further word about these men.

The Commission came to the conviction that Luis Lobos and Carlos Maldonado disappeared while in the custody of government agents who were abusing their power, since it is established that they had been arrested. The court record establishes that the police were not willing to hold these two men and turned them over to the military. They were not released later, there has been no information on their whereabouts since that date, and it has been established that since then they have not had any business with government agencies, left the country, or gone to see their relatives.

On October 25, 1973, the body of Jaime Antonio RIVERA AGUILAR, 29, was found. The body had bullet wounds to the chest and stomach. He had disappeared from his house in the La Faena shantytown in Peñalolén around October 18. Unable to determine exactly how he died, but taking into account especially the cause and date of his death, the Commission has come to the conviction that he died as a result of the political violence prevailing in the country.

On October 26, 1973, air force Second Corporal José Enrique ESPINOZA SÁNTIC was executed. He was arrested on October 19, at the Capitán Avalos Aviation School, by air force troops and was transferred to the Air War Academy and then to the Aeronautic Polytechnical Academy. He was executed there on October 26. These facts have all been established through eyewitness testimony. His autopsy report says that the cause of death was a "bullet wound to the torso which entered from the back." Taking into account these facts, this Commission has come to the conviction that José Espinoza was

executed by government agents thus violating his right to life.

On October 27, 1973, Luis Antonio ABARCA SANCHEZ, 22, a worker, was executed. Witnesses saw him arrested by police in the La Victoria shantytown on the night of October 26, while he was returning from a party with other people. A few days later his family found his dead body at the Medical Legal Institute in Santiago. In the autopsy report that agency noted that he died as a result of twenty bullet wounds. Since the last information about Abarca comes from the moment of his arrest by police, and since he was killed a few hours later, this Commission came to the conviction that he came to the conviction that he was executed by government agents in violation of his right to life.

On October 30, 1973, Pedro Antonio FERNANDEZ BURGOS, 54, a street vendor, was killed by soldiers. That day his wife had a dispute with a neighbor woman who then went to complain to the police station in Padre Hurtado. A group of soldiers was present at that moment. At about 4:00 p.m. four soldiers came to Fernandez' house, and proceeded to arrest him and his wife. They were taken to that same police station, where a soldier showed them a document, apparently the neighbor's accusation, and asked them what they thought about it. Neither of them knew how to read, however, and they did not know what it was concerning. Since they said nothing, the soldier continued asking them, and became increasingly angry, until finally he opened a drawer, drew out a weapon and shot Pedro Fernandez in the presence of his wife. They immediately took him to the hospital in Peñaflor, where he died at 4:25 p.m. On the basis of the statements and evidence it received, the Commission came to the conviction that Pedro Fernandez was executed without any due process of law by government agents who were abusing their power.

On October 31, 1973, Juan de Dios MARTINEZ PEREZ, 24, a vendor, was killed. He was last seen on October 23 at the gate of the Santa María Clinic where he worked selling flowers. His body was later found in the Mapocho River by the Oriente Bridge and sent to the Medical Legal Institute by the Pudahuel airport police unit. The body bore bullet wounds, and according to the death certificate, he died on October 31. The body was identified by relatives and buried

in the General Cemetery. The Commission came to the conviction that Juan de Dios Martínez Pérez died as a result of the prevailing political violence, and that government agents were presumably involved.

On November 3, 1973, Pedro David OTAROLA SEPULVEDA, 22, a slaughterhouse worker, was killed. Police arrested him that day along with a friend while they were inside a business located near bus stop number 46 on Avenida Santa Rosa and took them to the local police station. Witnesses have testified that the day after the arrest Otárola and others were taken out of the police station where they were being held. He died as a result of bullet wounds to the head and torso, as indicated in his death certificate. This Commission has accordingly come to the conviction that the death of Pedro David Otárola was the result of an act of that violence that was characteristic of the period under examination.

On November 11, 1973, Guillermo IBARRA FUENTES, 32, an employee at SERVIU (Housing and City Planning Service) was arrested at his home by a Chilean Air Force patrol. He had fought with his wife, prompting her to go looking for a nearby patrol. Ibarra resisted the patrol's efforts to arrest him and one of the members shot him in the chest, leaving him fatally wounded. He was taken to Emergency Clinic No. 4 in ñuñoa and died there a few hours later. The Commission came to the conviction that Guillermo Ibarra Fuentes died as a result of the use of excessive force by members of that air force patrol, thus gravely violating human rights.

On November 18, 1973, Juan Fernando MILLAS VELIZ, 31, a mechanic, was killed. On the night of November 17, he was driving his small Citroen south along Gran Avenida. Just as he was passing the Twelfth police station, troops there shot and wounded him. He was taken to the Barros Luco Hospital and died there at 5:00 a.m. on November 18 of a "perforating bullet wound to the abdominal cavity." According to the autopsy report, the bullet was shot from a distance. The account provided by the police in their official report asserts that Millas was moving about during the curfew period, and therefore they shot him. However, the hospital record shows that Millas entered at 11:05 p.m. when the curfew began at 11:00 p.m., and thus the claim of the authorities is not very plausible. Accordingly, this

Commission has come to the conviction that Juan Fernando Millas was killed as a result of the use of excessive force by government agents.

On November 26, 1973, Miguel Andrés HEREDIA VASQUEZ, 23, an unmarried office worker who was a shantytown leader and active in the Communist party, was arrested. Air force troops carried out the arrest at the emergency room in the Barros Luco Hospital, his workplace, in the presence of witnesses. He was taken to the Air Force Special Forces School in Santiago, where he was listed as among the prisoners. Around January 4 he was taken to the Air Force Polytechnical Institute. From there he wrote to his family telling them he was well. Around January 9, 1974, he was taken to the prison camp in Tejas Verdes. There he was seen by witnesses and with one of them he was put into a lineup on January 28. Since that moment his whereabouts have been unknown. His family adds that officials at SENDET (Executive National Secretariat of Prisoners) acknowledged that Heredia was arrested and said he was being held in solitary confinement. Nevertheless, the Ministry of the Interior denied that he had been imprisoned, as indicated in the judicial inquiry into his disappearance. For the reasons given, this Commission came to the conviction that Miguel Heredia was subjected to forced disappearance while he was being held in custody by government agents, and that his essential rights were thereby violated.

On November 26, 1973, the following persons were executed:

Juan Domingo ARIAS QUEZADA, 17, an unmarried student who was active in the Socialist party and a member of the José Martí group;

Mario Francisco ZAMORANO CORTES, 33, an unmarried student who was active in the Socialist party and a member of the José Martí group;

Juan Carlos MERINO FIGUEROA, active in the Socialist party and a member of the José Martí group;

Juan Jonás DIAZ LOPEZ, 24, a student who was active in the Socialist party and a member of the José Martí group; and

Que Phung TRAN HUYNH, a Vietnamese who had a doctorate in biochemistry and nuclear medicine.

In the early morning of November 27, residents in El Arrayán heard a heavy vehicle climbing the road. Around 4:00 a.m. they heard many shots. During the day a resident found the bodies of those listed above in lot No. 38 of El Arrayán. There was a sign mentioning the MIR and calling them "traitors."

Their death certificates indicate that they died of multiple heavy caliber bullet wounds. Several of the bodies had wounds different from those caused by bullets, and were described as "many kinds of cuts of various kinds on the right forehead," "many traumas in a number of body parts produced by blunt objects and hot objects," and "many bruise wounds in various places on the body." In addition the autopsy reports said two of them were tied up.

Family members say that their own investigations indicated that the group had tried to take asylum in an embassy and were caught by a patrol which then arrested them. They also say that troops from the Tacna Regiment had previously come looking for one of the victims and said that he should present himself to that military unit. Bearing in mind the testimony it has examined, that the autopsy reports establish that the victims were executed during the curfew period with high caliber weapons and that their bodies bore wounds compatible with their having been tortured before death; the fact that troops had come looking for at least one of them during the previous days; that they shared a common political activism, and taking into account the general features of the period in which these events took place, the Commission has come to the conviction that these people were executed by government agents, and suffered a grave violation of their right to life.

On December 1, 1973, Jacob Daniel AGUILAR GARRIDO, 21, a worker, and Blas Javier VICENCIO ARRIAGADA, 20, were killed. They were arrested that day by air force troops in the Manuel Larraín shantytown of Pudahuel where they lived. The next day Aguilar's family says that air force personnel informed them that he was at the Medical Legal Institute. Police from Las Barrancas found both bodies in the San Pedro estate of Las Barrancas near the west end

of the Américo Vespucio beltway. From there they sent the bodies to the institute. According to the autopsy, the cause of death was a "perforating bullet wound to the thorax and lungs" for Aguilar, and a "perforating bullet wound to the head" for Vicencio. They were said to have died December 1 at 9:10 a.m. By reason of the evidence gathered, and the cause of their deaths, this Commission has come to the conviction that Jacob Daniel Aguilar Garrido and Blas Javier Vicencio Arriaga were killed as a result of the violence of that time, and that government agents were presumably involved.

On December 6, 1973, Sergio Hernán RAMIREZ PEÑA, 17, a student, was killed. As Ramírez was leaving his house in the La Legua shantytown, a military patrol went by chasing some young people. One member fired, hit Ramírez, and killed him. The autopsy report indicates that the cause of death was a "perforating bullet wound to the neck," and adds that "the path of the bullet was from back to front, right to left and top down." In accordance with the evidence mentioned, this Commission has come to the conviction that Sergio Ramírez died as the result of an excessive and indiscriminate use of force, and hence he is regarded as the victim of a human rights violation committed by government agents.

On December 8, 1973, Gerardo GODOY BELLO, 26, a worker, was killed. Evidence presented to this Commission established that Godoy was arrested at the door of his house in the Barrancas district by a military patrol. His body was later found in the Mapocho River, in the vicinity of the Pedro de Valdivia Bridge. According to the death certificate the cause of death was a "perforating bullet wound to the face and head." The time was registered as 10:00 a.m. that same December 8. In view of the events sketched out here, this Commission came to the conviction that Gerardo Godoy died as a result of actions by government agents and thus his essential rights were violated.

Very early on the morning of December 9, 1973, Juan René Alberto VASQUEZ ORTIZ, 25, a worker who was active in the Young Communists, was executed. The previous night Vásquez had come hurrying back to his house in the Quinta Normal district together with other neighbors because they had been still out in the streets when curfew began. A few moments later a military patrol showed up and in the

presence of witnesses proceeded to arrest all the males in his house. Those who witnessed these events testified that the military, after taking them away, forced them to run and immediately shot at them. Since Vásquez refused to obey that order, a soldier shot and hit him in the thoracic region. The injured were then taken in an ambulance to the Félix Bulnes Hospital. Vásquez died there at 5:00 a.m. on January 9 as the result of a penetrating bullet wound, as stated on his death certificate. Juan Vásquez' autopsy report states that "the shot was what in legal medical terminology is called from short range," thus corroborating what the witnesses said. On these grounds, the Commission came to the conviction that Juan Vásquez was executed in total disregard for the law by government agents and he thus suffered a grave human rights violation.

On December 10, 1973, Waldo Antonio BELLO BELLO, 35, a merchant, was killed. That day Bello went to play soccer after work and did not return home. His body was found at the Medical Legal Institute days later. The cause of death was "the series of bullet wounds to the torso and head". The ballistic reports sought and obtained by this Commission indicated that two types of weapons were used, and their features fit the description of the kind of weapons commonly used by the police. Bearing this point in mind, and the general characteristics of the time when these events took place, this Commission holds the conviction that the death of Waldo Bello was the work of government agents and that his human rights were violated.

On December 13, 1973, Bautista VAN SCHOWEN VASEY, 30, a married surgeon who was a member of the political commission of the MIR, and Patricio MUNITA CASTILLO, 22, a law student, were arrested at the Capuchin church in Santiago. A contingent of police and non-uniformed personnel arrested them and a priest of the Capuchin church along with another unidentified person on the afternoon of December 13 inside the church and in the presence of witnesses. As was attested by eyewitnesses to the arrest, they did not offer resistance, and their captors loaded them onto a police bus and took them to an unknown destination. The priest was released after spending eight days in jail. Van Schowen, Munita, and the unidentified third person had come to the church early in the month and were being sheltered there temporarily.

Bautista Van Schowen was a well known MIR leader who ever since September 13 had been publicly summoned and ordered to report to military authorities. Newspapers were reporting that the junta was offering a 500,000 escudo reward to the person "who provides evidence making it possible for government forces to locate and arrest" some of the people mentioned on a list, including Van Schowen. On the other hand, the Santiago daily, El Mercurio, on August 24, 1974 reported that "...on December 13, 1973, shortly after the military proclamation of September 11, the dangerous subversive Bautista Van Schowen Vasey was arrested for grave crimes, which are sufficiently attested in the case against him prepared by the First Military Prosecutor's Office of Santiago. Currently...he is being held in a prison somewhere in the country." The same month the Ministry of the Interior offered similar information in the judicial inquiry into his disappearance when it stated that "Bautista Van Schowen is in the hands of the First Military Prosecutor's Office in Santiago." The ministry retracted that statement the following month when it said that "an unintentional error of fact was committed, since actually the one who was imprisoned in the public jail in Santiago...was Roberto Fernando Van Schowen Vasey, and not his brother, Bautista."

Finally in February 1978, in response to an inquiry from the OAS (Organization of American States) Interamerican Human Rights Commission, the military junta replied that Van Schowen "... travelled to Cuba on February 2, 1973 with Chilean passport No. 2743 and there is no indication of his return to the country." In other reports to the courts, officials at that time denied that Bautista Van Schowen had been arrested or that he was in the hands of any tribunal.

Nevertheless, this Commission cannot accept the official account reporting that Van Schowen left the country in February 1973 and did not return, or that he was not arrested, since after that date he was one of the most wanted political figures, and the junta had offered a monetary reward for his capture, and there are eyewitnesses to his arrest by police in December 1973. We may also add the confusing official and newspaper accounts of his legal situation.

Patricio Munita's dead body was found in Américo Vespucio

at a 3,600 meter elevation on December 14, and it was later buried in Lot 29 of the General Cemetery as ordered by troops who came to the cemetery, according to eyewitnesses to the event. Two months later his family was able to have the body exhumed and to identify it. It has not been possible to establish the identity of the person arrested along with Van Schowen and Munita nor what happened to him.

In view of all the evidence indicated, this Commission has come to the conviction that Patricio Munita was killed by government agents in total disregard for the law, that Bautista Van Schowen disappeared by force also at the hands of government agents, and that both suffered grave human rights violations.

On December 19, 1973, Jorge Pedro PACHECO DURAN, 20, a craftperson who was active in the Christian Left, and Denrio Max ALVAREZ OLIVARES, 17, a university student and leader who was an active Communist, were executed. They were arrested by investigative police at Pacheco's home on December 3, 1973. Several other left activists were arrested along with them and soon released. They were taken to the central headquarters of the investigative police and then to the local prison and finally to the Buin Regiment, for interrogation. From that point on there was no trace of them until their dead bodies turned up at the Medical Legal Institute. The autopsy report on Alvarez says that the cause of death was a "bullet wound," and that of Pacheco says that he died of "three bullet wounds to the torso and one to the head." The Commission has come to the conviction that they were executed by government agents in an action that gravely violated their human rights. The grounds for this conviction are that it is established that they were arrested, that they were killed by bullet wounds, that they were politically active, that they died while in the custody of the police and military, and that there was no official explanation of their deaths.

On December 19, 1973, José Braulio ASTORGA NANJARI, 55, a furniture maker who was a member of the Council on Supplies and Prices and active in the Communist party, was arrested. Witnesses observed as two armed and ununiformed men along with heavily armed police from Station No. 17 detained him while he was working in his shop. He was taken to the station where he was held "in

transit." He has disappeared since that time. The government officially recognized his arrest and declared that he had been released on December 26, 1973, and that his whereabouts were unknown. Since it is established that he was arrested, both because it was observed by witnesses and because it was officially acknowledged by the government, this Commission cannot accept the official account that he was released for the following reasons: Astorga was active in the Communist party and also in the Council on Supply and Prices, and it can be reasonably presumed that he was arrested by security agents and that the function of the police was simply to hold him in custody; it is presumed that he was subsequently imprisoned at Tejas Verdes; to this day there is no record of his leaving or entering the country after his arrest nor of his registering to vote. In view of these facts, this Commission has come to the conviction that José Braulio Astorga was arrested and disappeared by force at the hands of government agents in an action that gravely violated human rights.

On December 19, 1973, Nelsa Zulema GADEA GALAN, 29, a Uruguayan secretary at CORVI (Corporation for Housing) who was assigned to the Soviet company, KPD, was arrested. She disappeared on December 19, 1973 from her workplace on Calle Condell, in the Providencia district, just as a military patrol visited the place. Around that time her house and those of several friends were searched. Since that day she has remained disappeared and there is no information on her whereabouts. This Commission has come to the conviction that she was subjected to forced disappearance, presumably by government agents, since witnesses have testified that she was arrested, and in view of her political activity and the fate of foreigners who were connected to revolutionary movements in the country at that time. Despite the journeys her family undertook to find her, they never had further word about her either in Chile or elsewhere.

On December 21, 1973, the following five members of the Communist cell of the local Galo González committee of the La Legua shantytown, who were accused of being involved in a so-called "Plan Leopard," were executed:

Carlos Alberto CUEVAS MOYA, 21, a university student who was in charge of the local committee of the Communist party. On December 20 he was arrested by civilians in his

mother's house and in the presence of witnesses.

Pedro Patricio ROJAS CASTRO, 21, a local leader of the Communist party. On December 20 a group of civilians carrying weapons arrested him at his house in the presence of witnesses.

Luis Emilio ORELLANA PEREZ, 25, an employee of the Czechoslovakian embassy who was active in the Communist party. On December 19 a group of civilians arrested him and his fiancée in the La Granja district. His fiancée lived in the La Legua shantytown and was active in the local committee of the Communist party. She was at an aunt's house at that moment because men in civilian clothes had come to her house looking for her. Both of them were arrested when their captors came to the aunt's house with one of her sisters in hand as a hostage. They then released her sister.

Alejandro Patricio GOMEZ VEGA, 22, a merchant who was an active Communist. On December 18 when the person who had contracted them for a painting job stopped to make a telephone call [sic]. At that moment a group in civilian clothing came forward, threatened them with weapons, put them in one of the vehicles they were driving, and took them to an unknown destination.

Luis Alberto CANALES VIVANCO, 27, an office worker who was active in the Communist party. On December 20 he was arrested by men in civilian clothes at his home in the presence of witnesses.

On December 22, the newspapers published a communique signed by the Public Relations Department of the army high command: "Five terrorists dead and two soldiers gravely wounded was the result of an operation carried out last night in the area of high tension electrical lines in Cerro Navia... when a group of terrorists tried to blow up the electrical towers... They were carrying documents that outlined in detail the organization and operating system for the so-called Plan Leopard. This is proof that the extremist groups were preparing different kinds of actions in order to produce grave disturbances." The victims' families learned of their deaths through radio and newspapers which prominently featured the news. The archdiocese of Santiago helped them obtain their remains

from the Medical Legal Institute for burial.

Cuevas' death certificate stated that the cause of death was "acute loss of blood." The body showed bleeding, multiple bullet wounds, and only one eye was left. The cause of Rojas Castro's death was said to be "multiple bullet wounds" and his hands were swollen and had no fingernails, his right arm was broken and his head was smashed. The body of Gómez Vega had fourteen bullet holes, and on both ankles and wrists there were circular sores; the cause of death was "multiple bullet wounds." Canales Vivanco was said to have died of "bullet wounds to the abdominal thorax" and the body had seven bullet wounds. Orellana Pérez had fifteen bullet wounds and his body showed cuts, raw skin and sores on the wrists and ankles. The cause of death was a "perforating bullet wound to the head."

The Commission has received numerous credible and consistent statements by witnesses which provide an account that differs from the official version. All these Communist activists were arrested between December 18-20, 1973 by the same agents together with others who were later released. They were all loaded onto the same vehicle and taken to an unknown destination. As a group they were subjected to torture and mistreatment and were individually interrogated about where they supposedly had weapons hidden in La Legua. They were then thrown together into a single cell where according to witnesses, Patricio Castro died of shots fired by his captors. The families of some of the victims were subsequently subjected to searches, persecution, and arrest.

This Commission has come to the conviction that these five young men were executed without any due process of law by government agents, and that their human rights were gravely violated. The primary elements of support for that conviction are the following:

* The Commission finds the official account implausible since it is established that they were arrested and were being held during the days before the supposed gun battle. In addition, the bodies showed signs that both hands and feet had been tied and there were obvious indications of torture.

* The political activism of the victims and their direct involvement with a particular cell of the Communist party and the official effort to connect them to a so-called "Plan Leopard" made them targets for actions like that which cost them their lives. During this time there were other instances in which the press alerted public opinion to a "Black Christmas" that the Communist party was said to be preparing.

* The army report that came to this Commission providing information on its own wounded and dead and on the circumstances in which they occurred between September 11, 1973 and March 11, 1990 does not give any information on the existence of "Plan Leopard" nor does it give the names of the two soldiers who, according to the official version at that time, were wounded in the shootout.

On December 21, 1973, Juan Pablo BARRA DUARTE, an employee in the bottle making company, Orlandini, S.A., disappeared. His family last saw him that day when he left for work in the morning. His wife found his body at the Medical Legal Institute on December 24. The body bore bullet wounds. The death certificate states that the time of death was 11:00 p.m. on December 21 at the San Pedro de Las Barrancas farm. The cause of death was penetrating bullet wounds to the face and head, and to the abdomen. According to the autopsy report, the shots were fired from a distance. The witness accounts indicate that Juan Barra left the job with his co-workers that afternoon and that later at bus stop No. 1 on Gran Avenida he separated from the group and ran toward his house since the curfew hour was approaching. Although the Commission is unfamiliar with the circumstances under which he was killed, given the context of these events, the cause of death, and the place where his remains were found, the Commission has come to the conviction that Juan Barra was the object of use of excessive force by government agents and hence in violation of human rights.

On December 22, 1973, Manuel David CACERES MUÑOZ, 60, a municipal worker, was killed. He was arrested during curfew on December 20, 1973 by police who proceeded to give him a heavy beating. His death certificate says he died on December 22, 1973 at the Barros Luco Hospital of a miocardiac arrest that halted his heartbeat. Police had taken him to the hospital. His family says that before he

died he told them his captors had beat him. This Commission holds the conviction that Manuel Cáceres died as a result of the use of excessive force by government agents. Its grounds are that he was arrested by such agents and died while he was in their custody.

On December 25, 1973, María OSORIO RODRIGUEZ, 25, lost her life. She was in the front yard of a friend's house in the Carrascal area when shots were fired at both of them from a military jeep that was passing through the area. She was hit in the head and her friend in the leg. After examining statements by witnesses, the Commission has come to the conviction that María Osorio died as a result of excessive and improper use of force by government agents who were presumably trying to assure that curfew was observed.

On December 29, 1973, René Claudio Roberto CARRASCO MALDONADO, 27, a union leader at the Roberto del Río Hospital who was an active Socialist, was killed. On December 21, 1973, air force troops arrested him and another person at the hospital after they had presented themselves in response to a summons from the hospital director. They were then taken to the Artillery Regiment of the Chilean Air Force, and there, according to the testimony of his fellow prisoner, Carrasco was repeatedly interrogated and tortured. They had only sporadic contact since Carrasco was kept in solitary confinement most of the time. On January 1, 1974, Carrasco's body was turned over to his family with the explanation that he had taken his own life. According to the autopsy report the cause of death was "asphyxiation by hanging."

The Commission came to the conviction that his human rights were violated. To begin with, it is not at all plausible that Carrasco would commit suicide since he was being held subject to the usual rules of solitary confinement, that is, without having access to anything that would enable him to attempt to take his own life. Even if, however, he had taken his own life, this is still a human rights violation since when he died, he was being subjected to great physical and emotional pressure, being held in solitary confinement, and subjected to torture at the hands of government agents, and so he may have been impelled to decide to take his own life as a way of ending his suffering.

On December 30, 1973, Angel Clodomiro ROMAN VERGARA, 26, a worker who was an active Socialist, was publicly arrested by police in the presence of witnesses. His family looked for him in different places, until they found him at the Medical Legal Institute. The time of death indicated on the death certificate was 9:45 a.m. on December 31, and the cause was "multiple perforating bullet wounds to the torso and head." This Commission has come to the conviction that he was executed by government agents, inasmuch as he died of gunshot wounds a few hours after being arrested, and thereby suffered a violation of his human rights.

- Cases: October 7, 1973 – December 8, 1973
Lonquén

On October 7, 1973, starting at 9:45 p.m. eleven people from three farmworker families in the Isla de Maipo area were arrested in their homes. The action lasted for an hour and a half and was conducted by police from the Isla de Maipo headquarters who were driving around in a pickup that belonged to the owner of the farm on which those arrested had their homes. Although the agents did not have any warrant to arrest people or make raids, all the detained persons' homes were searched, and their relatives were threatened and sometimes treated with unnecessary violence. Those who were arrested and transferred to that headquarters were:

Enrique René ASTUDILLO ALVAREZ, 51,

Omar ASTUDILLO ROJAS, 20,

Ramón ASTUDILLO ROJAS, 27,

Carlos HERNANDEZ FLORES, 39,

Nelson HERNANDEZ FLORES, 32,

Oscar HERNANDEZ FLORES, 30

Sergio MAUREIRA LILLO, 46,

José MAUREIRA MUÑOZ, 26,

Rodolfo MAUREIRA MUÑOZ, 22,

Segundo MAUREIRA MUÑOZ, 24, and

Sergio MAUREIRA MUÑOZ, 27.

Eyewitnesses to these events have told this Commission that those arrested were put onto a truck tied up and held lying face down. The police agents rode standing on top of them. When they arrived at the police station they were beaten.

That same day four youths who were in the Isla de Maipo Plaza were arrested by police officers and sent to the same headquarters. Their names are:

Miguel BRANT BUSTAMENTE, 22, a farm worker;

José HERRERA VILLEGAS, 17, an occasional worker;

Manuel Jesús NAVARRO MARTINEZ, 20, a bicycle shop employee; and

Iván ORDOÑEZ LAMA, 17, who had no trade.

After the families had made unsuccessful efforts to find them for some time, habeas corpus was introduced for the eleven farm workers in 1974. During the course of this habeas corpus, the deputy chief of the Isla de Maipo police headquarters declared in an official statement sent to the First Appeals Court in Santiago, that "they were in fact arrested in October of last year by members of this unit and were sent to the prisoner camp at the National Stadium for reasons listed in an unnumbered memorandum which is dated October 8. They were admitted to the stadium according to the signature on the other side of the copy of that memorandum which apparently reads 'Second Sergeant González.' A copy of that document is here enclosed."

However, in 1978 the Catholic church received an anonymous report that there were human remains in an abandoned mine in Lonquén. As a result, the special judicial investigator, Adolfo Bañados Cuadra, undertook a judicial investigation. When he then declared himself incompetent, the military prosecutor, Gonzalo Salazar Swett, took charge of the case. In making their statement to

the judicial investigator and military judge, the police officers who took part in the arrest gave this account: on October 8, 1973, at around 1:00 a.m., they decided to transfer all the prisoners to the National Stadium detention center. They stopped at the Lonquén lime ovens because a prisoner had said that weapons were hidden in an abandoned mine in the area. There they let the prisoners out, and while they were walking toward the ovens, an armed attack broke out against the whole group. As a result of that action, all the prisoners were killed, but there were no casualties among the official forces. Fearing reprisals from the victims' families, the police officer in charge decided to bury the bodies in the abandoned ovens.

On April 4, 1979, the specially appointed judicial investigator issued a resolution in which he declared himself incompetent to continue investigating the case, and referred it to the Second Military Tribunal of Santiago. This resolution contains several supporting clauses in which it is established that the bodies buried in the Lonquén lime ovens are those of the fifteen people arrested on October 7, 1973 in Isla de Maipo and that that district's head of police was "directly involved in and responsible" for the death of those people "irrespective of the involvement and responsibility of those who were acting under his command. Likewise from the terms of his confession it is clear that he was involved in these actions during or on the occasion of police duty."

In the resolution's supporting clauses 8 and 9 it was made clear that the account given by the police chief not only contradicted the evidence gathered in the investigation, but also that "it is inherently farfetched (and the same can be said of the statements given by those under him). In the shootout that is supposed to have taken place in the dark, it is impossible to imagine that the bullets flying back and forth hit only the prisoners and not the police who were practically right next to them, and that the shots were so accurate that they all instantaneously killed their victims without leaving traces elsewhere. In this regard, it is worth noting that none of the fifteen skeletal remains studied by the Medical Legal Institute showed signs of perforations, fractures, or other kinds of indications that could be related to bullets hitting a living organism. The death of these fifteen persons must therefore be attributed to other causes."

Later the military prosecutor ordered that all those police who were on duty at the Lonquén headquarters be charged with the crime of unnecessary violence by causing the death of the prisoners listed above. A subsequent sentence definitively halted all proceedings against those accused of unnecessary violence, by reason of the terms of the 1978 Amnesty Decree law. That decision was confirmed by the military court.

With regard to turning over the victims' bodies, the Second Military Prosecutor's Office officially told the Medical Legal Service to turn over the identified remains to their relatives. This official document stated, "... You are to turn over the remains of Sergio Adrián Maureira Lillo for burial once it is proven that the mourners are related by means of certificates of relationship... Since it is impossible to identify the remaining skeletons with the evidence available, let them be buried in accordance with the local law in Isla de Maipo since that is where they died."

The very day that official document was sent, the relatives came together in the Franciscan church of the Recoleta to celebrate a funeral mass. While they were waiting for the remains to arrive, they were informed that without having consulted them, employees of the Medical Legal Service had buried all the bodies except that of Sergio Maureira Lillo in a common grave at the Isla de Maipo municipal cemetery.

In response the relatives introduced a petition for review [recurso de queja]⁹² against the Second Military Prosecutor's Office in Santiago for "the error and abuse committed in not strictly complying with the order to turn over the bodies... and to determine the measures that could lead to repairing the injuries done to the plaintiff." The military court applied the disciplinary measure of a written reprimand. The Supreme Court nullified this disciplinary measure since, as stated in its ruling on January 4, 1980, "...the very judges who imposed this measure were those who issued the order for what procedure to follow..." The remains have not been exhumed since then.

⁹² Recurso de queja: The recurso de queja is a creation of Chilean jurisprudence to ensure that a court is correctly applying the law. Individuals may file a petition of review or complaint, the objective of which is to correct errors or abuses allegedly committed by a court.

In accordance with all the elements mentioned and despite what the justice system has determined, this Commission holds the conviction that on-duty government agents at the Isla de Maipo police district headquarters were directly responsible for the death of the fifteen prisoners and the subsequent concealment of their bodies, and it thus regards them all as victims of the violation of their right to life.

Paine

In Paine, government agents, and specifically police and army personnel along with local civilians who collaborated in the repression that was aimed primarily at area farm workers, were responsible for grave human rights violations between September and November.

On September 13, 1973, Pedro León VARGAS BARRIENTOS, 23, an unmarried MIR activist, was arrested. Police and civilians arrested him, and in the presence of many witnesses they beat and insulted him, and then took him to the Paine checkpoint. Since then his relatives have received no information about him. The Commission came to the conviction that government agents and the civilians who were acting together with them were responsible for the disappearance of Pedro Vargas, and that this action constituted a human rights violation. The grounds for that conviction are that it is sufficiently established that he was arrested and that subsequently there has been no further news about him, in addition to the fact that there were a large number of similar situations occurring in the area at that time.

On September 14, 1973, Luis Nelson CADIZ MOLINA, 28, a merchant, was arrested by a civilian at his house and in the presence of relatives. Later it was said that he had been turned over to the police at the Paine district headquarters. Since then his whereabouts are unknown. The Paine police checkpoint acknowledged that he had been taken there but said that he had then been handed over to the San Bernardo Infantry School; the school, however, did not acknowledge that he had been taken there. This Commission came to the conviction that government agents were responsible for this prisoner's disappearance since, given the fact that his arrest is

sufficiently established, it must have taken place while he was in their custody.

On September 14, 1973, Alberto LEIVA VARGAS, 33, a married student of philosophy at the Catholic University of Chile who was the Buin area political secretary of the MAPU, was arrested. At 5:00 p.m. on September 14 he was arrested at his home by police from Paine. When his wife went to the police station to inquire about him, she was told that he had been handed over to military troops. On one occasion his name appeared on a list of prisoners in the National Stadium, but they said he could not receive visitors. The next day his name was no longer on the list. Based on this evidence, the Commission has come to the conviction that Leiva's disappearance is a direct result of his arrest and that government agents were responsible. The grounds for its conviction are that it is certain that he was arrested, and that all information about him ceased while he was in the custody of those who apprehended him.

On September 15, 1973, Juan Humberto ALBORNOZ PRADO, 25, and Hernán Fernando ALBORNOZ PRADO, 23, both of them married agricultural workers, were arrested. Police accompanied by civilians arrested Juan Albornoz at work on September 15, 1973. They put him in a car trunk with other prisoners. The same police arrested Hernán Albornoz and his father as he was arriving at his parents' house. They were taken to the Paine substation, where witnesses observed as the police beat, interrogated, and shaved them. The next day a number of prisoners were released, including their father, but they remained at the substation. Their whereabouts since that moment remain unknown.

On March 5, 1979, the police involved in these events were accused of the crime of aggravated kidnapping. These legal proceedings were formally halted in November 1981, and the appeals court upheld that decision on May 15, 1982. Taking into account the foregoing established facts, this Commission holds the conviction that government agents were responsible for the disappearance of these two people since it is sufficiently established that they were arrested and since there has been no further word concerning them since the time they were in their captors' hands.

On September 16, 1973, executions in the area of Paine left two people dead:

Ricardo Eduardo CARRASCO BARRIOS, a farm worker and MIR activist. Early that morning on Calle 24 de Abril a search operation took place in the house where Ricardo was living with another person. Witnesses observed that police accompanied by civilians made him run about twenty yards, insulted him, and then shot him in the back three times. The family asked the police station for permission to bury him, and was told they could do so within twenty-four hours. All the foregoing enables the Commission to come to the conviction that he was executed without any due process of law by government agents accompanied by civilians, that he made no effort to run away or resist imprisonment, and that this constituted a human rights violation.

Saúl Sebastian CARCAMO ROJAS, 19, an unmarried worker. On September 16 was going toward his home in Paine when he heard that people he knew were being arrested. Police from Paine and area civilians pulled up in private cars. When he heard the cars Saúl jumped out through the backyard and went running as shots were being fired. A few moments later police came into the house, searched it, and took out Carcamo's father and a brother to the porch and then stripped and beat them. The police remained around the house for an hour, and then went away telling the family that no one should go out to the street. The next day the family learned that Saúl's dead body had been left nearby. They went there and saw the body which bore several bullet wounds. Policemen told the mother she could take the body away for burial. The Commission came to the conviction that Saúl Cárcamo died as the result of an execution which took place in total disregard for the law committed by government agents, and that it was thus a human rights violation. The grounds for this conviction are that he was not armed and did not attack police officers, and that they had the means to arrest him without killing him the way they did, if in fact that is what they intended to do.

On September 17, 1973, four people who voluntarily presented themselves at the Paine police substation were executed. Their names are:

Orlando Enrique PEREIRA CANCINO, 32, a farmer who was not politically active;

Raúl del Carmen LAZO QUINTEROS, 38, a farmer;

Pedro Luis RAMIREZ TORRES, 34, a farmer; and

Carlos CHAVEZ REYES, a married farmer who was not politically active.

They reported to the police station in response to a police summons through the president of the Paula Jaraquemada cooperative farm which had formerly been known as the San Francisco de Paine estate. They were arrested at the station. According to testimony received, early on the morning of September 18, a group of police and civilians took the prisoners out and drove off in a big commercial truck accompanied by several vehicles to Collipeumu hill. There they ordered them to get out and keep their hands up. They shot them down and threw the bodies into the Collipeumu River. When they were found in the river, their bodies bore many bullet wounds. Some of them had been mutilated in various parts of the body, and their eyes had been removed. An autopsy of the bodies was carried out on September 20, and in each case the conclusion was that the cause of death was bullet wounds. All the foregoing enables this Commission to come to the conviction that the prisoners were executed by government agents accompanied by civilians and that their human rights were thus violated.

On September 18, 1973, Cristián Víctor CARTAGENA PEREZ, 30, a married elementary school teacher who was active in the Communist party, was arrested by the police in Paine. Police and civilians came to the school in Chada, where he was teaching. He was accused of being a subversive, and beaten to the point of unconsciousness, and then taken to the Paine police substation. On September 19, 1973, at that police station it is said that he had been released because there was no reason to hold him. Nevertheless, since that day there has been no evidence concerning the whereabouts and ultimate fate of Cristián Cartagena. The Commission came to the conviction that he disappeared at the hands of government agents, since it is established that he was arrested and it

is unlikely that he was released, since there has been no word about him since that date, and many similar events took place in the same area at that time.

On September 18, 1973, Francisco Baltazar GODOY ROMAN, 49, a married agricultural worker who was in charge of the Laguna de Aculeo agricultural cooperatives and president of the Buin and Paine area Committee of Small Farmers, was arrested. Police from Paine arrested him at the Huiticalán agricultural cooperative along with another worker who was released three days later. The previous day someone had told him that he was on a list of people to be arrested. Witnesses who saw him detained at the Paine substation say he was taken out at midnight and did not return. Since that date there has been no further information concerning the whereabouts and fate of Francisco Godoy. In view of the foregoing, this Commission has come to the conviction that government agents were directly responsible for his disappearance in violation of his human rights since it is established that he was arrested and he disappeared while he was being held in custody by his captors.

On October 2, 1973, Luis Alberto DIAZ MANRIQUEZ, 30, a married agricultural worker who was an active Socialist, was killed at the San Bernardo Infantry School. He reported to the Paine substation in response to a summons to do so. At the police station relatives were told that he had been turned over to soldiers. At the Medical Legal Institute where his name appeared on the lists of bodies that had been brought in, they were told that he was buried in Lot 29. According to his death certificate he died at "12:00 noon on October 2, 1973. Cause: multiple bullet wounds to the torso. Santiago, Infantry School." The autopsy report states that the cause of death was multiple perforating bullet wounds to the torso, head, and abdomen. In view of the foregoing, the Commission came to the conviction that the government agents who held Luis Díaz under arrest were directly responsible for his execution, since his death was caused by the multiple bullet wounds that he sustained while he was being held prisoner at the infantry school.

Between September 24 and October 3, 1973 at the El Escorial farm in Paine there were a number of instances in which people were arrested and then executed.

On September 24, 1973, at about 4:00 p.m. troops from the San Bernardo Infantry Regiment riding in a truck and a jeep arrived at the El Escorial vineyard in Paine and arrested five farm workers. They took the workers to a soccer field and made them lie down on the ground. From there they took them to the Infantry Regiment base where they were held until about 10:00 p.m.. At that point the prisoners were blindfolded and put into a truck headed toward the Cerro Chena prison. Those arrested were:

Héctor CASTRO SAEZ, 18, a single person who was not politically active;

Juan Guillermo CUADRA ESPINOZA, 26, who was married and an active Socialist;

Gustavo Hernán MARTINEZ VERA, who was married and not politically active;

Juan Bautista NUÑEZ VARGAS, 33, who was married and an active Socialist; and

Ignacio del Tránsito SANTANDER ALBORNOZ, 17, who was unmarried.

On October 3 in the early morning, there was an operation in which thirteen more agricultural workers from the Paine area were arrested. This time troops from the San Bernardo Infantry Regiment, with their faces painted black, were traveling in a red truck. They went into the houses, took people prisoner, transported them to San Bernardo and then to the prison at Cerro Chena. The following thirteen people were arrested that night (along with others who were subsequently released):

José Angel CABEZAS BUENO, 21, unmarried,

Francisco Javier CALDERON NILO, 19, unmarried,

Domingo Antonio GALAZ SALAS, 23, unmarried,

José Emilio GONZALEZ ESPINOZA, 32, married,

Juan Rosendo GONZALEZ PEREZ, 23,

Aurelio Enrique HIDALGO MELLA, 22, unmarried,

Bernabé del Carmen LOPEZ LOPEZ, 23, unmarried,
Carlos Manuel ORTIZ ORTIZ, 18, unmarried,
Héctor Santiago PINTO CAROCA, 34, married,
Pedro Hernán PINTO CAROCA, 42, married,
Aliro del Carmen VALDIVIA VALDIVIA, 39, married,
Hugo Alfredo VIDAL ARENAS, 27, married, and
Victor Manuel ZAMORANO GONZALEZ, unmarried.

Several people who were held in the Cerro Chena detention center say they were taken there together with the people on the list. There they were kept blindfolded for the most part and were subjected to torture and interrogation. Subsequently some of them were released. The relatives of those who disappeared went to this prison several times, but there was no acknowledgement that the victims were being held. However, in habeas corpus 283-79 introduced for Ignacio Santander Albornoz and Juan Cuadra Espinosa, the head of the Interior Zone of the Departments of San Bernardo and Maipo says that "the prisoners Ignacio Santander Albornoz and Juan Cuadra Espinosa were discharged by the sentry guards of the Chena prison camp on October 4, 1973."

In December the relatives were told at the Medical Legal Service that the remains of all these prisoners were registered and that they had been buried in Lot 29 of the General Cemetery. That same date residents found human remains near the Cuesta de Chada. The relatives went there and most were able to recognize scraps of the clothes that the prisoners had been wearing when they were taken from their homes. Police gathered the remains which were scattered about and sent them to the Medical Legal Service where the proper examinations were carried out. None of the persons were identified.

In September 1990 the special appeals court judge Germán Herмосilla went to the Medical Legal Service in order to examine the remains that had been unidentified since 1974. The bodies that were finally identified belonged

to the following persons: José Cabezas Bueno, Francisco Calderón Nilo, Domingo Galaz Salas, Emilio González Espinoza, Juan González Valdivia, Hugo Vidal Arenas, Manuel Zamorano González, Héctor Castro Saez and Juan Nuñez Vargas.

According to the evidence gathered and indicated here, it is proven that government agents and civilians were directly involved in the detention and killing of prisoners on September 24 and October 3, 1973. Hence after identifying the remains of sixteen of these people, fourteen whose bones were identified in 1990 and two whom officials at the time acknowledged having executed, this Commission has come to the conviction that they all suffered a violation of their right to life.

On October 8, 1973, Ramón Alfredo CAPETILLO MORA, 25, a married agricultural worker who was not politically active, and Jorge Orlando VALENZUELA VALENZUELA, 30, an unmarried agricultural worker who was not politically active, were arrested at the Campo Lindo agricultural cooperative. Around midnight that day a group of armed police arrived at the Capetillo home where Jorge Valenzuela was staying. They proceeded to arrest them and put them into vehicles driven by civilians who were waiting outside the house. The next day the family went to the Paine substation and was told that the two men were under arrest, and was asked to bring them food and clothes. That afternoon they were told that the prisoners had been transferred to the San Bernardo Infantry Regiment. Since Ramón Capetillo and Jorge Valenzuela were arrested by government agents with the help of civilians, it can be concluded that government agents were responsible for their disappearance, and thus for a violation of their human rights. This is based on the fact that it is sufficiently established that they were arrested and that subsequently there has been no further word about them.

On October 10, 1973, José Gumercindo GONZALEZ SEPULVEDA, 32, a married local business employee, was arrested at around 4:00 p.m. by police. They were beating him as they took him out of his workplace and transferred him to the Paine substation. His wife took him food the night he was arrested. The following day witnesses observed police turning him over to soldiers who took him away in a military vehicle. After numerous inquiries, the

family was informed at the Medical Legal Service that he was dead and that he had been buried in Lot 29 of the General Cemetery. They were given a death certificate which put the date of death as October 9, 1973 and the place as the Viluco Bridge within the El Carmen vineyard. All the foregoing enables this Commission to come to the conviction that government agents were responsible for his death while he was imprisoned.

On October 13, 1973, several persons were arrested in the El Patagual and Rangui [sic] agricultural cooperatives in Paine, and five were later executed:

José Manuel DIAZ INOSTROZA, 29, a farm worker;

Francisco Javier LIZAMA IRARRAZAVAL, 34, married, an active Socialist, and president of the El Patagual agricultural cooperative in Paine;

Juan Manuel ORTIZ ACEVEDO, 38, married, a farm worker, and president of the Rangué agricultural cooperative;

Luis Celerino ORTIZ ACEVEDO, 36, married, a farm worker, and vice-president of the Rangué agricultural cooperative; and

Jorge Manuel PAVEZ HENRIQUEZ, 35, unmarried, a farm worker, and vice-president of the El Patagual agricultural cooperative.

That morning a military squad and one policeman in a jeep and a military truck came to the Rangué cooperative storage facilities. Carrying a list of names of people, including personal data, they proceeded to arrest the Ortiz Acevedo brothers, along with other persons who were subsequently released. That morning soldiers and one civilian also went to the El Patagual cooperative and arrested Jorge Pavez, Francisco Lizama, and José Díaz. Since that moment their families have heard no further word concerning those who were arrested. Even after going to various prison sites they obtained no information on their fate or whereabouts.

Eyewitnesses told this Commission that the group of prisoners was taken to Cepillos hill and from there to the

area of Pintué where they were held at the La Aguachera athletic field. That night they were taken to the Cerro Chena prison where they were subjected to torture and interrogation. Finally they were driven to the San Bernardo Infantry Regiment where they were held for about a week. Then these five prisoners were taken out of that facility and did not return. On November 13, 1973, a farmer found items of clothing and human remains at the Lo Arcaya cooperative in Paine. Troops sent the remains to the Medical Legal Service and there they were identified as those of the five prisoners. The cause of death was bullet wounds.

Since these five persons were arrested by government agents and taken to a military base and later taken away, and since their bodies were found bearing fatal bullet wounds and buried illegally in the same area, this Commission came to the conviction that government agents were responsible for the deaths of each one of them, and therefore for violating their right to life.

On October 16, 1973, twenty three persons were arrested at the Campo Lindo, 24 de Abril, and Nuevo Sendero agricultural cooperatives. Twenty-two of them remain disappeared to this day, although the body of one of them was recently found and identified. Early that morning troops from the San Bernardo Infantry Regiment, along with police and civilians from the area, carried out a military operation in those three cooperatives near Paine. They were armed and some had their faces painted. They were travelling in a red truck, a military jeep and other civilian vehicles. The troops proceeded to arrest twenty-three persons, searching their houses and several times using unnecessary violence. They were not allowed to turn on lights, but worked only with flashlights. Twelve of these people belonged to peasant families who were living in the 24 de Abril cooperative; two belonged to families in the El Tránsito cooperative but who worked at the 24 de Abril cooperative; seven were from the Nuevo Sendero cooperative; one was a merchant and the other a local industrialist:

José Domingo ADASME NUÑEZ, 37, married;

Pedro Antonio CABEZAS VILLEGAS, 37, married;

Patricio DUQUE ORELLANA, 25, married;

Carlos GAETE LOPEZ, 29, married;

Luis Alberto GAETE BALMACEDA, 21, married;

Jorge FREDES GARCIA, 29, married;

Rosalindo Delfin HERRERA MUÑOZ, 22;

Luis Rodolfo LAZO MALDONADO, 20, unmarried, and an active Socialist;

Carlos Enrique LAZO QUINTEROS, 41, married;

Samuel Altamiro LAZO QUINTEROS, 49, married, and an active Socialist;

Samuel del Tránsito LAZO QUINTEROS, 24, married, and an active Socialist;

René del Rosario MAUREIRA GAJARADO, 41, married, and an active Socialist;

Jorge Hernán MUÑOZ PEÑALOZA, 28;

Mario Enrique MUÑOZ PEÑALOZA, 24, married, and vice-president of the 24 de Abril cooperative;

Ramiro Antonio MUÑOZ PEÑALOZA, 32, married;

Silvestre René MUÑOZ PEÑALOZA, 33, married;

Carlos Alberto NIETO DUARTE, 20, unmarried;

Laureano del Carmen QUIROZ PEZOA, 42, married;

Andrés PEREIRA SALSBERG, 54, married, and an industrialist;

Luis Ramón SILVA CARREÑO, 43, married;

Roberto Esteban SERRANO GALAZ, 34, married;

Basilio Antonio VALENZUELA ALVAREZ, 35, married; and

José Ignacio CASTRO MALDONADO, 52, an active Socialist.

These people were arrested and taken to the Paine substation, where some of them were seen by their relatives. From there they were transferred to the San Bernardo Infantry Regiment. Since then their whereabouts remain unknown despite numerous efforts to find them made by their relatives in both government offices and the courts. Currently the specially appointed judge, Germán Hermosilla, is responsible for investigating all the events that took place in Paine in 1973, and he is examining all the previous legal proceedings.

In a 1975 document the Chilean government told the United Nations that according to the records of the Medical Legal Institute the dead body of Carlos Gaete López had been brought in at 12:20 p.m. on October 18, 1973, and that his autopsy number was 3303 and his identification card No. 5338566 from Santiago. This information turned out to be false since Gaete Lopez' identification card is No. 53491 from Buin. The investigatory judge, Juan Rivas Larraín, determined that "autopsy report No. 3393 was that of an unidentified male sent by that agency's prosecutor's office whose death occurred at 10:00 p.m. on October 13, 1973, in the area of Quilicura." Twenty-two of the twenty-three people arrested on October 16, 1973 remain disappeared to this day. Since all the victims were arrested by government agents, as is established, and were transferred to installations under their responsibility and then disappeared from those installations, the Commission holds the conviction that government agents were responsible for their disappearances, and their human rights were thus violated.

On October 20, 1973, a number of arrests took place in the Huiticalán, Patagual, and El Vínculo agricultural cooperatives in Paine. The action was carried out by troops from the San Bernardo Infantry Regiment, who that morning went to those places and arrested the following people:

Santos Pascual CALDERON SALDAÑA, 28, a married farmer who was an active Socialist;

Benjamín Adolfo CAMUS SILVA, a married farmer;

Rolando Anastasio DONAIRE RODRIGUEZ, 49, a married farmer who was not politically active;

Luis Osvaldo GONZALEZ MONDACA, 32, a married farmer who was not politically active;

Pedro MENESES BRITO, 30, an unmarried farmer who was an active Socialist; and

Juan Bautista OYARZO TORRES.

The first to be arrested was Benjamín Camus who was seized as he was taking animals to graze on the hill. Next the troops went to the offices of the Huiticalán cooperative where they arrested Osvaldo González and Juan Oyarzo. Rolando Anastasio Donaire Rodríguez was arrested at the El Patagual cooperative. The prisoners were assembled on an athletic field in Pintué. At 5:00 they were put onto military trucks and taken toward Cuesta el Cepillo. Finally the next day Pedro Meneses Brito, the president of the El Vínculo cooperative, was arrested there. After that their families could obtain no further information on their whereabouts. In November 1973 they learned through the Medical Legal Service that the victims had all been sent there and buried in Lot 29 of the General Cemetery. Their families arranged to have them transferred to the cemetery in Aculeo. Their death certificates indicate that the time of death was 10:00 p.m. on October 23 at the Maipo Bridge and that the cause of death was bullet wounds. The foregoing facts enable this Commission to come to the conclusion that these people were executed three days after being arrested while the government was holding them imprisoned, and that their bodies were left alongside the Maipo bridge and then later transferred to the Medical Legal Institute by police. Their deaths constituted human rights violations for which government agents were responsible.

On November 29, 1973, Manuel SILVA CARREÑO, 44, a married small farmer, was arrested in the Arco Iris agricultural cooperative. Five police arrived in a police truck and proceeded to arrest Manuel Silva inside his house in the presence of witnesses. Shortly thereafter his wife went to the Paine substation where she was told that he had been transferred to the San Bernardo Infantry School, but those in charge there did not acknowledge that he had

been brought in. On August 14, 1980, a legal accusation of abduction was initiated. In that proceeding a witness gave testimony to the effect that he had been taken to the Paine substation with Silva and that there he saw police execute him. Police who had been working there when Silva was arrested declared that they had no knowledge of the incident and said that there were no arrests at that unit after the military proclamation. In 1982 the case was permanently suspended. The Commission came to the conviction that government agents were responsible for the disappearance of Manuel Silva, and that this was a human rights violation. The grounds for that conviction are that it is established that he was arrested and that there has been no trace of him since he was being held in detention by government agents and that such remains the case to this day.

Peldehue

In September 1973, Javier Enrique SOBARZO SEPULVEDA, 24, who was active in the Socialist party, a public employee, and a retired junior army officer, disappeared. On September 11 he was arrested together with one of his brothers at his home by a military patrol of the Parachute and Special Forces Regiment of Peldehue and was taken to its base. Witnesses relate that that day his captors shot him and then sent his body to the Medical Legal Institute, but Javier Enrique Sobarzo had not yet died. He was taken to the José Joaquín Aguirre Hospital where several witnesses saw him. After he had been there a few hours, soldiers removed his dying body in full view of those around. Since that date there has been no further word on his whereabouts. On the basis of the testimony already mentioned, this Commission is convinced that the human rights of Javier Sobarzo were violated insofar as he was arrested by, and disappeared in the hands of, government agents, who had previously attempted to execute him.

On September 12, 1973, Moisés del Carmen COSSIO PEREZ, 32, was killed. He was arrested that day in his house before witnesses by troops from the Parachute and Special Forces Regiment of Peldehue. They took him to their headquarters. Some days later uniformed troops told his relatives that he was dead. His family identified the body at the Medical Legal Institute. The death certificate states that the cause of death was multiple bullet wounds.

The Commission came to the conviction that Moisés Cossio's human rights were violated, since he was executed without any due process of law by government agents. That conviction is based on the following arguments:

- * It is established that he was arrested by troops from the regiment at Peldehue.

- * He died the day he was arrested.

- * The many bullet wounds on his body suggest that he died as the result of an execution similar to those that were taking place at that base in other cases presented to this Commission.

- * The short lapse of time between his arrest and death was not enough for him to have been given any kind of legal sentence, and furthermore there is no evidence of any.

On September 20, 1973, Evaristo Segundo YAÑEZ ASTUDILLO, 34, a leader in the Council on Supplies and Prices in Lampa who was active in the Socialist party, was killed. That day troops from the Parachute and Special Forces Regiment at Peldehue arrested him at his parent's house in Lampa. He was taken to that regiment and was last seen alive there on September 18. Relatives later found his body at the Medical Legal Institute. The official cause of death was a bullet wound, and it occurred at 11:30 p.m. on September 20. The Commission is convinced that the death of Evaristo Yáñez constituted a violation of human rights, as it occurred without any due process of law by government agents. That conviction is based on the following arguments:

- * It is established that he had been previously arrested by troops from the Peldehue Regiment.

- * The many bullet wounds on his body suggest that he died as the result of an execution similar to those that were taking place at that base in other cases presented to this Commission.

- * The short lapse of time between his arrest and death was not enough for him to have been given any kind of

legal sentence, and moreover, there is no evidence of any having taken place.

On September 20, 1973, Manuel MALDONADO MIRANDA, 43, a small farmer and president of the El Esfuerzo Campesino rural cooperative, which used to be the Santa Inés de Lampa farm, was killed. On the morning of September 18 he and one of his sons were arrested by a military patrol from the Parachute and Special Forces Regiment at Peldehue. He was taken to their base. His body later showed up on a public thoroughfare and was sent to the Medical Legal Institute where his family located it. According to the autopsy report, the body bore many bullet wounds to the head and thoracic cavity and that death had taken place on September 20. This Commission came to the conviction that Manuel Maldonado suffered a human rights violation, namely that he was executed without any trial by government agents, on the basis of these considerations:

- * It is established by the word of numerous witnesses that he was held a prisoner at the Parachute and Special Forces Regiment at Peldehue.

- * The fact that he was a peasant leader made him a target for assaults on his rights as is proven by other killings which took place during this period.

- * The many bullet wounds his body sustained indicate that his death resulted from an execution similar to those being carried out at that base in other cases presented to this Commission.

- * The brief period of time between his arrest and death was not enough to permit any kind of sentence against him, and furthermore, there is no record of any having taken place.

On October 29, 1973, Luis Alberto BARRAZA RUHL, 27, a worker, a retired junior army officer and former member of the presidential security guard who was an active Socialist, disappeared. That day he called his relatives and told them he was being held prisoner at the Parachute and Special Forces Regiment at Peldehue. That same day his house was searched by a military patrol led by the officer who had been his immediate superior when he belonged to the

army and was assigned to that regiment. His house was later raided again. After that phone call there was no further word about him. This Commission came to the conviction that it was dealing with a violation of human rights, namely the arrest and subsequent disappearance of Luis Barraza, on the basis of the following considerations:

* The phone call indicates that he was held prisoner at the Peldehue Regiment, and that is consistent with the fact that troops from that regiment raided his house that same day and on a later occasion.

* His political activity and the fact that he was a retired junior army officer placed him in a situation similar to that of other persons who met their death in that same place.

San Bernardo

On October 1, 1973, army troops killed Mauricio CEA ITURRIETA, 33, president of the rural workers union of the La Rinconada farm in Chena, and Roberto AVILA MARQUEZ, 59, a Protestant pastor and worker at the machine shop of the San Bernardo railroad yard, who was active in the Communist party and the father of the San Bernardo alderman, who was also a Communist. On September 27 a military patrol arrested Cea at the farm where he worked. They took him to the house where the Communist party had its headquarters in San Bernardo, and there they arrested Roberto Avila, its owner. Both were later taken to the Cerro Chena detention site. Subsequently SENDET advised their relatives in writing that they had died at Cerro Chena on October 1, 1973, without stating the cause of death. Despite this acknowledgement, neither family ever received the body, and where they were buried remains unknown to this day. These established facts, namely that they were killed and no justification was ever offered, enable this Commission to come to the conviction that Mauricio Cea and Roberto Avila suffered human rights violations committed without any due process of law by government agents.

On October 2, 1973, soldiers killed:

Hugolino Humberto ARIAS NAVARRETE, 35, an agronomy professor in the Linderos area;

Víctor Omar GALVEZ NORAMBUENA, 21, an agronomy professor in the Linderos area; and

Nelson Joaquín MEDINA LETELIER, 23, an agronomy professor in the Linderos area.

On September 11, 1973, classes were suspended by order of the new authorities until the situation in the country returned to normal. Teachers were later ordered to show up at their jobs on October 1 and so these three teachers came to teach their classes at the Rural Technical School in Linderos where they worked. Police from the Buin station were waiting for them and arrested them. They were also waiting for a fourth teacher, but at the train station he was warned not to show up because his colleagues had been arrested. That afternoon they were taken to the Buin police station and registered as "subversives" according to the station's arrest book. Nevertheless, that afternoon they were taken from there by an officer from the San Bernardo Infantry School and transferred to the Cerro Chena prison camp. The following day they were executed at that prison camp. According to the autopsy reports, their bodies bore multiple bullet wounds in the chest and head.

The arrests were continually denied to the families, nor was the fact that they had died communicated. By other means, however, the families were able to find out what had happened, and they found the bodies buried in Lot 29 of the General Cemetery. The relatives of Hugolino Arias and Víctor Gálvez were able to have the bodies exhumed and identify them. The Commission came to the conviction that these people were executed without any due process of law by government officials in a violation of their elemental rights. The established fact that they were arrested and the manner in which they died constitute sufficient proof for that conviction.

On October 4, 1973, Franklin Antonio VALDES VALDES, 28, a bookkeeper and president of the employees of the El Pino sanatorium who was an active Socialist, was killed by army troops. On September 28, 1973 a military patrol arrested him at the El Pino sanatorium and took him to the Cerro Chena prison camp. The family unsuccessfully searched for him at that site and elsewhere. According to testimony given to this Commission, Valdés was continually tortured while he was imprisoned and that was

the cause of his death. The autopsy report confirms that fact in stating that he died of asphyxiation and states that there were various forms of severe damage to the thorax, the limbs, and the head; it particularly notes wounds to the ribcage and lungs. This leads to the conclusion that he was drowned in a barrel of liquid, and that the wounds resulted from his efforts to stay alive. The soldiers left his body on a public thoroughfare. It was buried in Lot 29 of the General Cemetery, and his family was able to have it exhumed in March 1974 and identify it. With the testimony and evidence it has in hand, the Commission has come to the conviction that Franklin Valdés suffered a grave human rights violation at the hands of government agents who tortured him to death.

On October 6, 1973, the following people were killed by members of the army:

Héctor Enrique HERNANDEZ GARCES, 17, a student at a private high school in Puente Alto who was sympathetic with the Young Socialists. He was arrested on September 27 at his home by soldiers who were trying to locate his friend, Francisco Viera.

Arturo KOYK FREDES, 48, a worker in the machine shop at the San Bernardo train yard. He was arrested at his home in the early morning of September 28 by the same patrol that captured Mauricio Cea and Roberto Avila.

Alfredo ACEVEDO PEREIRA, 27, worker in the machine shop at the San Bernardo train yard who was active in the Communist party.

Raúl CASTRO CALDERA, 23, a worker in the machine shop at the San Bernardo train yard who was active in the Communist party.

Hernán CHAMORRO MONARDES, 29, a worker in the machine shop at the San Bernardo train yard who was active in the Communist party.

Manuel GONZALEZ VARGAS, 46, a worker in the machine shop at the San Bernardo train yard who was active in the Communist party.

Adiel MONSALVES MARTINEZ, 41, a worker in the

machine shop at the San Bernardo train yard who was active in the Communist party.

José MORALES ALVAREZ, 31, a worker in the machine shop at the San Bernardo train yard and vice-president of the Workers Railroad Council who was active in the Communist party.

Pedro OYARZUN ZAMORANO, 36, a worker in the machine shop at the San Bernardo train yard and a union leader who was active in the Communist party.

Joel Guillermo SILVA OLIVA, 37, a worker in the machine shop at the San Bernardo train yard who was active in the Communist party.

Ramón VIVANCO DIAZ, 44, a worker in the machine shop at the San Bernardo train yard who was active in the Communist party. (The same thing happened to Juan Guillermo Cuadra Espinoza, Gustavo Martínez Vera and Carlos Ortiz Ortiz, who had been arrested in Paine and taken to the Cerro Chena prison camp. Their story, however, is told in the section about the Paine area.) Troops arrested these eleven people on September 18, 1973 in an operation at the machine shop of the train yard at San Bernardo.

Javier Antonio PACHECO MONSALVE, 31, a furniture maker who was for a time a member of President Allende's security guard, was arrested by troops on October 5. (His wife, María Isabel Beltran Sánchez, who was active in MIR, also disappeared after being arrested.)

All these people were executed with many bullets on October 6, 1973 at the Cerro Chena prison camp. Their deaths are recorded in death certificates, many of which indicate that the place of death was the San Bernardo Infantry School. Although Arturo Koyck's [sic] death certificate gives the date of death as September 28, 1973, the Commission has evidence that enables it to declare that on October 6 he was killed along with the other railroad employees.

Their relatives learned of their deaths only when they discovered the bodies at the Medical Legal Institute. In some instances their mourners were not able to recover

the bodies which were buried in Lot 29 at the General Cemetery. In order to respond to the concern of relatives and fellow workers, military authorities in the area called a union meeting and stated that these people had been involved in paramilitary activities and had tried to run away from Cerro Chena, and therefore the military killed them. Witnesses who conversed with the workers while they were imprisoned, however, said that they had said that they were being accused of intending to blow up the gas meter or gas line of the machine shop, which would have meant blowing up half of San Bernardo.

The Commission came to the conviction that the death of these people was a case of human rights violation and could not accept the version given to the family members for the following reasons:

- * There is no official document to support the story told by the military representative at the company that the victims had tried to run away, nor are there any news reports or judicial investigations to that effect.

- * The Commission heard witnesses' testimony concerning the conditions in which the prisoners were kept at Cerro Chena, which also militates against the idea that they tried to run away. The prisoners were blindfolded before arriving and were kept that way throughout their detention. Moreover, the camp was entirely surrounded by a barbed wire fence. The paths were lined on either side with small ditches into which the prisoners used to stumble because they were unable to see.

- * An effort to run away would have entailed a prior agreement among these people, but that was not very feasible since the imprisoned railroad workers were not held together but were distributed throughout various parts of the facility.

- * The autopsy reports state that all of them were killed by bullets, most shot uphill and from a distance. That corroborates the eyewitness accounts the Commission has received according to which the victims were removed from their cells and taken to the hill where they were obliged to go uphill while soldiers shot at them from behind.

* All the bodies were sent to the Medical Legal Institute with the observation that they had been "found" at the San Bernardo Infantry School. This Commission determined that there was no judicial investigation into the discovery of the bodies at the military base.

This Commission came to the conviction that all these people were executed without any due process of law by government agents.

On October 11, 1973, Ricardo Jorge SOLAR MIRANDA, 23, a night watchman and shantytown leader who was a MIR activist, and Francisco Eugenio VIERA OVALLE, 19, a student leader at the State Technical University who worked at the Council for Supplies and Prices in his neighborhood and was active in the Socialist party, were killed by army troops. On September 19, Jorge Solar was arrested when he reported to the police station in response to a summons issued the previous day. A few days later he was transferred to the Cerro Chena prison camp. Later, on October 1, Francisco Viera was arrested at the house of an uncle and aunt and was likewise taken to the Cerro Chena prison camp. Both were executed by members of the army on the grounds of the camp on October 11.

The Commission came to the conviction that these persons' human rights were violated by government agents in the form of an execution which took place without any due process of law. In coming to this conviction it took into account the following considerations:

* It is established that at least one of the victims was being held prisoner at an installation under army control.

* As is demonstrated by other cases from this same period, their political activity and social endeavors made them a target for actions like those that caused their death.

* The manner of their death, from multiple bullet wounds, was the commonly used method of execution at that prison camp.

* As is true of all previous cases, there is no evidence that the victims were brought before any war council, and so they were not executed as a result of any judicial decision.

* Even though their official certificates note that the bodies were found at a military installation, there is no evidence of any investigation, either administrative or judicial, into such an irregular matter.

On October 16, 1973, Bernardo Enrique MUÑOZ GUAJARDO, 19, was killed. According to his death certificate, he was killed on the former El Mariscal estate, now the technical high school, in Santa Elena by two bullet wounds, one of which was to the head. The Commission has not been able to determine the exact circumstances in which he was killed; however, taking into the account the place and cause of death, it has come to the conviction that at the very least Bernardo Enrique Muñoz was killed as a result of the political violence of that period.

On October 21, 1973, Segundo Fernando VALDIVIA VASQUEZ, 20, and Miguel Angel VALDIVIA VASQUEZ, 16, who were brothers and were both workers, were killed by army troops. Troops from the San Bernardo Infantry Regiment arrested them along with their brother Víctor Eduardo that day at 2:00 p.m. at their home in San Bernardo in the presence of all their relatives. The three were taken to Cerro Chena, in the area called Bajos de San Agustín. There they were told to run and troops started shooting at them. Fernando and Miguel Angel died at the execution site, the former from bullet wounds to the torso and abdominal cavity, according to his autopsy report, and the latter of a bullet wound to the lung cavity, according to his death certificate. In view of the evidence it has in hand, this Commission is convinced that their human rights were gravely violated by government agents who executed them without any due process of law.

On October 22, 1973, Víctor Eduardo VALDIVIA VASQUEZ, 18, a worker, disappeared. After surviving the execution attempt that had cost the lives of his two brothers the previous day, private citizens took him to the parish hospital in San Bernardo, where he was able to state what had happened to his brothers. On October 22, police abducted him from the hospital in the presence of witnesses. There has been no further word about him since that date. The Commission came to the conviction that he suffered a human rights violation by being imprisoned and then subjected to forced disappearance at

the hands of government agents.

On November 15, 1973, Luis Heriberto CONTRERAS ESCAMILLA, 43, an electrician who was active in the Socialist party, was killed. On November 10, Contreras Escamilla was arrested at his house by a military patrol. They also arrested one of his sons, although that took place elsewhere. Both were taken to the Cerro Chena prison camp. The newspaper reported that he had been arrested for "suspicious actions." According to statements made by witnesses to this Commission, on November 15, after he had been tortured while imprisoned, he was executed with two shots by soldiers within Cerro Chena. His body was left on a public thoroughfare, and from there it was sent to the Medical Legal Institute. The autopsy report, which mentions many wounds and sores, attests both to the tortures he underwent and to the cause of his death. Since it is established that he was arrested, and was held at a military base, that he was tortured and was killed by gunshots while he was imprisoned, and since there is no evidence that he underwent any judicial processing or appeared before a war tribunal, the Commission has come to the conviction that the killing of Luis Contreras constituted a human rights violation, inasmuch as he was executed without any due process of law by government agents.

On November 22, 1973, Rudy Freddy VIDAL PEREIRA, 27, an office worker and leader in the El Olivo shantytown neighborhood organization who was an active Communist, was killed. Early that morning a military patrol came to his house and shot him inside his house and then took him away as he was dying. The death certificate indicates that Rudy Vidal died at the San Bernardo Infantry School that same day at 1:30 p.m. and that the cause of death was a perforating bullet wound to the torso and another to the abdominal cavity. In view of these accounts from witnesses and evidence, the Commission holds the conviction that Rudy Vidal was executed without any due process of law by army troops in violation of his human rights.

On December 7, 1973, Manuel Tomás ROJAS FUENTES, 20, a reservist of the San Bernardo Infantry School and Juan Domingo MARTINEZ ALDANA, 42, a leader of the Confederation of Leather and Shoe workers who was a former Socialist candidate for alderman in San

Bernardo, were killed. After September 11 Manuel Rojas was called up to rejoin the San Bernardo Infantry School since he was an army reservist. He was assigned to the Military Polytechnical School there, along with René Martínez, the son of Juan Domingo Martínez Aldana. On December 1, Rojas did not return home. His wife inquired about her husband at the Polytechnical School many times and was continually told that he had been sent on an official mission. In January, however, the commander's office of the San Bernardo Infantry Regiment officially informed her that he had been shot by a firing squad on December 7, 1973.

Juan Domingo Martínez was arrested near midnight on December 3, by troops who said they were members of the military intelligence service. They did not say why he was being arrested nor where they were going to take him. He had already been arrested twice before. Martínez' relatives subsequently found his body at the Medical Legal Institute.

According to the autopsy reports, the military prosecutor's office sent the bodies as unidentified. They were said to have died the day before of multiple bullet wounds. The Commission came to the conviction that Manuel Rojas and Juan Martínez were executed without any due process of law by army troops who violated their human rights. In doing so it was taking into account the following considerations:

- * It is established that Juan Martínez was arrested.

- * It is false that Manuel Rojas was on an official mission since he had already been executed. He was presumably imprisoned from the day he failed to return home. It should be emphasized that a document from the office of the undersecretary of war later said that he was "discharged from his unit along with his whole class on March 29, 1974," that is, more than three months after his death.

- * It is attested that troops from the San Bernardo Infantry Regiment were involved in both cases.

- * There is no record that either of them went through any legal processing or appeared before a war tribunal.

* The type of death is similar to that of the other people who were killed by members of that same regiment.

The cause of death of these people is connected to the next case.

On December 8, 1973, René Máximo MARTINEZ ALISTE, 20, the son of Juan Domingo Martínez, an army reservist, was killed by army troops. He had rejoined the army after September 11 and had been reincorporated into the San Bernardo Infantry Regiment. He was assigned to the Military Polytechnical School there along with Manuel Rojas. On December 4, 1973, the day after his father was arrested, he presented himself at the Polytechnical Institute. He did not return home, and he had no further contact with his relatives after that day. When the relatives made inquiries at the Polytechnical Institute, they were repeatedly told that he was "on an official mission." After the funeral of Juan Martínez, family members learned that the body of René Martínez had been buried in Lot 29 of the General Cemetery. The autopsy report indicates that the body, bearing multiple bullet wounds, had been found on a public thoroughfare and sent there by the military prosecutor's office. The death certificate indicates that he died on December 8.

The Commission came to the conviction that his human rights were violated by government agents who executed him without any due process of law on the basis of the following arguments:

* It was not true that René Martínez was on an official mission, since in fact he had been executed. Presumably he was imprisoned from the day he failed to return home. It should be pointed out that a document subsequently issued by the office of the undersecretary of war indicates that he was "discharged from his unit along with his whole class on March 29, 1974," that is, more than three months after his death.

* There is no proof that he underwent any legal processing or appeared before a war council.

* The kind of death is similar to that of the other people who were killed by members of that regiment.

* Information gathered by his relatives indicated that he was accused of being involved in a plan to organize a military counter coup. The grounds for these suspicions were that his father had been a Socialist party leader. This Commission has documented that investigations of this sort were taking place in that regiment.

b. First Region – Tarapacá

In the Tarapacá Region, which includes what are now the provinces of Arica, Parinacota, and Iquique, the Commission examined thirty-five cases of grave human rights violations for which the government was responsible by reason of actions by its agents. These events took place between September 11, 1973 and early 1974.

Troops from the Sixth Army Division took control of the region on September 11. Army personnel and police were involved in the events that ended in death or disappearance. The Chilean Navy was involved only in transporting prisoners from Valparaíso to Pisagua. Control over public order in the region was fully in effect as of September 11 itself, and there were no resistance actions, armed clashes or any other form of violence perpetrated by supporters of the overthrown government. Indeed, armed forces records register only one casualty in this area during the period in question.

The victims were generally well known political activists who supported the government that had been in power until September 11, 1973. Several of them held important public positions in the region. Most were active in the Socialist party, followed by those active in the Communist party. Some were executed by order of war tribunals in which the legal norms that safeguard the basic rights of the accused were not respected. There were also attempts to justify some killings as necessary to stop prisoners from escaping. The Commission questions whether the former were lawful and proper and whether the latter were plausible and fitting, as will be noted below.

There were other executions which took place without due process of law and also cases in which people were tortured to death. Likewise this account includes those people who were arrested in this zone and remain disappeared under circumstances in which it can be presumed that government agents were responsible.

Repression also extended to relatives. Many wives of prisoners

who were subsequently executed were also held under arrest at the Sixth Telecommunications Regiment in Iquique. Later the women and their families were forced to leave the city within twenty-four or forty-eight hours.

A number of places in the region were used to hold political prisoners; in Iquique, the Sixth Telecommunications Regiment; in Arica, the Rancagua Motorized Infantry Regiment; and in Pisagua, the jail, buildings next to the theater, and a large shed. In all these places prisoners were tortured or subjected to other cruel, inhuman, and degrading treatment.

The most important detention site was the jail in Pisagua. Prisoners from the Telecommunications Regiment at Iquique, and from a number of regional police stations, and also from Valparaiso were taken there (navy personnel took those from Valparaíso on the ship "Maipo"). At one point this old three-story building in the tiny seacoast town held around 500 prisoners, a number far exceeding its natural capacity. In the ten cells on the first floor, each two by four meters, prisoners were held in solitary confinement. On the second and third floors were eight cells of approximately four by ten meters, each of which held up to twenty-five prisoners. Women prisoners were transferred to a building next to the town theater, which was conditioned for that purpose. A shed the prisoners called the "supermarket" was also used. This Commission has received testimony and evidence enabling it to state that torture was used systematically in the Pisagua jail. An account of some of that torture is found in the general material preceding these region by region accounts.

Newspapers generally reported the deaths, and in a considerable number of cases the families received official notification. In most cases the victims' bodies were not turned over to their mourners. Many were not even informed of the place of burial, or officials lied to them in this regard. Sometimes the very fact of death was denied. Six people whose cases are described below remained disappeared from the time of their arrest until 1990. In 1973 a high ranking officer speaking on behalf of the Chilean Army stated that these people had been released. Their relatives had been looking for them since that date.

As a result of judicial investigations begun in Pisagua, in June 1990 a grave with nineteen bodies was discovered next to the cemetery. These people included the six disappeared persons mentioned in the previous paragraph and other people whom

authorities had acknowledged to have been executed and whose families had been told officially that "they had been given Christian burial." The remains were found to be laid out in three layers that reflected the dates of their death. All the bodies were in sacks and bore a number of bullet wounds. Most showed clear and unmistakable signs that they had been blindfolded with their hands tied.

The bodies of some people who were executed in the First Region have yet to be located.

Cases of grave human rights violations that took place in the Tarapacá Region

These episodes will be narrated in chronological order, with the exception of those pertaining to the war tribunals which will be treated together at the end of this section.

On September 17, 1973, Luis Fernando ROJAS VALENZUELA, 49, was executed. The local newspaper for September 18, 1973 stated that "in compliance with the provisions of edict No. 24 of the military junta the citizen Luis Rojas Valenzuela was executed yesterday at 7:00 p.m. at the site of his arrest." According to this newspaper account, "yesterday the military patrol came to his house, and this individual immediately put up furious resistance to their mission. He was so enraged that he charged at one of the soldiers, hit him and tried to seize his automatic rifle." This account which, by its nature and the conditions of that period can only have come from, or been authorized by, the head of the military command, has enabled this Commission to come to the conviction that in this case, at the very least, government agents used undue force, since there is no reason that a military patrol making a search has to kill an unarmed person in order to subdue him or her. Moreover, the use of the word "execution" could indicate that Rojas Valenzuela had already been subdued and was killed in retaliation for his alleged angry reaction.

The local newspaper in Iquique reported that on September 29, 1973, six "subversives" had been killed at the Pisagua prison camp as they were attempting to escape. "The security patrol ordered them to halt several times and aimed its first shots into the air, but since they continued to flee, they were shot down." That is how the following persons' deaths were announced:

Juan CALDERON VILLALON, 25, an employee at the customs investigations department of the main customs office in

Valparaíso who was an active member of the Socialist party. He was arrested in Valparaíso and transferred to Pisagua on the ship "Maipo."

Nolberto Jesús CAÑAS CAÑAS, 48, an active Socialist who was a government representative in the fishing industries of the Northern Fishing Complex. He was arrested in Iquique and transferred to the Telecommunications Regiment and from there to the Pisagua prison camp.

Marcelo Omar GUZMAN FUENTES, 34, a sanitation educator and administrator of the Iquique hospital who was active in the Socialist party. He voluntarily reported to the Telecommunications Regiment.

Luis Alberto LIZARDI LIZARDI, 29, a port worker who was active in the Socialist party. He was arrested September 11, 1973 and was transferred to the Telecommunications Regiment and from there to the Pisagua prison camp.

Juan JIMENEZ VIDAL, 42, a customs official in Valparaíso who was not known to be politically active. He voluntarily reported on September 13, 1973.

Michel Selim NASH SAEZ, 19, a recruit who was fulfilling his military service in Iquique and was active in the Young Communists. He was discharged and arrested on September 11, 1973, and transferred to Pisagua.

This Commission cannot accept the explanation that these people were killed while trying to escape, since it is very unlikely that they would have tried to escape while being transported to perform labor. The heavy military guard used in such transfers, the layout of the area, and the state of health of some of them—especially Cañas Cañas—as a result of the torture received, make it improbable that they tried to escape, and utterly unconvincing that the only way to prevent it was to kill them all. This idea is further reinforced by the numerous witness accounts given to this Commission to the effect that on the day they were supposed to have made such an escape attempt, the commander in charge of prisoners at Pisagua had asked for volunteers to work and many responded. However, the commander and the troops present selected the people who were taken and then killed, even though not all of them had volunteered and some of them were not physically in condition to do any type of work.

This Commission thus comes to the conviction that Juan Calderón, Nolberto Cañas, Marcelo Guzmán, Juan Jiménez, Luis Lizardi, and Michel Nash suffered a grave violation of their human rights at the hands of government agents. The fact that the bodies were not handed over to their families only aggravates this situation.

Since September 30, 1973, Jorge MARIN ROSSEL, 19, an EMPORCHI (Chilean Port Company) employee who was active in the Socialist party, and William MILLAR SANHUEZA, 42, a worker at Ferrocarriles del Estado (state railroad company), have remained disappeared since they were arrested. Both were arrested in the city of Iquique some time after September 11 and transferred to the Telecommunications Regiment. Toward the end of September 1973 the Iquique newspaper reported that "By means of Edict No. 64, dated September 30, 1973, the commander of the zone under state of siege has ordered the arrest of two leftists who ran away from their detention site and had given orders for them to be shot on sight." According to the official account, the people mentioned had tried to run away from the Telecommunications Regiment in Iquique. There was never an official explanation of the whereabouts of these supposed fugitives and hence there is no official certification that they are dead.

The members of this Commission find it implausible that two people held prisoner at a military regiment could have managed to run away while security measures were as severe as they were at that time. Nor was there any internal investigation of an event of this nature which at least should have implied negligence on the part of some soldier. It should also be kept in mind that many of the other people in this area who were said to have been released showed up in the common grave in Pisagua in 1990. Furthermore, Pedro Prado, the recruit who in official reports at the time was said to have been killed by Marín and Millar in their escape attempt, has now been declared to have died under other circumstances in a number of new and likewise official reports. This Commission has come to the conviction that both of these persons were arrested by government agents and disappeared at the hands of their captors, thus violating their human rights.

On October 5, 1973, Manuel Heriberto ARAYA ZAVALA, 29, was arrested at his home by soldiers, and was taken first to the Telecommunications Regiment and then to the Pisagua

prisoner camp. His wife received three letters from him sent from that camp, but there has been no information on his whereabouts since then. When the Chilean Army was consulted concerning Manuel Heriberto Araya's stay in the Pisagua camp and his subsequent whereabouts, it responded that it could not provide evidence since "by regulation it does not keep on hand documentation from that period." According to documentation obtained from the Civil Registry, there is no official notification of his death. This Commission holds the conviction that Manuel Araya Zavala disappeared at the hands of government agents who were holding him in custody.

On October 20, 1973, the following three active Socialists were executed:

Oscar Walter Pedro RIPOLL CODOCEO, 38, a metallurgical engineer who was an official at SERCOTEC (Technical Cooperation Service);

Julio Gastón VALENZUELA BASTIAS, 28, a radio operator of the Arica-La Paz railroad line; and

Manuel Francisco DONOSO DAÑOBEITIA, 26, a sociologist who was teaching at the Universidad del Norte.

All three were arrested on October 9, 1973 and taken to the Rancagua Regiment in the city of Arica, where they remained imprisoned and in solitary confinement until October 18. Then they were taken to the investigative police headquarters. In the early morning of October 20 they were taken out by soldiers in order to be transferred to Pisagua.

The next day the newspaper in Arica carried a news item from the military authorities which read: "A military commission transferring prisoners to Pisagua suffered an accident presumably as a result of mechanical problems of the vehicle causing it to overturn. The event took place forty kilometers south of Arica and all the passengers were killed. The list of those killed is as follows: First Sergeant Humberto Villalobos López, Private First Class José Martínez Albarracín, Oscar Ripoll, Waldo Sankán, Julio Valenzuela, and Manuel Donoso." The next day the newspaper reported that a rescue operation "led to the discovery that the prisoner Waldo Sankán was not among those killed. He had presumably run away, and in fact the very afternoon of the accident Waldo Sankán turned himself into military authorities. Sankán's statement has made it clear that

the accident resulted from mechanical problems, and that the driver was unable to stop the vehicle from plunging into a ravine."

Although the death of these persons has been presented as the result of an accident, the Commission has come to a different conclusion:

* The newspaper stated that the prisoners in that vehicle, all active in the Socialist party, had been accused of having been involved in the "sinister Plan Z, which was going to be put into effect in Arica by means of a paramilitary organization of the former Socialist party, which was called AGP (Agitation and Propaganda)."

* On the basis of testimony that it finds fully convincing, this Commission is able to affirm that Donoso, Ripoll, Sankán, and Valenzuela, with their hands tied and blindfolded, were taken from the investigative police headquarters in the early morning of October 20, 1973 in a station wagon. Forty kilometers down the road the car stopped, and the drivers got out, leaving the civilians inside. The drivers pushed the station wagon over the embankment into a ravine, where all the prisoners met their death except Sankán who miraculously survived.

* Julio Valenzuela was already dying or perhaps dead. His death certificate gives the cause of death as a "bullet wound bursting the lungs."

* The soldiers mentioned in the news report are not registered as having died. The army did not include them among the victims it reported to this Commission. This Commission holds the very firm conviction that Oscar Ripoll, Julio Valenzuela, and Manuel Donoso suffered a grave human rights violation at the hands of government agents who killed them in total disregard for the law.

On October 21, 1973, Gerardo POBLETE FERNANDEZ, 31, a Salesian priest who was a philosophy teacher at the Salesian school in Iquique, was killed. The public relations department of the zone under state of siege in the province of Tarapacá published the following item in the newspaper El Tarapacá on October 25, 1973: "At 5:20 p.m. on Sunday October 21, 1973, after receiving a report of suspicious activity by people on the top floor of the Don Bosco School, the police reconnoitered the area and carried out a search of the whole building. In the course of

the search they found a good deal of Marxist literature, heavy weapons, and some ammunition in Father Poblete's bedroom. For that reason they arrested and took away Gerardo Poblete Fernández, a priest, and Ricardo Francisco Salgado Torres, an office worker, both of whom were teachers at the school. When they arrived at the headquarters Father Poblete slipped on a step and fell heavily to the pavement as he was getting down from the truck. He was handcuffed at the time. The consequences were not immediately apparent and so he was taken inside the police station where he was held in a cell while Salgado was interrogated. When he was summoned at 7:50 p.m. that same day, he was found unconscious in his cell. He was taken to the infirmary where it was determined that he was dead." El Tarapacá for that same day reported. "Both prisoners said they were with the Socialists, and supported the Popular Unity government. Father Poblete even said that his ideology was Marxist." This report contradicts the previous one, according to which he was never interrogated.

Numerous very plausible statements given to this Commission by eyewitnesses make it possible to declare that Father Gerardo Poblete was not handcuffed when he was being driven in the police truck and that he did not fall onto the pavement after slipping from the step on that truck. Indeed, he entered the police station in normal physical condition; while he was there several of the guards insulted him and beat him with their fists with blunt instruments. This lasted for a long time until they killed him. Hence this Commission has come to the conviction that Father Gerardo Poblete suffered a violation of his human rights by government agents, who inside a prison area subjected him to interrogation and torture until they put an end to his life.

On October 23, 1973, the newspaper in Arica reported that Luis Pedro SOLAR WELCHS, 18, had been executed. "In the early morning of October 23, 1973, Luis Pedro Solar Welchs, was apprehended by an army patrol inside a properly marked military installation. While the prisoner was being held in custody and awaiting interrogation, he suddenly tried to seize a guard's weapon with the clear purpose of shooting him, thus forcing another guard to execute him on the spot." This Commission does not accept the official account as presented, since it is unlikely that a person inside a military installation, who, according to the military's own story, was properly in custody, would try to seize his guard's weapon. Moreover, even if that were true, it is not reasonable to think that the way to stop him

was to kill him. Hence the Commission holds the conviction that Luis Solar was executed by government agents in violation of his fundamental rights.

On January 11, 1974, Isaías HIGUERAS ZUÑIGA, 39, a policeman at the Iquique jail who was an active Communist, was killed. He had been arrested and taken to the Telecommunications Regiment in Iquique and was later transferred to Pisagua. His wife was officially notified that her husband had died of a cardiac arrest. This report was given by the man who was then warden of the Iquique jail and was reconfirmed by the offices of the Sixth Army Division in that city. Isaías Higuera's wife received his remains in a sealed coffin. This Commission is convinced, especially in view of the many consistent eyewitness accounts it received, that he died as a result of the torture to which he was subjected by government agents, his guards, who beat him to death while he was imprisoned in Pisagua.

On January 18, 1974, Nelson José MARQUEZ AGUSTO, 31, an office worker who was active in the Communist party, who had been arrested in Iquique, was executed in the Pisagua prison camp. Many credible and consistent eyewitness statements indicate that Marquez was emotionally disturbed as a result of the manner in which he was treated in prison. While the prisoners were out on an athletic field, Nelson Márquez "got up and jumped over a small wall around the field. There was only one soldier guarding all the prisoners and he was some distance away. The soldier came running and shouted out to him to come back. Márquez sped toward the area of the pier, no more than fifty meters from the field and hid under the pier. About forty-five minutes later soldiers came back with him, and they were brutally beating him as they did so... About two hours later there was a burst of fire not very far from the jail. One of the soldiers said that Márquez had been shot by firing squad." This Commission holds the conviction that after being recaptured Nelson Márquez was executed without any due process of law by government agents in violation of his fundamental rights. In 1990 his body was found in the common grave in Pisagua.

On January 29, 1974, six people who had been arrested in Iquique in November 1973 and then taken to the Pisagua camp disappeared from that camp:

Orlando Tomás CABELLO CABELLO, 44, a retail merchant who was not politically active. He was arrested by police from

Iquique, turned over to the Telecommunications Regiment and later taken to Pisagua.

Nicolás CHANEZ CHANEZ, 43, the owner of a trucking business who was not politically active. He was arrested, sent to the office of the investigative police in Iquique and from there transferred to Pisagua.

Juan MAMANI GARCIA, 27, a truck driver who was not politically active. He was arrested by police, taken to the Telecommunications Regiment at Iquique and from there transferred to Pisagua.

Luis Aníbal MANRIQUEZ WILDEN, 44, a retail merchant who was not politically active.

Hugo Tomás MARTINEZ GUILLEN, 36, a retail merchant who was not politically active. He was arrested by police on November 2, 1973, and taken to the Telecommunications Regiment and then to Pisagua.

Juan ROJAS OSEGA, 38, who was not known to be politically involved. He was arrested by police on November 1, 1973, and taken to the Telecommunications Regiment and then to Pisagua.

What these people all had in common was that they had supposedly been involved in drug trafficking and contraband. These accusations were given extensive press coverage. After they had been arrested, none of these charges were proven in court.

The official account provided in a military edict from the Sixth Army Division was that these people had been set free on January 29, 1974. Some of the families also received an official letter from the Chilean Army stating that their relatives had been released. Thus the wife of one of them received letter No. 3550-380, dated July 19, 1974, from the commander's office of the Sixth Army Division, which stated that Nicolás Chanez was arrested and transferred to Pisagua, "in order to investigate and determine who was responsible for an alleged violation of the Law on Weapons Control.... Once the matter had been investigated and it had been proven that he was innocent with regard to the law on weapons, he was released on the date noted above. If he has still not returned home, you should look elsewhere for the answer, or ask yourself, your own conscience

as a wife who is familiar with her husband's activities."

In 1990 their bodies were all found in the common grave at Pisagua. They had been put into sacks, their hands were tied, and they were blindfolded. This Commission holds the firm conviction that Orlando Cabello, Nicolás Chanez, Juan Mamani, Luis Manríquez, Hugo Martínez and Juan Rojas were not released, but were executed without any due process of law, and that government agents disposed of their bodies.

War Tribunals

According to official reports, four war tribunals took place in this region between October 11, 1973 and February 10, 1974. In those war tribunals twelve people were condemned to death. In order to examine these situations, the Commission believed it had to obtain all the relevant documentation; therefore, it asked the proper authorities for a complete copy of the decrees issued by the head of the zone under state of siege in the province of Tarapacá and for certain resolutions decreeing that particular persons had been set free. In response the Chilean Army has stated that "those trial records are, along with other documentation, part of what was destroyed in the fire caused by a November 14, 1989 terrorist attack on the installations of the army's Physical Education School, where part of the documentation of the army's general archive was located. This event is under investigation by the Sixth Military Prosecutor's Office in Santiago." Other formal requests to obtain possible copies of the most important trial documentation items were in vain. This Commission's report on these tribunals is thus based on the copies of the decisions it has been able to examine as well as statements made by some of their more important participants.

First War Tribunal: October 11, 1973

By means of Military Decree No. 82, dated October 11, 1973, the head of the zone under state of siege in the province of Tarapacá and commander-in-chief of the Sixth Army Division, reported that five people had been executed at the Pisagua prison camp. That document notes that a war tribunal had been held there on October 10, 1973 in order to try a number of defendants, five of whom were condemned to death. Those persons were:

Julio CABEZAS GACITUA, 45, a lawyer and prosecutor with the

Iquique Council for the Defense of the State [attorney general's office] who was not known to be politically active. His job was to coordinate activities aimed at monitoring and stopping drug traffic and contraband in the area. On September 14, 1973 he voluntarily reported to authorities after he had been summoned by an edict.

José CORDOVA CROXATTO, 35, administrator of the Chilean Port Company in Iquique who was active in MAPU. He was arrested on September 11, 1973 at his workplace.

Humberto LIZARDI FLORES, 26, who taught English at the Iquique campus of the University of Chile and was active in MIR. On September 11, 1973, he was arrested at the Instituto Comercial in Iquique.

Mario MORRIS BARRIOS, 27, who worked at the investigations department in the customs agency and was not politically active. He had only recently been sent to the city of Iquique. He was arrested on September 1.1, 1973 at the hotel where he was staying.

Juan VALENCIA HINOJOSA, 51, provincial head of ECA (Empresa de Comercio Agrícola-Company for Agricultural Trade) in Iquique who was active in the Communist party. He voluntarily reported to the governor's office on September 11, 1973.

El Tarapacá for October 26, 1973 published a new military decree on these people, stating that all of them "were condemned because they had confessed that they were guilty of the crimes of treason to the country and espionage... and had violated the Law of State Security, and were actively involved in plans for subversion and to infiltrate the armed forces as part of missions they had been assigned."

The accusation of the crime of treason to the country cannot legally be applied to civilians, but only to the military, provided that there is a state of war and an enemy in a state of belligerence. With regard to Mario Morris Barrios, that same news report states that "he was condemned for having confessed and for being guilty of the crime of seeking to bring the armed forces to revolt; for an attempt to kill several customs employees and for violating the Arms Control Law." When the Commission inquired of the National Director of Customs, he said that in accordance with the terms of the 1972 Law on

Control of Firearms, agency employees are permitted to use such weapons and equipment in the manner laid down by the regulations of their institution.

This Commission seriously doubts whether this war tribunal actually took place. In this instance it was not provided with a copy of the trial record or even of the sentence, nor was it possible to locate one. Furthermore, according to the word of people who were then being held at the Pisagua prison camp, the procedures later observed whenever a tribunal was held did not take place on this occasion. Generally speaking, the prisoners would come out to the field in front of the jail and would then be told that a tribunal had been set up, the names of the accused would be called out, and they would be grouped according to the punishment being sought for each one. They would meet the lawyer who was to defend them. None of these procedures took place that day. Moreover, the Commission has not encountered any defense offered by any lawyer in this first war tribunal which is supposed to have taken place.

One witness who was also held prisoner at this camp was able to observe how when the five prisoners were finally taken to the Pisagua cemetery, they were executed, put into sacks, and laid in a pit. The bodies of the victims were never turned over to their relatives. They were all found this year, 1990, in the common grave in Pisagua. With the facts presented in this fashion, it is only reasonable for the Commission to presume that this war tribunal never took place. It has come to the moral conviction that Julio Cabezas, José Córdova, Humberto Lizardi, Mario Morris, and Juan Valencia were executed by government agents. There are indications that the fact that the lawyer Julio Cabezas worked as an official investigator of drug traffic and contraband may have had an important bearing on his death.

Second War Tribunal: October 29, 1973

On October 29 a second war tribunal was convened and it ordered the death penalty for four persons, who were executed at 6:00 a.m. October 30, 1973 at the Pisagua prison camp. On October 31, the newspaper El Tarapacá reported the execution and referred to the supposed involvement of those condemned to death in a plan aimed at bringing about civil war in Chile and stirring up rebellion within the armed forces. The following persons were thus executed:

Rodolfo Jacinto FUENZALIDA FERNANDEZ, 43, a civilian pilot

who was the regional secretary of the Socialist party. He was arrested on September 11, 1973 in his home and taken to the Carampangue Regiment, then to the Telecommunications Regiment and from there to the Pisagua prison camp.

Juan Antonio RUZ DIAZ, 32, a customs official in Iquique who was active in the Socialist party. He voluntarily turned himself in at the Telecommunications Regiment.

José Demóstenes Rosier SAMPSON OCARANZA, 33, a public relations official at the Iquique city hall who was an active Socialist. He turned himself in voluntarily to the Iquique police on September 21, 1973.

Freddy Marcelo TABERNA GALLEGOS, 30, director of the ORPLAN (Regional Planning Office-now called MIDEPLAN-[Ministry of Planning]) office in Iquique who was an active Socialist. On September 16, 1973, he voluntarily reported to the Telecommunications Regiment.

This Commission holds the conviction that the process by which these people were sentenced in this tribunal was illegal. The grounds for that conviction are the following points, above and beyond those characterizing all such trials:

* The judges were not unanimous in their decision. In the sentence it is pointed out that the specially appointed judge-advocate "was in favor of sentencing the accused to ten years in prison without the possibility for parole since he believed that in this case it was appropriate to apply the norms of Article 107 of the Criminal Code inasmuch as this was simply an attempt, and they had in their favor the extenuating factor of their previous blameless conduct." This tribunal thus failed to observe a basic and established principle of law: that the death penalty can be applied only when all those involved in the sentencing agree on the matter.

* The prisoners were condemned for crimes that were not duly proven, and of which they could not properly be accused. These four people on trial were sentenced for having committed the crime contemplated in Article 245, No.2, in connection with Article 246 of the Military Justice Code. At that time the former read: "The member of the military who entices Chilean troops or any troops serving the Republic to go over to enemy ranks or to desert the flag in time of war is to be punished with the most severe military punishment, namely death." Article 246 of that

code stated that "if it is a non-military Chilean or an enlisted person who is guilty of the crimes contemplated in the previous article, the punishment may be lowered one or two degrees in accordance with the circumstances..."

* The behaviors for which these people were put on trial, if they actually took place, were committed prior to September 11, 1973, and thus the requirement that the behavior of which they were being legally accused take place during wartime was not met.

* Even if these actions were committed, they were not consummated. The sentence itself makes that clear in consideration 3: "That these actions, in the judgment of the war tribunal, constitute the crime described in Articles 245 No. 2 in connection with Article 246 of the Military Justice Code, to the degree of a frustrated attempt."

* The only means of proof cited in the sentence to establish that those condemned were involved in such crimes, is the supposed confession of those who were put on trial. In this regard, it should be kept in mind that the evidence it has received enables this Commission to state that torture was used systematically during the interrogations that were conducted at the Pisagua prison camp, and hence in this case such proof is invalid.

Even though there was a moral and legal obligation to turn over the bodies, their relatives never received them. Some of the relatives of those condemned to death received a letter from the Sixth Army Division dated October 30, 1973, in which they were told that "... today in Pisagua ---- was executed by order of a decision of the wartime military tribunals. They were given Christian burial in the Pisagua cemetery." Their mourners were never told exactly where they were buried. To this day their bodies have not been found. This Commission holds the conviction that Rodolfo Fuenzalida, Freddy Taberna, Juan Ruz, and José Sampson were executed by government agents in a procedure that, owing to a lack of due process of law, violated the rules for safeguarding the human rights of people on trial.

Third War Tribunal: November 29, 1973

In this tribunal, which took place on November 29, 1973, Germán Eladio PALOMINOS LAMAS, 25, a furniture maker in the city of Iquique who was active in the Socialist party, was

sentenced to the death penalty. He was arrested September 23 by army troops, and was taken to the Telecommunications Regiment and then to the Pisagua prison camp. With regard to the crimes that he supposedly committed the sentence reads: "In his statement he acknowledges that he belonged to the AGP movement, along with ----. He goes on to say that his own work in this organization was to prepare molotov cocktails and another kind of explosive. He further admits that the organization's intention was to attack regiments and even to physically eliminate those persons who did not support the previous government. Thus the defendant Palominos has violated the provisions of the Law of Internal State Security. Consequently since the defendant Palominos has confessed that he was involved in the actions mentioned, he must be punished with the greatest severity."

This trial did not observe the basic legal norms that ought to be respected in a proper trial both as a result of the general nature of all the war tribunals and specifically for the following reasons:

- * The defense lawyers did not have enough time to talk with the person they were defending or to study his file and the accusation against him.

- * Even though in this tribunal those handing down the sentence mention other means of proof besides a confession by the defendants, those means were not properly weighed in making the decision, and thus they failed to meet a basic requisite for any sentence.

The sentence states, "... it is not true that the only proof against those accused is their own documented confession (cf. accusation on pp. 1 and 2; photographs on pp. 4 and 5; record of capture of weapons, helmets, explosives, molotov cocktails, nunchakus on pp. 3 and 66; statements by the accusers on pp. 67, 68, 69, 70, 71; statements by witnesses to the accusations on pp. 72, 95, 97, 98, and 99) and also with the various proofs contained in the files which are at hand in the form of separate notebooks." The tribunal was thus simply listing the supposed elements of proof without taking them into account as it should have done.

In 1990 Germán Palomino Lamas's body was found in the common grave in Pisagua. His relatives had received the army notification mentioned above telling them that after execution he

had been given Christian burial in the Pisagua cemetery. This Commission holds the conviction that German Palominos was executed by government agents on the basis of a trial that ignored the legal norms then in effect.

Fourth War Tribunal: February 10, 1974

The war tribunal held on February 10, 1974 condemned to death two active members of the Communist party:

Alberto YAÑEZ CARVAJAL, 31, a prison official who at the time of his arrest in Iquique had been fired from his job. He was arrested January 5, 1974, and taken to the Telecommunications Regiment and from there to the Pisagua prison camp.

Luis TORO CASTILLO, 34, a worker at the state railroad company. He was arrested on October 1, 1973 at his workplace.

For the reasons of a more general nature that have already been mentioned with regard to war tribunals, and particularly for the following reasons it can be established that in this trial a number of irregular procedures took place in disregard for the basic rights of Yáñez and Toro.

* The actions for which they were being tried are not the crimes for which they were condemned. That is, they were sentenced for the crime described in Article 245, No. 2, in connection with Article 246 of the Military Justice Code which reads: "The member of the military who entices Chilean troops or any troops serving the Republic to go over to enemy ranks or to desert the flag in time of war is to be punished with the most severe military punishment, namely death." Article 246 of that code stated that "if it is a non-military Chilean or an enlisted person who is guilty of the crimes contemplated in the previous article, the punishment may be lowered one or two degrees in accordance with the circumstances..."

* Nevertheless, with regard to the actions of which those on trial were accused, the sentence reads, "... these people prepared a plan that was to have gone into effect should there be an outbreak of civil war, a coup d'etat, or the like. These maneuvers were called Plan 22 and their execution was to involve occupying twenty centers regarded as vital to the city of Iquique such as churches, public buildings, factories, and so forth. The plan also contemplated seizing customs vehicles and weapons from the prison service so as to reinforce the

execution of the plan. In order to obtain more arms, the El Colorado police checkpoint and Infantry Regiment No. 5 Carampangue were to be attacked; the aim of this action was also to incite the civilian population to resist the armed forces, with the consequent innocent victims that would have thereby ensued." As is obvious, the actions attributed to the accused do not fit the crime of which they were found guilty and sentenced.

* Just as was the case in the two previous tribunals, this court rejected defense lawyers' arguments that the only means of proof were the confessions made by the accused. The court record states, "The tribunal rejects such arguments because besides confession there are other proofs that a crime has been committed." The sentence does not even mention what these other proofs are. Given the evidence mentioned, this Commission has come to the conviction that Luis Toro and Alberto Yáñez were executed by government agents after a war tribunal which, in departing from the basic requirements of due process, violated the human rights of the accused. In 1990 their bodies were found in the common grave in Pisagua.

Reading and analyzing the sentences of these war tribunals as well as the statements by lawyers who were involved in them, this Commission has been able to come to a conviction about the irregularities common to some of them, which we will now mention:

* With regard to the defense, the legislation then in effect provided that the defender should state the defense in writing and indicate the means of proof he or she intended to employ and the list of witnesses and experts who were to testify. Articles 183, 184, 189, 190, 191 and other articles of the Military Justice Code then in effect granted all the guarantees and time periods the defense might need. The code even allowed the possibility of offering the proof either in the place where the tribunal was in session or elsewhere, in which case one of its members was to be delegated for that purpose.

* The defense lawyers say that at least in the latter three war tribunals they had access to the file and to the accusation only a few hours before the tribunal was held. They were able to converse with the people they were defending for only a few moments and often they could not even contact them, since they had been officially appointed to defend a large number of defendants.

* They also point out that in the latter three tribunals the arguments could neither be read nor presented to the court in written form, and they were only allowed to add a note on the argument they had prepared.

Furthermore, Pisagua was a camp for prisoners of war and so only members of the armed forces and the defense lawyers were allowed access. Hence it was impossible for witnesses to enter, and that made it much harder to establish that the previous conduct of the accused had been blameless, an extenuating circumstance that should have affected the punishment being applied. According to what the lawyers say, at least in the second and third tribunals a statement sworn before a notary in which witnesses declared that the previous conduct of those on trial had been blameless was presented, but the tribunal rejected it as not in accordance with the law. Having examined the family background and antecedents of those whom the war tribunal condemned to death, this Commission can state ten of these twelve people had no criminal background whatsoever.

c. Second Region – Antofagasta
Overview

The Second Region of the country now consists of the provinces of Tocopilla, El Loa, and Antofagasta, and its main cities are Antofagasta, Calama and Tocopilla. The Commission came to the conviction that in 72 of the cases presented to it that had occurred in this region between September 11 and the end of 1973 there were grave human rights violations which resulted in death or disappearance and in which government agents were involved.

The new authorities did not encounter a posture of resistance in this region after September 11. The Commission was not able to verify the rumors of acts of sabotage or theft of explosives from ENAEX (National Explosives Company) or of sabotage of the mining installations. Other indicators of the lack of resistance and indeed of deference to the new people in charge were the fact that in only one instance was a person killed for violating curfew, and the fact that many of those who were imprisoned had voluntarily presented themselves to the military authorities. Indeed that was true of many of those who ended up being killed or disappeared. Furthermore, the only instance of a violent act that ended in the death of two police officers was an isolated event inside police headquarters, and was committed

by a low ranking policeman. Since he was the only one sentenced for the action, he was obviously not acting in concert with others.

On September 11, the command structure of the armed forces in Antofagasta assumed the authority and overall control over the region. The general in charge of the First Army Division assumed the function of provincial governor and operational commander and by that very fact also served as the judge of the First Military Tribunal of Antofagasta with jurisdiction over all the territory of the First Division. In Calama the commander of the regiment was the operational commander, and in Tocopilla it was the police chief.

The activity of repression and of asserting control over the region was directed primarily at the local authorities of the newly overthrown government, and at the administrators of state enterprises in the area such as INACESA (National Cement Industry), the SOQUIMICH (Chilean Chemical and Mining Society), Chuquicamata [major copper mine], ENAEX (National Explosives Company), and the like, and at local political and labor union leaders, people active in the Popular Unity parties, and particularly the Socialist party (more than half of the victims in this region belonged to this party). Nevertheless, repressive actions also affected people who were not politically important, both those who were simply members of parties and even some who were not politically active at all.

The most common type of grave human rights violation in the region was the application of the so called "law of escape" [applied to escape attempts]: the authorities explained forty-three deaths in this fashion. According to official accounts presented in each instance, as the prisoners were being transferred from one detention site to another or were being taken to where the procedures ordered by military tribunals were to be carried out, or simply inside the detention sites, they tried to run away by taking advantage of various circumstances such as a lapse on the part of their guards, mechanical problems in the vehicles in which they were being transported, and the like. The most outstanding case of this nature was the execution of twenty-six prisoners from the Calama jail on the road connecting that city with Antofagasta; it was explained as the reaction of troops to the prisoners' attempt to run away. For reasons that will be noted in each case the Commission could not accept these official versions. In general the so-called "law of escape" was ultimately a way to conceal the actual way the prisoners had

died, and to avoid legal trials in which the accusations against the prisoners and their varying degrees of responsibility would have to be proven. It was also a way to carry out repression with impunity.

Another especially grave event took place in Antofagasta in the execution of fourteen persons which took place without any due process of law, although there was a subsequent attempt to justify these executions as the result of a war tribunal. For reasons that will be presented, the Commission was convinced that there was no such tribunal. The members of a special high level commission which was flying to several cities in the northern part of the country were involved in this matter as well as in the killing of twenty-six prisoners at Calama. The significance and scope of those visits has already been examined. The actual number of those who received the death sentence in war tribunals was seven; in addition four people disappeared.

Generally it was the police, and to a lesser extent the investigative police, who carried out the arrests in this area. The military were only rarely involved. Violence was used in most arrests, and no explanation was offered as to why the person was being arrested or under what charge. Usually a large number of police was on hand and the family was threatened. Moreover they were not told where the prisoner was being taken.

On the basis of the documentation gathered by the Commission, it can be said that interrogations and torture took place in several prison sites. The most important was Cerro Moreno in Antofagasta, located near buildings that were part of an old airport which was under air force control. Most of the victims from that city whose cases are considered in this report were held there. Another interrogation and torture site was the investigative police headquarters in Antofagasta, which was used by army agents. The places where mistreatment and torture took place in Calama were the regiment base, the installations of the National Cement Company, and the nearby police station, which was known as the Dupont station. The only prison site where torture took place in Tocopilla was the police station.

After arrest there was a period of solitary confinement which began at the police station to which the arrested person was taken. After a few days, generally from three to five, the person was transferred to the local jail or, when he or she was regarded

as important (especially in the case of those arrested in Tocopilla), to the jail in Antofagasta. Being transferred to the jail did not mean the end of solitary confinement, but it was simply the moment when the prisoner was placed at the disposal of military tribunals. This second period of solitary confinement in which the prisoner was being held in custody by the military was the time of greatest mistreatment and torture. The condition of the executed people's bodies, when they were actually handed over, shows that in most cases those who executed them did not simply shoot their victims, but that they also tortured them before the execution itself.

This account of cases that the Commission examined in which it came to the conviction that grave human rights violations had taken place, will deal with each of the region's three most important cities: Antofagasta, Calama, and Tocopilla (which will include two cases that took place in Pedro de Valdivia).

Cases of grave human rights violations that took place in the Antofagasta Region

Antofagasta

On September 12, 1973, Guillermo Eugenio SCHMIDT GODOY, 23, who worked for the police at the Antofagasta station, was executed. A war tribunal condemned him as responsible for killing two officers from that same police headquarters, the station head, Major Mario Osvaldo Niñez Carrasco, and the second in command, Captain Héctor Dávila Rodríguez. It has not been possible to determine the exact circumstances of the event since court record 412-73 in which they appear was not sent even though it had been requested from the proper official. Regardless of the possible responsibility of policeman Schmidt for these actions and regardless of their seriousness, the Commission came to the conviction that this man who was sentenced to death did not enjoy his right to a fair trial. This conviction is based on the following reasons: the doubt over whether such a war tribunal actually took place, since the proper official did not provide the Commission with a record of it, and the fact that the accused did not have a lawyer. That right cannot be denied no matter what actions he might have committed. Hence in this Commission's judgement, a fundamental right of this man was disregarded, namely his right to a proper trial, and his execution took place in an unjust and illegal manner.

On September 14, 1973, José Manuel SALAS SOTOMAYOR, 21, whose work and political position are unknown, was killed. His death certificate reads: "Date of death: September 14, 1973. Time: 5:00 a.m.. Place of death: regiment in Antofagasta. Cause: destruction of the head. Multiple fractures of the cranium. Bullet wound." In view of the fact that José Salas died inside a military installation and of a bullet wound, this Commission has come to the conviction that his death was caused by government agents, who thereby violated fundamental rights.

On September 15, 1973, the following people were executed by soldiers of the Antofagasta Regiment on the road between that city and the air force base at Cerro Moreno:

Nenad TEODOROVIC SERTIC, 24, an Austrian student at the Universidad del Norte who was a MIR activist;

Elizabeth CABRERA BALARRIZ, 23, Teodorovic's wife, a social worker and head of the welfare department at that university who was a MIR activist; and

Luis MUÑOZ BRAVO, 28, a student at the Universidad del Norte who was a MIR activist.

These three people were arrested between September 14 and 15. According to the official report they were killed by troops as they were being transferred from Antofagasta to the Cerro Moreno base: "The event took place at 8:30 p.m. while they were being driven in a vehicle which developed an electrical problem. The vehicle had to stop, and the prisoners took advantage of the situation to run away in the darkness," and so they were executed.

The official account notwithstanding, the Commission came to the conviction that the three people were killed in an execution by government agents carried out in total disregard for the law, thereby violating their human rights, in view of the following considerations:

* It is not likely that three prisoners who were presumably unarmed and heavily guarded as they were being driven would try to run away from their captors;

* Even had there been an effort to escape, it is not very plausible that the only way to recapture three unarmed fugitives was to kill them;

* The fact that up and down the entire country situations like the one described, namely mechanical failures of cars and nighttime escape attempts in which all were killed, were repeatedly reported leads to the judgment that these are explanations concocted for executions without trial.

On September 15, 1973, Joaquín Segundo ESPINOZA OJEDA, 36, a merchant seaman who was an active Socialist, was killed by army personnel. The official account, which appeared in El Mercurio in Antofagasta on September 17 under the headline "Activist Killed at Governor's Office," stated that on "Saturday afternoon a political activist who caused a military vehicle to overturn in the area of El Trocadero and later attacked a military officer who was interrogating him, was killed by the officer's bodyguards..." The death certificate indicates that the cause of death was bullet wounds. According to testimony taken by the Commission, Espinoza's car had a mechanical problem that day on a street in Antofagasta and he stopped to try to fix it. Nearby at that very moment a military jeep hit a truck. Espinoza was blamed for that accident and taken to the governor's office. When his family heard about what had happened, they went to the governor's office and then to the hospital where they found his remains, which were handed over to them on September 17.

The Commission came to the conviction that Joaquín Espinoza was executed by government agents who used unnecessary violence and thereby violated his human rights. This conviction is based on the following considerations:

* The official account that he tried to attack a military vehicle in the middle of the city in broad daylight and by himself does not make sense.

* Even if that had been the case it is not likely that being held inside the governor's office unarmed and in a place under heavy guard as that office was, he would have attacked the officer who was interrogating him.

* Even if he did make such an attack, there is no reason why the soldiers interrogating him should have had to kill an unarmed person in order to bring him under control.

On September 20, 1973, Jorge Antonio CERDA ALBARRACIN, 30, a doctor at the hospital in Pedro de Valdivia who was a Socialist party leader, and Carlos Desiderio QUIROGA ROJAS,

32, an administrator of the Pedro de Valdivia nitrate mine who was an active Socialist, were executed as a result of a war tribunal sentence. They were arrested by police in Pedro de Valdivia on September 12, 1973, and sent to the jail in Antofagasta, where they remained until the day they were executed. Accused of making and distributing homemade grenades, subversive teaching, espionage, subversion against the armed forces, and involvement in Plan Z, they were sentenced to death on September 19, in the war tribunal recorded in file 347-73 of the First Military Tribunal in Antofagasta. The execution took place on September 20. Their remains, which besides bearing bullet wounds showed signs of torture, were handed over to their families for burial.

It proved impossible to obtain the court file even though the request was submitted to the proper authority. In any case, by examining the sentence, which the Commission obtained from another source, it was able to come to the conviction that Cerda and Quiroga were executed without any due process of law and hence their death is a human rights violation for which government agents were responsible. That conviction is based on the reasons already given for all the war tribunals, and in particular for these reasons:

- * They did not have a proper legal defense, and their relatives learned of the war tribunal only after they had been executed;

- * An examination of the sentence indicates that the accusations against these two are not proven and their denial of involvement in the events of which they are accused was rejected without consideration;

- * They were tried and condemned according to procedures and punishment for wartime, although the crimes they were alleged to have committed occurred before the declaration of a state of war;

- * No consideration was given to the extenuating factor of their previous irreproachable conduct as was in fact their right, and a number of aggravating factors were applied, including specifically Article 123, No. 1 of the Military Justice Code, which can only be invoked in connection with the actions of on duty military personnel.

On October 13, 1973, Carlos Patricio ACUÑA ALVAREZ, 26,

who was in charge of security at the Chuquicamata copper mine and an active Socialist, was executed by soldiers. He voluntarily reported to military officers on September 11 and was held under arrest for a number of days at the Calama jail and was then transferred to Antofagasta. Throughout this period he was held in solitary confinement. His family says that on October 13 he was executed on the grounds of the jail in Antofagasta. That date and place are registered on his death certificate. They were also told that a war tribunal had found him guilty. His remains were turned over to the family.

That verbal information notwithstanding, the Commission came to the conviction that Carlos Acuña's death was an execution carried out by government agents in total disregard for the law, and that his fundamental rights were violated. The following circumstances serve as the basis for that conviction:

- * Even though a request was submitted to the proper authority, there is no record indicating that he was actually tried before a war tribunal;

- * Even if Carlos Acuña was sentenced in some fashion, he did not have the assistance of a lawyer nor was his right to a defense respected in the least.

At 1:30 a.m. on October 19, 1973, the following persons were executed by army troops near Antofagasta:

Luis Eduardo ALANIZ ALVAREZ, 23, a journalism student at the Universidad del Norte who was an active Socialist. In late September, responding to the public summons issued by authorities in Antofagasta, he turned himself in voluntarily to military officials in Arica. From there he was transferred to the jail in Antofagasta, where legal proceedings against him for possessions of weapons were apparently initiated, but were not concluded.

Dinador Segundo AVILA ROCCO, 32, an office worker at SOQUIMICH (Chilean Chemical and Mining Society) who was an active Socialist. He was arrested on September 29 in María Elena and taken first to the police station in Tocopilla and then to the Antofagasta jail.

Guillermo Nelson CUELLO ALVAREZ, 30, a CORFO (Corporation to Stimulate Production) official who was an active Socialist. He voluntarily reported to the Antofagasta police

station on September 13 and was taken to the jail there.

Segundo Norton FLORES ANTIVILO, 25, social worker at SOQUIMICH in María Elena who was an active Socialist. He was arrested on October 1 at his home in María Elena and from there was taken to Tocopilla and later to jail in Antofagasta.

Darío Armando GODOY MANSILLA, 18, a high school student who was an active Socialist. He was arrested in Tocopilla and then taken to the jail in Antofagasta.

José Boerlindo GARCIA BERRIOS, 66, a maritime worker and union leader who was an active Communist. He was arrested in Tocopilla on September 12, taken to the local police station and then transferred to the jail in Antofagasta. Several times during his imprisonment he and his daughter were taken to Cerro Moreno for interrogation.

Miguel Hernán MANRIQUEZ DIAZ, 25, a teacher who was working at the cement factory and an active Socialist. He was arrested on September 20 by detectives and soldiers, taken to the investigative police headquarters in Antofagasta and then to the local jail.

Danilo MORENO ACEVEDO, 28, a driver at CORFO and a union leader who was an active Socialist. On October 8, he voluntarily reported to the investigative police headquarters in response to a public summons. He remained there in solitary confinement until October 15, when he was transferred to the jail.

Washington Radomil MUÑOZ DONOSO, 35, a government representative at the Compañía de Cervecerías Unidas (Unified Breweries Company). He was arrested in Antofagasta on an undetermined date and held prisoner in the jail there.

Eugenio RUIZ-TAGLE ORREGO, 26, an engineer and manager at the cement plant who was a MAPU activist. He voluntarily reported to the governor's office in Antofagasta on September 12, in response to a public summons. From there he was transferred to the base at Cerro Moreno, where he remained until September 23, and was then transferred to the jail in Antofagasta. The torture to which he was subjected is described in the general treatment of this period.

Héctor Mario SILVA IRIARTE, 38, a lawyer, the northern district

manager for CORFO and a former alderman in Chañaral who was the regional secretary of the Socialist party. He returned from Santiago in order to voluntarily present himself along with others to the military authorities at the governor's office on the morning of September 12.

Alexis VALENZUELA FLORES, 29 an office worker at SOQUIMICH, president of the labor union there and treasurer for the regional CUT (Unified Labor Federation) who was an alderman for Tocopilla and an active Communist. He was arrested on September 17 at his home in Tocopilla, taken to the jail there and then on October 15, was transferred to the jail in Antofagasta. He was held in solitary confinement throughout his imprisonment.

Marco Felipe DE LA VEGA RIVERA, 46, an engineer and the mayor of Tocopilla who was an active Communist. He was arrested on September 15 by members of the police and the investigative police, taken to the Tocopilla police station, and on October 15, taken to the Antofagasta jail.

Mario del Carmen ARQUEROS SILVA, 45, governor of Tocopilla who was an active Communist. He was arrested on September 14, at his home by police and driven to the Tocopilla police station, where he remained until October 15 when he was transferred to the jail in Antofagasta. While imprisoned, he was held in solitary confinement.

On October 21, 1973 the newspaper in Antofagasta published an official communiqué acknowledging the execution of Mario Silva, Eugenio Ruiz-Tagle, Washington Muñoz, and Miguel Manríquez, and stating that "the executions were ordered by the military junta." A second public communiqué appeared on October 24 acknowledging the executions of Luis Alaniz, Danilo Moreno, and Nelson Cuello, stating that by reason of a "decision of the honorable junta, early in the morning of the 20th three persons were killed by firing squad..." There was no official account of the other seven people who were executed on October 19.

Subsequent official statements from both provincial and national authorities speak of these executions as though they took place in compliance with sentences issued by war tribunals. Reports that the government provided to the Interamerican Human Rights Commission stated that Eugenio Ruiz-Tagle and Héctor Silva, among others, had been tried in

case number 349-73 held in the First Military Tribunal of Antofagasta. It was said that Ruiz-Tagle was proven to have been "involved in the crime of embezzlement of public funds... and of diverting such funds to acquire weapons for the Socialist party and for the United Popular Action Movement [MAPU]. Moreover, it was established that he was responsible for organizing a terrorist plan prepared for September 18 and 19, 1973... The court sentenced him to the death penalty, and it was carried out by firing squad on October 19, 1973." This same account states that it was proven that Héctor Silva was guilty of several crimes, including embezzlement of public funds, attacking state security, illegal possession of weapons and explosives, and it was noted that "it was reliably proven that he was involved in these activities." In the court record he confessed that he was involved "as initiator, organizer, and main leader of a paramilitary organization.... In that trial... he received the death penalty, which was carried out by a firing squad on October 19, 1973."

After carefully examining the evidence received and testimony gathered from various sources, the Commission came to the conviction that these fourteen persons were executed by government agents in total disregard for the law, thus violating their human rights, especially the rights to physical integrity, to a fair trial, and to life itself. That conviction is based on the following considerations:

- * In the case of most of those executed there is credible testimony that while they were being held they were brutally tortured before finally being killed. That fact would invalidate any confession they offered.

- * The official version claiming that there was a judicial trial which is said to have concluded in the death sentence for fourteen of these people contradicts the initial report which spoke of a decision by the honorable junta.

- * Despite the formal requests made by the Commission it proved impossible to obtain the documents of the trial which was said to have ruled against those executed; that fact in conjunction with other evidence leads to the conclusion that there was no such trial.

- * Moreover, the initial account of a decision by the junta is consistent with the fact that when the firing squad executions took place, a military delegation from Santiago was present in

Antofagasta and it had authority delegated by the highest authorities in the nation.

* In this respect, those involved have made contradictory statements concerning the source of the execution order, but none assert that there was a war tribunal.

* Even if those executed were sentenced in some fashion, their relatives and lawyers were unaware of it, and thus they were deprived of their right to a defense.

* Whatever may have been the origin of the order to execute these fourteen prisoners, officers and troops from the regiment in Antofagasta and officers of the delegation from Santiago were involved.

Calama

On October 5, 1973, Ricardo Abraham PEREZ CARDENAS, 22, a worker at the La Exótica mine who was an active Socialist, was killed by police at Cerro Moctezuma, near Calama. On October 2 he had been arrested by police at his home. Several of his relatives had also been arrested but were released when Ricardo Pérez was taken prisoner. He was taken to the Calama police station and later to the station in the Dupont area. That same day it was reported that "Ricardo Pérez was executed after he had been taken to the area known as Moctezuma in order to search for arms and explosives, at the very moment he tried to revolt." The death certificate puts the time of death at 6:00 p.m. and the cause of death as multiple bullet wounds.

The official account notwithstanding, the Commission came to the conviction that his killing was the product of an execution by government agents in total disregard for the law. It came to this conviction by reason of the following circumstances:

* It is not very likely that someone who had been imprisoned for several days and had been mistreated and tortured, as his dead body indicated, and who was under heavy custody, due to the material supposedly being sought, would have tried to escape;

* Even if he did make such an attempt, it was not necessary to shoot to kill, since he was unarmed and his captives were a police group that was quite capable of preventing him from escaping.

On October 6, 1973, the following were executed by order of a war tribunal which supposedly took place in Calama:

Luis BUSH MORALES, 36, a Bolivian agricultural engineer who was an active Socialist. On October 5 he was arrested by police who took him to the jail in Calama that same day.

Francisco Gabriel VALDIVIA, 34, a worker and president of the union at ENAEX (National Explosives Company) who was an active Socialist. He was arrested at his home in Calama on October 4, 1973 by local police and taken to jail. He had already been arrested for a day on September 20.

Andrés ROJAS MARAMBIO, 38, a driver for the National Health Service who was an active Socialist. On October 5, 1973, he was arrested at his home by police from Calama, and taken to jail.

These three persons were sentenced to death by a war tribunal, which according to official accounts took place in Calama on October 6, 1973. They were accused of being involved in an attempt to sabotage the Dupont explosives plant of the ENAEX company. The official account was published in the regional press.

This Commission did not obtain a copy of the trial record nor of the sentence. The executions occurred the same day as the war tribunal was said to have taken place, and the remains of those executed were not handed over to their relatives until two years later, when they were informed of the burial location and were allowed to have them exhumed.

This Commission came to the conviction that the death of Luis Bush, Francisco Valdivia, and Andrés Rojas was the result of a sentence issued without due process of law and was thus a violation of these people's human rights, particularly the right to a just trial and to life itself, committed by government agents. That conviction was based on the evidence already noted about war tribunals and particularly on the following points:

* Only one day elapsed between the date of arrest and the date of execution, thus indicating that it was impossible to have carried out an adequate investigation and judicial process, if in fact there was one.

* A number of testimonies indicate the visible

consequences of the mistreatment to which these men were subjected during this brief period of time, thereby discounting whatever confessions they might have made.

* The defendants were not granted the right to be aided by a lawyer and their relatives were not told that they were going to be subjected to a war tribunal and hence they could not provide them with legal assistance. They learned of their sentencing and execution over the radio.

On October 16, 1973, Juan Estanislao MATULIC INFANTE, 19, an active Socialist, was killed by police from the Calama station. The Commission did not obtain precise evidence on the date of his arrest or on why he was arrested. The official account provided by the police states that Juan Matulic was executed when he tried to escape from the Calama police station where he was being held. Regardless of these points, and even accepting the official account of an escape attempt, the Commission came to the conviction that in this instance excessive and unnecessary violence was used against Juan Matulic, and that government agents were responsible for his death. The grounds for that conviction are that it does not seem either reasonable or necessary to have been obliged to shoot at a person who was trying to escape from a police headquarters heavily guarded by personnel who were trained to use the proper amount of force in order to halt whatever action they wanted to prevent.

On October 19, 1973, the following twenty-six persons were executed by soldiers along the road between Calama and Antofagasta:

Mario ARGUELLES TORO, 34, a taxi driver who was an active Socialist. On September 26, 1973, he was arrested and on October 16, 1973 he was sentenced to three years of internal exile south of the 38th parallel. The day he was executed he was being held in jail awaiting the police delegation which was to take him to the place where he would serve his sentence.

Carlos BERGER GURALNIK, 30, a journalist and lawyer who was manager of the El Loa radio station and head of public relations of the Chuquicamata mine and an active Communist. He was arrested on September 11 at the El Loa radio station, tried by a war tribunal on September 29, and sentenced to sixty days imprisonment. At the moment of execution he was serving his sentence.

Haroldo CABRERA ABARZUA, 34, an engineer and assistant finance manager at Chuquicamata who was an active Socialist. He voluntarily reported to the military authorities on September 12. He was tried by a war tribunal and on September 29 was sentenced to seventeen years imprisonment for illegal possession of weapons and embezzlement of public funds. At the moment of execution he was serving his sentence.

Carlos Alfredo ESCOBEDO CARIS, 24, a driver at Chuquicamata who was an active Socialist. He was arrested on September 24 at his home, after having been arrested and released on two earlier occasions. At the moment of his execution he was being held in jail in Calama and had notified his family that he was being sent to internal exile on Dawson Island.

Daniel GARRIDO MUÑOZ, 22, a former army official who was not known to be politically active. He was arrested on October 5, 1973 by police from Calama and taken to the local jail. It has not been possible to determine why he was arrested.

Luis Alberto HERNANDEZ NEIRA, 32, an office worker at Chuquicamata who was active in the Communist party. He was arrested on September 29, 1973 at his home in Chuquicamata and taken to the Calama police station and then to jail. There is no information on why he was arrested, the nature of the charges against him, and whether he was put on trial.

Hernán Elizardo MORENO VILLARROEL, 29, secretary of the governor's office of the province of Loa who was an active Socialist. He was kept under house arrest from September 12 to October 12, when he was taken to the jail in Calama. There is no exact information on the charges against him nor on his trial, although some accounts indicate that he was sentenced to two years imprisonment.

Luis Alfonso MORENO VILLARROEL, 30, a worker at Chuquicamata who was an active Socialist. He was arrested on October 12, 1973, when he voluntarily presented himself after learning that he was being summoned to appear before the military prosecutor's office. He was held at the jail in Calama. There is no information on whether he was put on trial or sentenced.

David MIRANDA LUNA, 48, assistant manager of industrial

relations at Chuquicamata and a national leader of the Confederation of Miners who was an active Communist. On September 16 he reported to the new authorities in order to voluntarily resign from his job, and he was put under house arrest. That same day a military patrol transferred him to the Calama Regiment and some days later to the public jail. There is no information on the charges against him or what his court status may have been.

Rafael Enrique PINEDA IBACACHE, 24, a worker at Chuquicamata who was an active Socialist. He was arrested by soldiers on September 17 at the airport in Calama as he was getting on a plane for Santiago; after questioning him they took him to the jail in Calama. There he told his parents that he was to be sent into internal exile; whether he was actually tried and sentenced is still not known.

Carlos Alfonso PIÑERO LUCERO, 29, a driver at Chuquicamata who was an active Communist. In early October police arrested him at the house of some friends and took him to the Calama police station and two days later to the local jail. Whether or not he was tried is not known.

Fernando Roberto RAMIREZ SANCHEZ, 26, a teacher in Minera Exótica who was an active Socialist. He was first arrested on September 11, 1973, released on October 2, and rearrested on October 10 and held at the jail in Calama. There is no information on whether he had been put on trial at the time of his execution.

Sergio Moisés RAMIREZ ESPINOZA, 29, an office worker who was not known to be politically active. The date of, and reasons for, his arrest are not known, nor is there any information on whether he had been put on trial at the time of his execution.

Alejandro RODRIGUEZ RODRIGUEZ, 47, a labor leader at Chuquicamata and former president of the Confederation of Copper Workers who was an alderman in Calama and an active Socialist. He was arrested on September 17 when he voluntarily reported to the investigative police after a public call to do so, and he was sent to the Calama jail. There is no information on the accusations against him or on whether he was put on trial, although his relatives say that a war tribunal sentenced him to six months in jail.

José Gregorio SAAVEDRA GONZALEZ, 18, a high school student leader who was a MIR activist. There is no information on his whereabouts between September 24, when he was arrested, and September 29, when he was taken to the military prosecutor's office. After being tried before a war tribunal he was sentenced to six years of internal exile somewhere south of the 38th parallel for having taken part in meetings that were forbidden during wartime.

Domingo MAMANI LOPEZ, 41, a worker and president of the union at ENAEX (National Explosives Company) who was an active Socialist. He was arrested by police on September 30, 1973 and was kept in solitary confinement at a house used for interrogation and torture in the Dupont area; his family had no news concerning his whereabouts until October 12, when he was taken to the local jail. He was accused of possession of explosives and of using them in acts of sabotage. At the moment of execution, he had been sentenced to twenty years imprisonment and was waiting to be transferred to Santiago to serve that sentence.

Jerónimo CARPANCHI CHOQUE, 28, an ENAEX worker who was an active Socialist.

Bernardino CAYO CAYO, 43, an ENAEX worker who was an active Communist.

Luis Alberto GAHONA OCHOA, 28, an ENAEX worker who was an active Socialist.

Manuel HIDALGO RIVAS, 23, an ENAEX worker who was an active Communist.

José Rolando HOYOS SALAZAR, 38, an ENAEX worker who was a labor union leader and an active Socialist.

Rosario Aguid MUÑOZ CASTILLO, 26, an ENAEX worker who was an active Socialist.

Milton Alfredo MUÑOZ MUÑOZ, 33, an ENAEX worker who was an active Socialist.

Víctor Alfredo ORTEGA CUEVAS, 34, an ENAEX worker who was an active Socialist.

Roberto Segundo ROJAS ALCAYAGA, 36, an ENAEX worker

who was not politically active.

Jorge Rubén YUENG ROJAS, 37, an ENAEX worker who was not politically active.

The last ten of these men were working at the Dupont explosives plant which belonged to ENAEX (National Explosives Company). Police arrested them on company grounds at noon on October 12 and immediately took them to the local police station in the Dupont area. That same day they were transferred to the Calama police station where they were held in solitary confinement for about five days. Several times while they were being held there they were taken to other locations and subjected to interrogation and torture. On October 17 they were placed in the local jail. There is no exact documentation on the charges against them, nor is there any on whether they had been tried at the time of their execution.

On October 20, 1973, the press offered official information from the local commander to the effect that twenty-six prisoners from the Calama jail had been killed by soldiers who were taking them to the jail in Antofagasta, when they tried to take advantage of an electrical problem in the vehicle in order to escape. The immediate family members of those executed were told the same thing. They were not given the remains of those killed however, but only death certificates which stated that the place of death was Calama and the cause of death was shooting. At that time the military authorities made a commitment to turn over the bodies after a year but in fact never did so, even though the families had documents to prove that commitment. Despite repeated efforts to locate the bodies, only in 1990 was it possible to find the place where they had been illegally buried at least for a time and from which they had been taken or blown up at some point. Nevertheless, experts were able to identify some remains of Haroldo Cabrera.

In considering the events that led to the shooting of the twenty-six prisoners in Calama, the Commission came to the conviction that they were all executed in total disregard for the law in a cruel and barbarous manner and that government agents were responsible for this lawless action. The grounds for that conviction are as follows:

* The official account that prisoners were being transferred is scarcely credible, particularly when a delegation from Santiago was present for the very purpose of examining the trial

situation of the prisoners. Indeed, some have even claimed, although they have not been able to prove it, that when the prisoners were removed from jail their case was being heard in a war tribunal, thus making it even more absurd that they should have been taken somewhere else. Moreover, it does not make sense that they would be transferred, if we take into consideration that by this date many of these prisoners had already been sentenced, others were being tried, others were to be sent to internal exile, and others had not been brought to trial at all. All these facts undermine the notion that there was some reason why all of them had to be taken as a group to Antofagasta.

* An escape attempt is unlikely, among other reasons, because among the prisoners some had been sentenced to relatively light sentences, others were still in frail health due to torture they had undergone, and finally because escape would be very difficult since they were being guarded by a large detachment of soldiers.

* Even more importantly, various authorities and officers involved in the events have spoken publicly about who gave the order to proceed with the executions. In doing so they did not mention any escape attempt, and indeed they have all denied the initial explanation.

* Several reliable witness accounts lead to the conclusion that officers from the Calama Regiment and from the delegation from Santiago were involved in the shooting.

* There was no institutional investigation ordered by competent authorities to properly clarify what had happened and define who had been responsible and to what degree, as should have been done. The judicial processes which were eventually determined to fall within the jurisdiction of the military justice system were likewise suspended when the decree law on amnesty went into effect.

* The fact that the bodies were not turned over to their relatives suggests that there was an attempt to conceal what had happened.

On October 25, 1973, Luis Eduardo CONTRERAS LEON, 33, an office worker at Chuquicamata who was an active Socialist, disappeared from the El Loa police station. Police arrested him together with other people on October 22 and took him to that

police station. On October 25 his relatives were told that he had been released, but they were given no other information. Since that date there has been no further word on the whereabouts and final destiny of Luis Contreras. It is the Commission's conviction that the government agents who were holding him were responsible for his forced disappearance by reason of these considerations:

- * It is certain that he was arrested by police and was present at that police station;

- * Had he actually been released, it is unlikely that he would have failed to contact his family from that moment to the present.

Tocopilla

On September 11, 1973, Manuel del Carmen MUÑOZ CORNEJO, 33, assistant manager of the SOQUIMICH plant, was arrested in his home by uniformed troops. He was taken to the jail in Tocopilla where his wife was able to visit him on September 12 and 13. When she arrived on the 14th, she was told that he was no longer there but was given no further explanation. The Commission came to the conviction that government agents were responsible for the disappearance of Manuel Muñoz and that his human rights were violated, by reason of the following circumstances:

- * He had been publicly ordered to report to the authorities on September 11, shortly before he was arrested;

- * It is established that he was held in the Tocopilla jail for three days; employees there gave no information about who had taken the prisoner away;

- * From the time that there has been no further word about him, he has not contacted his relatives and this incomprehensible fact leads to the conclusion that his disappearance was not due to his own decision but rather by force.

On September 12, 1973, Vitalio Orlando MUTARELLO SOZA, 28, a labor union leader at SOQUIMICH who was an active Socialist, was arrested by police at the Pedro de Valdivia substation. He had voluntarily reported there that same day. Since that time there has been no further information concerning his whereabouts or fate. On December 10, 1974 the regional

governor in an official letter told his relatives that Vitalio Mutarello had voluntarily reported to the police in Pedro de Valdivia and subsequently had been released. The Commission came to the conviction that government agents were responsible for his forced disappearance by reason of the following circumstances:

- * Testimony from witnesses as well as a government official have attested that he was held prisoner at the Pedro de Valdivia substation;

- * The official account that Mutarello was released is not plausible since if that were true it is not likely that there would have been no further word about him for seventeen years;

- * The two people with whom he shared the local leadership of the Socialist party were shot in Antofagasta on September 20 after being arrested by the same police forces from Pedro de Valdivia and on the basis of accusations by police officials there. Thus it is hardly credible that Mutarello would have been freed and not accused as were his colleagues. It should also be noted that the two who were shot were transferred to Antofagasta on the same day that Mutarello was supposed to have been released, and were held in solitary confinement until the day they were executed.

On September 13, 1973, Luis Alberto GOMEZ CERDA, 35, a foreman who was a union leader and an active Socialist, was arrested by police at the CODELCO boarding house in Tocopilla. Several witnesses observed him being arrested there. Using a private automobile, the police patrol drove him to the Tocopilla police station. The next day his relatives were told that he was being held in solitary confinement. On October 15, they were told that he had been released at 9:00 p.m. the previous night. Curfew began at 7:00 p.m. Since then there has been no further word concerning the whereabouts and final destiny of Luis Gómez, despite all his relatives' inquiries. The Commission came to the conviction that he disappeared by force at the hands of government agents by virtue of the following considerations:

- * It is an established and acknowledged fact that Luis Gómez was arrested by police personnel and was held at the Tocopilla station.

- * It is hardly likely that he would have been released as police officials at that station claim, since it is not very likely that

he would be released during the curfew period [line missing in text] a time of great danger.

* Police officials in Tocopilla refused to provide any documentation to the effect that he had been arrested and later released.

* There has been no communication between him and his family since his supposed release.

On September 19, 1973, Ernesto Manuel MORENO DIAZ, 18, a high school student who was an active Socialist, and Iván Florencio MORAN ARAYA, 21, an office worker who was an active Socialist, were killed by the Tocopilla police. These young men were arrested by the Tocopilla police at about 8:00 p.m. on September 18, 1973 and were then taken to the local police station, according to those who arrested them. At 12:45 a.m. the next day, September 19, their bodies were handed over to the morgue in the city hospital with the explanation that both had been killed while trying to escape. Their death certificates say that the place of death was, "Tocopilla, public thoroughfare, Avenida Costanera, address unspecified." The condition of the bodies indicated that these young men had been killed by beating and bullet wounds. No official and public version of these events was provided.

The Commission came to the conviction that the killing of these two prisoners was an execution by government agents in total disregard for the law, in view of the following considerations:

* The fact that testimony by witnesses indicates that after being arrested both prisoners were handcuffed and tied, making it practically impossible for them to have attempted to run away from their captors.

* The prisoners were likewise unarmed and at the mercy of their captors, who were armed police and trained to control prisoners, thus making it even more implausible that they may have tried to escape.

* There are reliable witness accounts that the prisoners were present at the police station, and there is no explanation or reason why they should have been taken away just a few hours after they were arrested.

On October 6, 1973, these five prisoners were executed in the area of the La Veleidosa mine, near Tocopilla:

Freddy Alex ARAYA FIGUEROA, 21, a university student and active Socialist; he had been arrested September 30, 1973 at a relative's house and taken to the investigative police headquarters and then two days later to the Tocopilla police station;

Reinaldo Armando AGUIRRE PRUNEDA, 28, an office worker at SOQUIMICH and an active Socialist; he was arrested October 4, 1973 by investigative police from Tocopilla and taken to the police station there;

Claudio Rómulo TOGNOLA RIOS, 42, a doctor and active Socialist; he was arrested September 16, 1973 at his home by police and investigative police, taken to the police station and then held in the jail;

Luis Orozimbo SEGOVIA VILLALOBOS, 28, an engineer at the Chuquicamata copper mine and an active Socialist; he was arrested September 11, 1973 while on the job; despite his family's efforts to locate him in a number of prison sites, there was no information on his whereabouts until the operational commander in Tocopilla published an official communiqué on an escape attempt;

Carlos Miguel GARAY BENAVIDES, 25, a foreman at the Chuquicamata copper mine and active Communist; police arrested him at work on September 12; he was taken to the Tocopilla police station and then to the jail. According to an official communique by the operational commander in Tocopilla and published in the Antofagasta newspaper La Estrella, on October 8, Carlos Garay Benavides, Luis Segovia Villalobos, Claudio Tognola Ríos, Freddy Navarro Araya, and Reinaldo Aguirre Pruneda, who were being held prisoner in the Tocopilla jail, were taken to a mine fifteen kilometers north of Tocopilla in compliance with an order from the military prosecutor's office. Taking advantage of the fact that the armed forces and police personnel "were uncovering a large amount of dynamite and other explosives, the prisoners ran away down into the mine, and since they ignored warnings and orders to halt, they were fired upon. As a result, Freddy Navarro Araya and Reinaldo Aguirre Pruneda were brought down. The other prisoners managed to escape into the mine, but evidence gathered on site indicates that they were wounded as they fled."

The mortal remains of Reinaldo Armando Aguirre and Freddy Alex Araya Navarro were handed over to the local morgue, where their relatives picked them up after learning of the official communiqué. The official account, which was quite flimsy by itself, was refuted in 1990, when by judicial order the La Veleidosa mine was excavated and the remains of those said to have fled and who had remained disappeared, were found and legally identified. Their condition indicated they had been executed.

The Commission came to the conviction that the five people listed were executed while imprisoned by government agents who thus gravely violated human rights, by virtue of the following circumstances:

- * It is unlikely that a group of heavily guarded prisoners would have tried to escape, especially during an effort to look for arms and explosives.

- * Moreover, various reliable witness accounts indicate that at least some of the victims were in frail condition as a result of the torture to which they had been subjected while imprisoned.

- * Finally, the fact that the dead bodies of those who were supposed to have escaped appeared at the site of the events, hidden in a mine and with indications that they had been executed, refutes the official account of their escape.

On October 7, 1973, René PAREDES CORTINEZ, 21, a merchant who was a MIR activist, and Lino Fidel VALDES MORENO, 24, were executed in Tocopilla. Detectives arrested both of them on October 7 at Paredes's home and took them to the investigative police headquarters. Friends took them clothes and food, which officials there accepted. That same day a radio report said that both had been executed for attempting to escape. Their bodies were handed over to the local morgue where they were identified by relatives of René Paredes. The death certificates state that the cause of death was "bullet wounds"; in the case of René Paredes the place is said to be a "public thoroughfare in Tocopilla," while Lino Valdés is said to have been executed in María Elena. This latter point is untrue, since all the evidence indicates that they were executed together at the same moment and in the same place. The proof is the fact that they were arrested together, the date of death, the fact that both bodies were turned into the morgue, the numerical

correlation of their death certificates, and the official radio account which explains these executions as an escape attempt by both prisoners. Moreover, it has been possible to establish that the investigative police headquarters in Tocopilla was the last place where both were present.

The Commission came to the conviction that the deaths of Paredes and Valdés were totally unjustified executions committed by government agents in violation of the most fundamental human rights, by virtue of the following circumstances:

* The lack of any plausible explanation for the fact that the prisoners were on a "public thoroughfare" when they were killed, for had they attempted to escape from headquarters, that would have been given as the place of death, as is the usual practice.

* Reliable witness accounts attesting to the fact that both were seen under arrest inside police headquarters.

* Even had there been some escape attempt it does not seem reasonable that the only way to prevent it was to shoot them to death.

On October 23, 1973, the following people were executed in the police station in Tocopilla:

Carlos Oscar GALLEGOS SANTIS, 30, a teacher who was an active Socialist. He had been arrested September 17 near his home and taken to the Tocopilla police station. He remained there unable to receive visitors until the day of his death.

Breno Benicio CUEVAS DIAZ, 45, a health inspector who was an active Socialist. Police arrested him at home on September 16, 1973. He was taken to the Tocopilla police station and was held there and in the local jail. He was not allowed to receive visitors during the period of his arrest.

Julio Enrique BREWE TORRES, 26, a teacher who was a labor union leader and an active Socialist. He was arrested when he voluntarily reported to the Tocopilla police station on September 18 and was held there and prohibited from receiving visitors until the day of his death.

Vicente Ramón CEPEDA SOTO, 31, a surgeon who was director of the CODELCO Polyclinic and an active Socialist.

Police arrested him on September 20 and took him to the police station where he remained until his death, unable to receive visitors. He was taken out to other sites for interrogation and then returned to the police station.

On October 23 an official communiqué from the local commander of the zone under state of siege gave an account of how the deaths occurred: "As the jail guard at the Tocopilla police station was opening the door of a cell in response to a request from the prisoner Vicente Cepeda Soto to go to the bathroom, Cepeda suddenly attacked the guard with the aid of his cellmates, Bruno Cuevas Díaz, Julio Brewe Torres, and Carlos Gallegos Santis. They seized his SIG rifle, but they could not use it since they did not know how to handle it and the safety latch was on." In response to the guard's cries for help, other personnel arrived and "immediately opened fire on the attackers who were shot down on the spot." All of this was in accordance with "Military Decree No. 8 dated last September 19 and with Article 281 of the Military Justice Code." That communiqué was published in the Antofagasta newspaper El Mercurio for October 25, 1973 under the headline, "Four Subversives Shot Down in Tocopilla." The death certificates stated that the cause of death was bullet wounds and the place and time were the Tocopilla police station at 3:55 a.m.

The Commission came to the conviction that the deaths of these four prisoners were executions committed by government agents in total disregard for the law and in violation of their human rights, by virtue of the following circumstances:

- * The unlikelihood that these people would have tried to escape from their prison in the manner described in the official account, for that would have entailed confronting the whole police station with a single weapon, which indeed they did not know how to use, and in conditions of frail health after a month of imprisonment and subjection to repeated interrogation;

- * Even had something like this taken place, it does not seem necessary to put it down as was done, that is, by killing four prisoners who did not know how to use the weapons they had seized and even allowed the guard to call out to his colleagues.

d. Third Region – Atacama
Overview

This section presents nineteen cases of human rights violations that took place in the Atacama Region between September 11 and the end of 1973. All of them ended in death and in all cases the Commission came to the conviction that the government was responsible for the actions of its agents or people working for them. On September 11 the commander of the regiment at Copiapó took charge of the Third Region, which now covers the provinces of Chañaral, Copiapó and Huasco, and he acted as operational commander.

The new authorities brought the zone under control immediately and without any resistance. Except for a case that will be described below, it was not until mid-October that anyone was killed for political reasons or for the sake of public order. There were no military casualties and the Commission did not learn of any incident during this period that might be characterized as an armed clash or one in which the armed forces were attacked. According to the document titled "Situation of the Country No. 7" issued by the Ministry of National Defense on September 15, 1973, the situation in Atacama was one "of calm with everything under control. Casualties: there have been no military casualties; one civilian killed and 123 prisoners." All indications are that the authorities had complete control over the province as soon as they took power.

In the cases of human rights violations examined by the Commission, the victims had ties to the previous government. They were people known to be politically active in a leftist party or movement, primarily the Socialist party, and to a lesser extent the MIR and the Communist party. Only one of those persons killed was not politically involved. Generally speaking, these people had regional or national political positions or served as managers in state enterprises, or were leaders in student, labor, or neighborhood organizations. All were males, and most were young, between twenty and thirty years old.

The arrests were also selective and were concentrated in the city of Copiapó, although in smaller towns police also held some officials from the previous government under arrest in their stations. In Copiapó, which was then the provincial capital of Atacama, people were generally first picked up by the police and then taken to the jail. In jail they could receive visitors and as far as this Commission was able to determine, they were not subject to mistreatment or violence. While they were being held in detention, the prisoners were taken to the regiment at Copiapó for interrogation. The fact that a person was taken to

the military base in this manner was sometimes in effect the beginning of being brought to trial. People were never held at the regiment for more than a week. During this time prisoners were kept in solitary confinement, or at least they were not allowed to receive visits from their relatives. At the regiment headquarters they were commonly subjected to torture and other unlawful mistreatment.

No prisoner was executed before October 17, the date when a military delegation from Santiago arrived at Copiapó. Sixteen prisoners were killed that day and the next. In the explanations provided by military authorities, thirteen were shot to death because they tried to run away and three were executed in compliance with a sentence issued by a war tribunal. The Commission finds neither of these accounts plausible or justified.

The authorities acknowledged all the deaths in the region and there were no cases of people who disappeared after arrest. Nevertheless, as a rule the relatives were unable to bury their loved ones, and in some cases they did not find out the exact location of their graves. Thus in Copiapó the bodies of the thirteen who were killed in the supposed escape attempt on October 17 were not turned over; the official communique indicated that they had been buried in the city cemetery, but the families were not told where they had been buried. Only in 1990, partly as a result of a judicial petition on the part of this Commission, was it possible to determine where they were buried and to have them exhumed. After being identified, the bodies were handed over to the families so that they could provide them with a dignified burial. Those who were executed by a decision of a war tribunal were buried in the local cemetery by official order, and were then transferred to burial sites unknown to their families to this day. Elsewhere in the region, the attitude of local authorities in this regard varied, as will be noted in each case.

Cases of grave human rights violations in the Atacama Region

Copiapó

On October 17, 1973, during the early morning hours, thirteen people who were being held prisoner were executed.

Winston Dwight CABELLO BRAVO, 28, a commercial engineer who was the regional head of ODEPLAN (National

Planning Office) and active in the Socialist party. He was arrested on September 12, at the governorship and transferred to the regiment at Copiapó (now called the Captain Rafael Torreblanca Regiment).

Agapito del Carmen CARVAJAL GONZALEZ, 32, a government official who was active in the Socialist party. He was arrested at his home and taken to the Copiapó Regiment.

Fernando CARVAJAL GONZALEZ, 30, an office worker who was active in the Socialist party. He was arrested on September 22 at his home and taken to the Copiapó Regiment and then to the local jail.

Manuel Roberto CORTAZAR HERNANDEZ, 20, a high school student and leader who was a MIR activist. He reported to the military authorities after being summoned by a military decree on September 17, 1973. He was held prisoner in the Copiapó jail, and was taken to the regiment on October 2.

Alfonso Ambrosio GAMBOA FARIAS, 35, a teacher who was manager of Radio Atacama and active in the Socialist party. Police arrested him at his home on September 15, and took him to the prison at Copiapó.

Raúl del Carmen GUARDIA OLIVARES, 23, a government official who was active in the Socialist party.

Raúl Leopoldo de Jesús LARRAVIDE LOPEZ, 21, a student of engineering and mining at the Copiapó campus of the State Technical University who was a MIR activist. He was arrested on September 12, 1973 on the university grounds and was taken to the Copiapó Regiment. In late September he was transferred to the local prison.

Edwin Ricardo MANCILLA HESS, 21, a student of pedagogy at the normal school who was president of the student center and regional secretary of the MIR. Police and investigative police arrested him at his home on October 15 and took him to the prison in Copiapó and then to the regiment.

Adolfo Mario PALLERAS NORAMBUENA, 27, a merchant who was a neighborhood leader and a MIR activist. Summoned by the authorities in a military decree, he decided not to present himself. He was arrested by police on October 15, and taken to the Copiapó Regiment and later transferred to the prison.

Jaime Iván SIERRA CASTILLO, 27, a radio announcer who was active in the Socialist party. Investigative police arrested him at his home on September 20 and took him to their headquarters. From there he was transferred to the Copiapó Regiment.

Atilio Ernesto UGARTE GUTIERREZ, 24, a student of mining engineering at the Copiapó campus of the State Technical University who was a MIR activist. He was arrested October 14 at the residence hall where he lived and was taken to the Copiapó Regiment.

Néstor Leonello VINCENTI CARTAGENA, 33, a teacher who was the regional secretary of the Socialist party. He was arrested by troops and taken to the Copiapó Regiment.

Pedro Emilio PEREZ FLORES, 29, a mining engineer and professor at the Copiapó campus of the State Technical University who was a government representative at the Elisa de Bordo mining plant and a Socialist party leader. He was arrested September 25, 1973 at his home, which was then searched by investigative police, who took him to the Copiapó prison.

The Commission has been able to verify that several of these people were subjected to torture and other unlawful mistreatment.

Through an official communiqué published in the newspaper Atacama on October 18, 1973, the commander of the zone under state of siege stated that the thirteen people on the list had been killed. He added that an escape plan had been discovered among the prisoners at Copiapó. In view of the insecurity and overcrowding of the prison, the military prosecutor's office had proceeded to "send a group of the more dangerous people who were being tried in the military justice system to the La Serena prison." The official communiqué goes on to say that they had been taken in a regiment truck which developed an electrical problem just before getting to the top of Cuesta Cardones. "Taking advantage of the fact that the driver and his assistant were trying to deal with the mechanical failure, the prisoners suddenly took advantage of a careless moment by one of the guards, and jumped to the ground and started to run toward the brush. Even though the guards yelled 'Halt' several times and even shot into the air to frighten them, they did not

stop". The report continues, "in view of this situation, they proceeded to shoot at the fugitives, wounding thirteen of them and they died on the spot."

A number of documents such as death certificates and cemetery registration have confirmed the date and time of their death. The fact that they left the prison has also been duly attested. After they were killed, their bodies remained inside a truck at the Copiapó Regiment and were buried at the local cemetery by troops in a common grave between the end of the day on October 17 and early on the 18th. Not even the families were informed exactly where they were buried. Only on July 31, 1990, as the result of a judicial request made by the Commission, were the remains of these thirteen people exhumed. After being identified, they were turned over to their relatives for final burial.

This Commission rejects the official account that the persons listed had to be killed to prevent them from escaping in view of the following circumstances:

- * The thirteen victims had been chosen for transfer to La Serena because they were dangerous, as that official account indicates, and thus presumably they were under heavy military guard in a well prepared operation; hence if the vehicle had developed a mechanical problem that guard would have been sufficient to prevent them from even getting to the point of running into the brush.

- * This Commission also finds it unlikely that a heavily armed military patrol would have found that the only way of recapturing thirteen prisoners fleeing into the desert would have been to kill them. The physical condition of some of the prisoners after a number of days of imprisonment reinforces this point. The Commission also received several consistent circumstantial witness reports indicating the types of torture to which many of them had been subjected.

- * It does not seem very likely that in order to crush an escape attempt by thirteen prisoners it should be necessary to kill all of them on the spot.

- * The fact that their families were not allowed to view their bodies suggests that an effort was made to conceal matters.

- * The state of the remains when they were exhumed

indicates that these people were executed in a situation in which they were utterly under the control and at the mercy of the soldiers, and that is quite inconsistent with the official account. The remains of several of them were mutilated, but showed no bullet wounds and had obviously been cut with knives.

In view of the foregoing the Commission came to the conviction that these thirteen persons were executed without any justification by government agents, thereby gravely violating their human rights. The Commission has heard a variety of competent testimonies about the individual or individuals presumed to have been involved in planning and executing these grave actions, but it has not been able to come to a conviction on the matter of who was responsible, nor is that its proper role, and hence it takes no position on the matter.

On October 18, 1973, the following were shot by firing squad:

Benito TAPIA TAPIA, 32, an office worker at Cobresal who was a national leader of the Confederation of Copper Workers and a member of the central committee of the Young Socialists. He was arrested September 17, 1973 and taken to the prison in Copiapó and from there to the regiment headquarters in the city.

Ricardo Hugo GARCIA POSADA, 43, a commercial engineer and general manager at Cobresal who was active in the Communist party. On September 12 he reported to the authorities in Potrerillos and was held under arrest at the management office of the company. On September 14 he was taken to the Copiapó prison and then to the regimental headquarters.

Maguindo CASTILLO ANDRADE, 40, an office worker at Cobresal who was active in the Socialist party. On September 12 he reported to the authorities in Potrerillos after having been summoned to do so by a military edict, and was then released. Soldiers arrested him at his home September 15 and paraded him through the streets in the center of El Salvador gesticulating at him as the head of "Plan Z." He was then taken to the Copiapó police station. The day before these people were shot to death, soldiers who were part of a military delegation from Santiago ransacked their homes.

On October 18, the wives of these prisoners received a memorandum attributed to the secretary of the war tribunal, although it bore neither his name nor his signature. It stated that

their spouses had been executed that same day at 4:00 a.m. by virtue of war tribunal No. 3, and that the sentence had been approved by the honorable governing junta. The document makes no reference to the trial or sentence nor does it indicate the accusations. The same memorandum indicated that the remains were to be buried in the local cemetery at 7:00 p.m. and that only five persons would be allowed to be present. Troops buried them in the local cemetery. Family members were allowed to enter the cemetery only after the burial was over. At some point in the following years, the remains were moved to another burial site without the knowledge or the permission of the families. The judicial investigation carried out in July 1990 noted that their bodies were not in the place where they had originally been buried. Their burial site is still unknown.

Despite what is said in the memorandum to the relatives, consistent and trustworthy evidence lead this Commission to conclude that military authorities in the region decided to execute these people, that the delegation from Santiago approved of the decision, and that there was no war tribunal or due process. The following considerations in particular support that conclusion: * Despite repeated requests made to the competent institutions, it has not been possible to obtain documents from the trial.

* The families of those shot were previously told that they were to be put on trial, and hence they sought legal assistance, and the lawyer maintained continual contact with the military prosecutor assigned to the case. However, neither this defense lawyer nor the family members were told that a war tribunal was to take place on October 17.

* The Commission received several testimonies from people, including members of the military, who were unaware of any war tribunal.

* If in fact these people were put on trial in some fashion, that trial did not satisfy even the minimal requirements for a defense of those put on trial: their defense lawyer was not involved and no consideration was given to the previous blamelessness of their conduct, which for at least one of those executed was reliably established at the moment of execution. The only evidence of the accusations against them is what appeared in the newspaper Atacama on October 20, 1973, indicating that they were accused of inciting to violence and attempting to paralyze the Cobresal mining operation. In this

regard, it should be kept in mind that these three were imprisoned from the first few days after September 11, and therefore they could hardly have committed any crime in wartime.

In view of the foregoing, this Commission has come to the conviction that these three persons were executed without any judicial proceeding by government agents who thus gravely violated their right to due process and their right to life.

Other Places in the Region

On September 11, 1973, Javier Edgardo VALDIVIA ARTAYA, a worker in the El Algarrobo mine of the Acero del Pacifico company, was killed. He was shot by civilians who by order of the military were guarding the Vallenar water tanks. They have declared that they had to use their weapons to prevent Javier Edgardo Valdivia from trying to poison the city water tanks. The Commission has examined the court record used as evidence on these events and has received many consistent witness accounts enabling it to come to the conclusion that these civilians shot him without any action or provocation on his part that would justify such a measure. His attitude does not seem to have been of a kind to arouse suspicion; even if such were the case, however, these civilians could have stopped him or prevented any action on his part since he was on foot and unarmed. For these reasons this Commission holds the conviction that Javier Edgardo Valdivia's human rights were violated by civilians who were acting on behalf of government agents.

On October 24, 1973, Florencio VARGAS DIAZ, 65, the former mayor of Diego de Almagro who was an active Socialist, died at the police station there. He had been arrested by police from that station the previous day. His relatives, who visited him the day of his arrest, say that he showed no signs of emotional disturbance nor of having been mistreated. On October 24 his body was left at the morgue and his family was told that he had hung himself from the bars of his jail cell with his shirt. The death certificate states that the cause of death was "asphyxiation by hanging as from a suicide." This Commission finds the story that he committed suicide implausible, and in fact holds the conviction that the death of Florencio Vargas entailed a violation of his basic rights by government agents. The following points support that conviction:

* The nature of the cell in which he was being held, which his relatives observed when they visited him, made suicide by hanging practically impossible since the only place from which he could have hung were some bars in the windows which were less than a meter and a half high, and the way they were attached to the wall made such an operation unlikely.

* The Commission has also heard credible accounts indicating that Florencio Vargas was found dead with his jacket on, and that fact is hard to explain if he hung himself with his shirt.

* Since Vargas was imprisoned and in the custody of personnel from that police station, and if suicide is ruled out as implausible, his death could only have been the work of a member of the police on duty there.

On December 14, 1973, Juan LOPEZ TORRES, a miner and former mayor of Vallenar who was an active member of the Communist party, was killed by local police. He had been summoned by a military decree issued by the operational commander in Vallenar, and hence he tried to cross over into Argentina immediately after September 11. According to the official account provided in Military Decree No. 39 by the commander issued on December 14, 1973, López Torres is said to have been killed that day at a place called Mina La Restauradora as he was trying to run away from a police patrol which was under orders to capture him. The account claimed that López Torres was armed and had already run away from that same patrol once before on September 12.

This Commission finds the explanation that Juan López was killed while trying to escape of little worth for presumably a patrol ordered to capture a fugitive is normally able to apprehend such a person alive if he or she does not resist, as indeed was the case in this instance. Reinforcing this conclusion is the fact that the authorities had Juan López buried at the Huasco Bajo cemetery, and they set a period of three years during which his remains could not be exhumed. Had the official account been true, it is not clear why such a measure preventing an examination to see the wounds which had caused his death should have been taken. This Commission has come to the conviction that Juan López was executed by government agents in total disregard for the law and that this action was a violation of his human rights.

e. Fourth Region – Coquimbo
Overview

This section deals with the grave human rights violations ending in death that took place in the Fourth Region, which includes the current provinces of Elqui, Limarí, and Choapa. These events took place between September 11 and the end of 1973. The Commission came to a conviction on twenty-two of these cases; in all of them government agents were responsible for a person's death. Sixteen of these cases took place in La Serena, three in Vicuña, two in Andacollo and one in Illapel.

The new authorities had matters under control in this region as of September atmosphere was calm and there were no armed clashes or other manifestations of reactions to the authority of the military. After September 11, the commander of the Arica Regiment, based in the city of La Serena, assumed military and political rule and functioned as operational military commander and as governor.

Most of those killed were people connected to the previous government, and a number of them had been government officials. They were active in the Socialist and Communist parties, and in MIR and MAPU, or they were independent people who had ties to the Popular Unity and were politically involved. In only two instances were the victims not politically active and their deaths were apparently not politically motivated. Thus the human rights violations in the Comquimbo Region were obviously selective. Those responsible for the actions this Commission examined were government agents who belonged to the army or the police. The former were responsible for all the events that took place in La Serena, and the latter were involved in carrying out the arrests. The investigative police in the city of La Serena also carried out arrests.

An episode that stands out was the execution of fifteen people at the Arica Regiment in La Serena on October 16, 1973. A military delegation then traveling through the northern part of the country with delegated authority was at that moment in La Serena and it was involved in the execution. The overall aspects of that journey have already been noted.

In La Serena the prisoners were generally taken to the jail, while elsewhere they were taken to police stations and if there were serious charges against them, they were transferred to the jail in La Serena. This facility was the most important detention site. In

early November 1973, it held 474 political prisoners. The report issued by the International Red Cross on that date notes that overcrowding was a serious problem. The prisoners were held in five groups, each with an average of ninety people.

"Overcrowding is extreme. Each prisoner has approximately .91 m², .98 m², 1.23 m², or 1.11 m², varying from area to area.... Some sleep in the halls connecting the areas.... Most of the prisoners sleep on the floor, often without a mattress.... Each area has a single toilet, a single wash basin and a single shower (actually a pipe). Given the overcrowding, cleanliness leaves much to be desired." It says that "the food provided to the prisoners is plain and unvarying."

The Commission received a good deal of consistent testimony concerning physical torture carried out in the police installations in Salamanca, Vicuña and Andacollo. There were accusations that torture was practiced at the regiment in La Serena, where the prisoners were taken for interrogation.

As was the case elsewhere in the country, local authorities, whether military or police, decided what should be done with the bodies of the victims. In La Serena the bodies were not handed over to the relatives, but buried by army troops without informing the families of the site. The same was true of the two people killed in an operation in Vicuña carried out by soldiers from the regiment at La Serena. Elsewhere, in Vicuña, Illapel, and Andacollo, the body was generally turned over to the relatives in a sealed coffin so that they could have them buried in a strictly private manner. In only one case was the body handed over to the family for burial.

Cases of grave human rights violations in the Coquimbo Region

On September 16, 1973, Jorge Manuel VASQUEZ MATAMALA, 52, a labor union leader who was governor of Elqui and a MAPU activist, was killed by a police patrol from Vicuña. He had been summoned by edict to report to area authorities some days after he relinquished his responsibility as governor. Trying to flee to Argentina he reached the hamlet of Matancillas in the area of Rivadavia where a police patrol found him. The police went into the house where Jorge Vásquez was staying. Many witnesses say they could hear shouts, beating, and shooting and observed him being taken away. Several days later his body was turned over to his family in a sealed coffin, and a private burial under police guard was permitted.

The official account which appeared in the local newspaper, stated that "the MAPU figure Jorge Vásquez was killed when he put up resistance and failed to obey a warning given three times by the security forces." The Commission came to the conviction that Jorge Vásquez was executed by government agents and that this was therefore a violation of human rights by reason of the following:

- * Credible witnesses attest that there was no gun battle;

- * His death certificate states that the cause of death was "hypovolemic shock, a bleeding peritoneum, and a burst liver," thus indicating that he died as a result of beating and not of gunshots, as indicated in the official account.

On October 7, 1973, Pascual Antonio GUERRERO GUERRERO, age unknown, a miner who was not known to be politically active, was killed by the Andacollo police. According to the official account which appeared in the local press, he was arrested together with eleven other people and was accused of taking part in a political meeting. The family rejects that account and says it was a family party. According to the official communique from the operational commander published in the La Serena newspaper El Día on October 8, 1973, as he was being taken to the police station, Pascual Guerrero "tried to seize a policeman's weapon. Unable to do so, he went running. A warning shot was fired into the air but he did not stop and so he was shot down on the spot." The Commission judges that in this instance government agents were responsible for a human rights violation, namely executing Pascual Guerrero. The grounds for that conviction are the following points:

- * The other people arrested at the supposed political meeting were not brought to trial, as would have happened had the official account been true.

- * It is not likely that people arrested and disarmed by a detachment that had at their disposal the means of repression and adequate police training would have found it necessary to kill someone trying to escape, even if that was what actually happened.

On October 16, 1973, fifteen people who were being held at the La Serena jail were executed at the Arica Regiment in that city:

Oscar Gastón AEDO HERRERA, 23, a forestry expert who was an active Communist. He was arrested October 6 by police from the Salamanca police station. He was kept in solitary confinement until October 12, when he was transferred to the jail in Illapel. From there he was taken to the La Serena Regiment and arrived there in the early morning of October 16.

Carlos Enrique ALCAYAGA VARELA, 38, a mason and regional secretary for the CUT labor federation who was governor of Vicuña and a MAPU activist. He was arrested September 12, by the Vicuña police and taken to the police station there, and from there to the La Serena jail.

José Eduardo ARAYA GONZALEZ, 23, a small farmer who was active in the Communist party. He was arrested in Salamanca and taken to the local jail. Four days later he was transferred to the jail in Illapel where he was held until October 15, and was then taken to the La Serena jail.

Marcos Enrique BARRANTES ALCAYAGA, 26, a foreman at the MANESA tire plant who was an active Socialist. Soldiers arrested him on the job September 16 and took him to the La Serena Regiment and then to the local jail.

Jorge Abel CONTRERAS GODOY, 31, a small farmer who was not known to be politically active. He was arrested by police, taken to the Illapel police station and from there to La Serena. He was kept in solitary confinement.

Hipólito Pedro CORTES ALVAREZ, 43, a worker and a municipal employee who was a leader in the construction workers union and active in the Communist party. Police from Ovalle arrested him at his workplace and took him to the local police station and from there he was taken to the La Serena jail.

Oscar Armando CORTES CORTES, 48, a small farmer who was active in the Communist party. Police from Ovalle arrested him at his home September 22 and took him to the police station. He was later transferred to the jail in La Serena.

Víctor Fernando ESCOBAR ASTUDILLO, 22, an agronomist who was employed by the ECA (Company for Agricultural Trade) and local secretary for the Communist party. On October 1 he was arrested by police from Salamanca and taken to the local substation. He was then taken to the Illapel jail and then to the La Serena jail.

Jorge Mario JORDAN DOMIC, 29, a doctor who was active in the Communist party. He reported to the Ovalle police station September 12 in response to a summons by military edict. He was held there a day and then remained under house arrest. Rearrested on September 16, he was taken to the La Serena Regiment and from there to the local jail.

Manuel Jachadur MARCARIAN JAMETT, 31, a farmer who was active in the Communist party. Police arrested him September 16 in Los Vilos. He was taken to the jail in Illapel, where he remained until September 18, when he was transferred to the La Serena jail.

Jorge Ovidio OSORIO ZAMORA, 35, a university professor who was an active Socialist. On September 17 he was arrested by investigative police on the grounds of the MANESA tire factory and taken to the jail in La Serena.

Jorge Washington PEÑA HEN, 45, a musician who was a university professor and an active Socialist. Police from La Serena arrested him September 19 and took him to the police station and then to the jail in the city, where his family visited him.

Mario Alberto RAMIREZ SEPULVEDA, 44, a university professor who was active in the Socialist party. Upon receiving a summons he reported to the headquarters of the investigative police in La Serena on September 27. He was arrested and immediately taken to the regiment and then to the jail in the city. His family was allowed to visit him only on two occasions. Most of the time he was held in solitary confinement.

Roberto GUZMAN SANTA CRUZ, 35, a lawyer who was an advisor to the Compañía Minera Santa Fe (Santa Fe Mining Company) and a MIR activist. On September 14 he voluntarily reported at the Incahuasi checkpoint after being told that he had been summoned by authorities in La Serena. He was arrested and taken to the jail in La Serena and tried for violating the Law of Internal State Security. A war tribunal held September 27 sentenced him to five years imprisonment. On June 26, 1975 after he had been executed by decision of the commander-in-chief his sentence was lowered to 541 days.

Gabriel Gonzalo VERGARA MUÑOZ, 22, a small farmer who was a MAPU activist. He was arrested October 12, 1973 by police

from Ovalle. After being held for two days in the local police station he was taken to the Arica Regiment in La Serena. In both places he was held in solitary confinement. He was then taken to the La Serena jail.

Through the newspaper the operational commander's office issued an official communiqué which stated: "The citizenry is notified that at 4:00 p.m. today October 16 the following persons were executed in accordance with the provisions on wartime military tribunals..." Mario Ramírez, Jorge Peña, Marcos Barrantes and Jorge Osorio were said to "have been involved in obtaining and distributing guns and in activities of paramilitary instruction and organization aimed at attacking the armed forces, the police, and people in the area." Oscar Aedo Herrera, Víctor Escobar, José Araya and Jorge Contreras were said to "be members of a terrorist group that was planning to take over the Salamanca police headquarters on September 17 and to kill those on duty there and all their children over eight years old, as well as kill a group of more than thirty people in the city, whose names will not be provided for obvious reasons." Hipólito Cortés Álvarez, Jorge Jordán, Gabriel Vergara and Oscar Cortés were said to have "hidden underground a vast supply of fifteen weapons, a good deal of ammunition and explosives in order to attack the Ovalle police on September 17." It was also noted that they had "been involved as guerrilla instructors in the area." Carlos Alcayaga was said to have been shot for "forcefully taking explosives from the magazine of the Contador mine in Vicuña on September 11, 1973, explosives which were found buried and ready to be used." He was also said to be "an instructor in the use of explosives in a guerrilla school operating in Vicuña." Manuel Marcarian was said to have been executed "due to a discovery of explosives to be used for attacking the police substation in Los Vilos, and for having ignored the military summons and the warnings police had issued in person." Roberto Guzmán was said to have been executed "for inciting the miners of the camp at Desvío Norte and nearby to seize the explosives supplies and put up armed resistance to the junta."

Their bodies were not turned over to their families for burial. The official account issued by the local military authority refers to a war tribunal held October 16, which is said to have issued the death sentences for these fifteen prisoners, and notes that the tribunal that issued the sentence "came especially from Santiago." This Commission has established that a special delegation from Santiago with power to examine the situation of area prisoners was on hand. The Commission has heard

credible testimony on the names of the persons who were arrested by the military officers who made up that delegation and the fact that they decided which people's situation should be reviewed.

With regard to these killings, the Commission received a good deal of competent testimony that agreed on certain facts: the fifteen prisoners on the list were executed without any due process of law by government agents. The following items support that conviction:

- * Credible witnesses have testified on the sequence of events leading to the death of the fifteen prisoners: since almost no time passed between the moment when their cases were reviewed and the execution, a war tribunal could not have been conducted in accordance with the law.

- * It is a fact that when the supposed war trial was conducted the accused were not accorded their right to a defense, since no lawyers were present and they had no chance to defend themselves against the accusations. In fact, as was noted above, Roberto Guzmán had been sentenced by a war tribunal to a five year sentence, which in 1975 was lowered to 541 days.

- * Despite repeated requests and inquiries the Commission was unable to obtain a copy of the judicial sentence or any documentation from the trial in connection with the sentencing of the fifteen defendants.

Since, therefore, the accused had no chance to defend themselves, and the accusations do not appear on any document to which the Commission had access, this Commission has come to the conviction that the fifteen executions were a human rights violation for which government agents were responsible.

On November 1, 1973, José Segundo RODRIGUEZ TORRES, 23, a merchant who was not politically active, was killed at the Arica Regiment. He had been arrested at home October 30 by troops who took him to the regiment. On November 3 the press carried an official communiqué, stating that at 3:00 p.m. on November 1, José Segundo Rodríguez had been shot down "when he was being held prisoner and tried to escape..." The communiqué also noted that he was a common criminal. Since it is established that he was arrested and was killed inside the La Serena Regiment grounds, the Commission came to the

conviction that José

Rodríguez was executed. Government agents are shown to have been responsible for a human rights violation by reason of these circumstances:

* Taking into account the nature of the place he was being held, a military garrison which had every reason to be under heavy guard when these events took place, it does not seem likely that he would have tried to flee.

* Had there been an escape attempt, it must be assumed that such a large number of troops as were on the regiment grounds and who had their training and weapons could prevent flight without finding it necessary to kill the supposed fugitive.

One week later, on November 8, 1973, his father, José RODRIGUEZ ACOSTA, 55, a merchant who had been held prisoner at the same military post starting November 7, where he had presented himself after his home was searched, was also killed. The death certificate states that the cause of death was a "bullet wound," and that the place was the "Arica Regiment in La Serena." There is no official account of these events. The Commission came to the conviction that José Rodríguez was killed by government agents who gravely violated his right to life. The grounds for that conviction are as follows:

* Documents prove that he was killed on the regiment grounds by a bullet wound, and thus it is reasonable to presume that army troops were responsible.

* There is no explanation for why he had to be killed, let alone without a trial with due process.

* There was no response to the many requests this Commission made for information on the case.

On November 16, 1973, José Exequiel ROJAS CORTES, 39, a merchant who was not known to be politically active, died in the jail in Illapel. He had been arrested by police from Illapel, and three days later he was taken to the jail in that city. There is a good deal of credible testimony on the torture and unlawful mistreatment to which he was subjected and on his worsening physical condition. On November 16, his wife was informed that José Exequiel was dead, and she was told that he had committed suicide by cutting his veins. His body was handed

over for burial in a sealed coffin. The Commission came to the conviction that government agents were responsible for the death of José Rojas Cortés by virtue of the following:

* According to several witnesses, he had been subjected to torture.

* He was being held in a prison under guard and did not have access to the means enabling him to commit suicide.

* His body was handed over in a sealed urn and his relatives were forbidden to open it.

All the foregoing lead the Commission to the conviction that he died not by suicide but as a result of the torture and mistreatment he had received, and therefore his human rights were violated.

On December 8, 1973, Bernardo LEJDERMAN KONOYOICA, of Argentinian nationality, 30, and his wife María del Rosario AVALOS CASTAÑEDA, of Mexican nationality, 24, were killed by a military patrol from the Arica Regiment in La Serena, in the area of Guallihuaica in a rural area of Vicuña. At that moment this foreign couple and their one-and-a-half year old son were at that location, apparently in hiding and planning to leave for Argentina. On December 8, 1973 a military patrol arrived with a person who had previously been arrested and had been pressured with threats to reveal the location of Lejdermann and his wife. That person, who was kept out of sight as the troops came up to the couple, heard automatic weapons fire. The leading patrol officer later came back to the witness and ordered the individual to bury the woman's body. He said that both had committed suicide. The next day this same individual who had now been released returned to bury the other body. This is what the person testified before the Second District Tribunal in Vicuña in the trial over the illegal burial of bodies which was held in August 1990. The military gave the couple's child to a sisters' convent. The mother's family later went there and received the child. The body of María Avalos was buried in 1974 at the request of diplomatic representatives from her country, and that of Bernardo Lejdermann was buried in August 1990. In resolution number 397, dated April 10, 1974, the regional director of the Ministry of Public Health, who approved having the remains of María Avalos exhumed, stated that she died of a "dynamite explosion," which along with other public accounts provided at that time made her death appear to be a presumed suicide by means of explosives.

In this instance, the Commission holds the conviction that this married couple, Lejdermann and Avalos, was executed by government agents without any trial by virtue of the following:

* The account of the witness who heard shots and who did not observe these people put up any resistance to the military patrol, and in burying them saw their bullet riddled bodies;

* The state of the remains of María Avalos in 1974 which were such that she could be identified;

* The state of the remains of Bernardo Lejdermann, exhumed seventeen years later; his death certificate lists the cause of death as "shootout with soldiers";

* If it had accusations against these people, the military patrol was sufficiently trained to arrest them without killing them.

f. Fifth Region – Valparaíso

Overview

In the Valparaíso Region, which includes the current provinces of Valparaíso, Quillota, Petorca, San Antonio, San Felipe de Aconcagua, Los Andes, and Isla de Pascua [Easter Island], the Commission examined forty-one cases of grave human rights violations ending in the death or disappearance of prisoners for which the government was responsible due to actions by its agents.

To adequately understand what took place in the Fifth Region during the last months of 1973 it should be noted that the armed forces took control without any armed clashes or violent actions on the part of supporters of the deposed government. Thus there were no acts of violence perpetrated against military troops or police units in the regional capital of Valparaíso, in the port of San Antonio, in the rural areas of Quillota, La Calera, Petorca, Cabildo, San Felipe and Los Andes, nor did land or factory occupations or any other kinds of resistance take place in reaction to the declaration of military rule. The proof is found in the fact that no members of the armed forces were killed as a result of attacks by private citizens. High ranking officials of the military government assigned to Valparaíso on September 11, 1973 have declared that the only noteworthy incident in that city was some shooting near the customs office on September 14, but that was apparently the result of confusion on the part of

official forces.

The navy took charge of the area of Valparaíso and its environs, while the army took control of the remaining areas. The military authorities in each province were as follows: in Quillota, the Commander of Engineers Regiment No. 2-Aconcagua; in San Felipe, the Commander of Infantry Regiment No. 3-Yungay; in San Antonio, the commander of the Tejas Verdes Military Engineering School.

The human rights violations that took place in the region were committed by members of these two branches of the armed forces. The police were involved in arresting some of the victims of these grave violations, and in the areas of Petorca and Catemu they were directly responsible for the death of some people. Violations of the right to life took a variety of forms: sometimes deaths were officially explained as "applications of the law of escape"; others resulted from the implementation of a death sentence issued by war tribunals which did not respect the rules of a reasonable and just procedure; some resulted from torture; some were executions carried out in total disregard for the law; others resulted from the unnecessary use of force; and some people disappeared after being arrested by government agents.

A common characteristic in this region is the selectivity in choosing victims, most of whom were local political and social leaders. Some were important public officials and representatives of the Popular Unity; others were labor leaders. It should also be noted that there was an organized persecution of grass roots activists of the political organizations that supported the previous government. Hence among those who were killed or disappeared as a result of actions by government agents were the following: in Valparaíso, the head of the customs office investigations department; an alderman in Limache and the government representative in the United Breweries Company; the government representative in the Parma Brewery; and the president of the student center of the University of Chile architecture department. In the territory under army control, the victims included the mayor of Cabildo; the member of the Communist party in Cabildo who was responsible for elections and propaganda; the government representative in the La Patagua mine; the area director for the Ministry of Health in San Felipe; the sectional secretary of the Socialist party and head of the Department of Social Development in San Felipe; the mayor of Quillota; the chief

attorney for the Agrarian Reform Corporation in Quillota; the head of the technical department of the Agrarian Reform Corporation of Quillota and provincial secretary of the Communist party; the local secretary of the Socialist party in Quillota; the president of the Union of Textile Workers at the Said Rayon plant in Quillota; a neighborhood MIR leader in Quillota; four leaders of the longshoremens' union in San Antonio; the regional secretary of the Socialist party in that city; an alderman and regional secretary for the CUT in San Antonio; and the administrator of the sanitation department of Cartagena. An alderman from Petorca and one from Catemu, both active in the Communist party, were killed by police.

For the sake of a better description of what happened in the Fifth Region, the account will proceed chronologically, beginning with Valparaíso and its environs, followed by San Antonio, San Felipe, Quillota, and other places.

Cases of grave human rights violations in the Valparaíso Region

Valparaíso

For purposes of imprisonment, interrogation, and/or torture in this province, the navy used the ships "Lebu," "Maipo," and the training ship "Esmeralda," (which were all anchored in the port of Valparaíso), the El Belloto naval air base, and the Naval War Academy - in particular one of its facilities, the Silva Palma garrison.

The two ships "Lebu" and "Maipo," which belonged to the Sudamericana de Vapores Company, were used as the navy's detention sites. The company told this Commission that the "Maipo" was transferred into the hands of the Chilean Navy at 10:00 a.m. September 11, 1973, when navy personnel took it over, and then headed toward Pisagua at 11:00 p.m. September 15. It was then replaced by the "Lebu," which had been requisitioned as a prison ship that same date. In November the International Red Cross Committee noted that the "Lebu" held 324 political prisoners.

Both the "Maipo" and the "Lebu" were used as prison sites. Some prisoners in these ships were in cabins but most were kept in the holds in very crowded and unhygienic conditions with minimal services. After its visit on October 1, 1973, the International Red Cross confirmed that such was the case on

the "Lebu." It also noted that the prisoners were completely cut off from the outside since their families were unaware that they were there, that the food was barely satisfactory in quality and quantity, and that the conditions in which they were being held prisoners were generally poor. On that ship prisoners were tortured and mistreated.

In its inquiries the Commission was able to determine that a specialized navy unit was installed on the "Esmeralda" in order to interrogate prisoners and those brought from other navy prison sites. As a general rule, these interrogations included torture and mistreatment. Mistreatment and torture were also part of interrogation that took place at the El Belloto naval air base, and at the War Academy and installations connected to it, particularly the Silva Palma garrison.

On September 12, 1973, Jaime ALDONEY VARGAS, 30, an alderman for Limache who was active in the Socialist party, was arrested by local police and handed over to navy officers at the El Belloto naval air base. An official report said he was released September 13, 1973, but this Commission has been able to establish that on September 14, he was being held a prisoner on the cargo ship "Maipo." Hence the official account is false. This Commission has come to the conviction that he is dead, since on September 26, 1973, witnesses who knew him saw his body at the morgue of the Deformes Hospital in Valparaíso next to that of Oscar Farías Urzúa, and that his death was the work of government agents, since it took place at a time when he was under arrest, even though his arrest was not acknowledged.

Also on September 12, Yanctong Orlando JUANTOK GUZMAN, 26, a MIR activist who was the president of the student center of the University of Chile architecture department of the Valparaíso campus, was arrested by a navy patrol in the upper part of Cerro La Cruz. It has been attested before this Commission that after his arrest he was held in the "Maipo," and was seen there on September 14. That day a group of sailors took him to an unknown destination. In the missing person report (record No. 91896) presented and heard at the Third Criminal Court in Valparaíso an official navy representative stated on July 4, 1974, that Juantok was in the hands of the intelligence service of the First Navy Zone. He later retracted that statement. There has been no word on Juantok since the moment he was taken from the "Maipo." A check of the relevant government agencies indicates that he has conducted no official

business since the time he disappeared nor is there any other evidence that might suggest he is still alive. The Commission has come to the conviction that while he was under arrest Yanctong Juantok disappeared at the hands of government agents who violated his human rights.

Also on September 12, 1973, Oscar Armando FARIAS URZUA, 33, who was active in the Socialist party and was a government representative in the Parma brewery, was arrested by navy personnel. He was taken to the El Belloto naval air base and later taken to make an official statement at the navy prosecutor's office. He died September 20, 1973, while in custody. The Commission came to the conviction that Oscar Farías was executed by government agents, for the following particular reasons: navy authorities arrested him and took him to the El Belloto naval air base; while he was arrested navy authorities told his family he was dead and turned over his body to them; the death certificate states that the cause of death was three bullet wounds and says that the place was the Medical Legal Institute. This last point is unlikely since the purpose of the institute is to receive people only after they are already dead.

Two days later on September 14, 1973, Luis Enrique SANGUINETTI FUENZALIDA, 38, the head of the customs office investigation department and a university professor who was active in the Socialist party, died on board the "Maipo." This Commission has verified that on September 12 when Luis Sanguinetti voluntarily reported to navy authorities on property of the customs office, he was arrested on the spot and taken to the "Maipo," where he was kept in one of its holds. He was taken out for interrogation several times, and by one account, was subjected to torture on the training ship "Esmeralda." Another account is that the torture took place on the "Maipo" and at navy headquarters. The evidence the Commission gathered confirms the fact that he was mistreated and was left in pitiable physical and psychological condition. Eyewitnesses to his death say that he was tortured that day on board the "Maipo," taken to naval headquarters to be tortured again, and returned to the "Maipo." The next day he was ordered to walk around on the deck. Due to his pitiable condition, however, he could not do so, and in a fit of despair he dove into one of the ships hold's and was killed immediately. According to another account his torture took place on the "Esmeralda." The Commission came to the conviction that Luis Enrique Sanguinetti was a victim of government agents because the immediate antecedent to his death was the cruel and degrading treatment to which he was subjected.

Also on September 14, 1973, René Guillermo AGUILERA OLIVARES, 41, was killed. As has been noted, there was a gun battle that day in the port of Valparaíso. Aguilera was hit twice by bullets and died in the street. Having examined the events that led to his death, this Commission came to the conviction that René Aguilera was a victim of the situation of political violence at that time.

On September 22, 1973, Michael WOODWARD IRIBARRY, 42, a former priest who was a MAPU activist, died at the naval hospital in Valparaíso. It has been established that a naval patrol arrested him September 16, 1973 at Cerro Los Placeres and that while imprisoned he was tortured. A navy doctor tried to give him emergency attention at the breakwater, an area under navy guard where the training ship "Esmeralda" and the "Lebu" were docked. He was then taken to the navy hospital where he died as a result of "cardio-respiratory arrest," due to his pitiable physical state. These facts enable the Commission to come to the conviction that Michael Woodward died at the hands of government agents who tortured him while he was being held prisoner.

On October 10, 1973, Héctor ARELLANO PINOCHET, 19, was killed by a navy patrol. He was accused of violating curfew and of attempting to attack uniformed personnel while under the influence of drugs. The autopsy revealed that he had not imbibed alcohol. Without any evidence that would permit it to know the exact circumstances under which he died, and keeping in mind the general features of the period as already noted, this Commission has come to the conviction that Héctor Arellano died as a result of the overall situation of political violence.

On December 11, 1973, Félix FIGUERAS UBACH, 30, was arrested by troops from Armored Cavalry Regiment No. 4 (Viña del Mar Corsairs). He was taken to the regiment grounds and then to the Naval War Academy. He died December 15, at the naval hospital, due to mistreatment by his captors. This Commission holds the conviction that Félix Figueras died at the hands of government agents who tortured him and violated his right to life.

San Antonio

In the province of San Antonio, which was under army control,

two main prison sites were used:

* Prisoner Camp No. 2 at the Tejas Verdes Military Engineering School. According to witnesses, this site was first used as a prison on September 11, 1973, and it was used for that purpose until mid-1974. At times it held as many as one hundred prisoners. Torture was used systematically at Prison Camp No. 2 and at the Military Engineering School, as is noted in greater detail in the first section of this chapter.

* The jail in San Antonio, a facility which was subject to the military command structure of the Tejas Verdes Military Engineering School and controlled by the Chilean police. In its October 12, 1973 report, the International Red Cross pointed out that the conditions of the place were "barely acceptable" and were quite lacking in sanitation. Referring to medical services for the prisoners, who at that time numbered about one hundred, the report drew attention to the high number of consultations, about thirty-five a day.

On September 22, 1973, the following people were executed by army troops in the area of Atalaya, on the road between San Antonio and Bucalemu:

Raúl Enrique BACCIARINI ZORRILLA, 49, the regional secretary of the Socialist party in San Antonio;

Héctor ROJO ALFARO, 43, a national leader of the longshoreman's union and a secretary of COMACH and of the International Federation of Transportation Workers who was active in the Communist party;

Samuel NUÑEZ GONZALEZ, 49, a leader of the longshoremen's union in San Antonio who was active in the Socialist party;

Armando JIMENEZ MACHUCA, 38, a member of the board of directors of the longshoreman's union who was active in the Socialist party;

Guillermo ALVAREZ CAÑAS, 49, president of the longshoreman's union in San Antonio who was active in the Christian Democrat party; and

Fidel Alfonso BRAVO ALVAREZ, 22, a worker who was active in the Socialist party.

According to the official account, found in Military Decree No. 26, issued by the operational commander for the state of siege in the province of San Antonio who was also commander of the Tejas Verdes Military Engineering School, the prisoners "were being transferred from San Antonio to the prison camp in Bucalemu. Taking advantage of a mechanical problem with the vehicle, they tried to escape and were stopped by the weapons of the patrol guarding them." That official account goes on to say that these people, whom it called subversives, were being taken to Bucalemu because they were very dangerous. It also said that the four longshoremen leaders had tried to paralyze the port of San Antonio by inciting other workers not to obey the port administrator, who was carrying out instructions from the operational commander of the zone under state of siege.

After examining the evidence gathered, the Commission rejects the official account, in view of the following circumstances:

- * It is unlikely that every one of these people had to be killed in order to halt their supposed escape attempt since they were unarmed and under heavy military guard.

- * There is no proof that there was a prison camp in Bucalemu in September 1973, and thus there is no justification for the route taken by the patrol.

- * Raúl Bacciarini Zorrilla was in very poor physical condition. There are many credible accounts that both his knees were broken and thus he could not move by himself. Moreover, Alvarez Cañas had undergone major surgery shortly before his arrest and was in frail condition, and so it is not very likely that he was in any condition to attempt escape.

- * When they arrived at the morgue the bodies of the six victims were almost completely destroyed by knife wounds; the bullet wounds looked like they had been made after death when the bodies were stretched out on the ground. The autopsy reports could not be found. The person who observed the condition of the bodies was arrested and taken to Prison Camp No. 2.

- * The death certificates state that the place of death was the Atalaya estate on the road to Navidad in San Antonio. On November 18, Jorge Cornejo Carvajal and Patricio del Carmen

Rojas González were killed by firing squad there, as indicated on their death certificates.

* There was no judicial or internal investigation of the weapon used in these events.

Therefore this Commission holds the conviction that Raúl Bacciarini, Héctor Rojo, Samuel Nuñez, Armando Jiménez, and Fidel Bravo were executed without any due process of law by government agents who violated their human rights.

On October 5, 1973, the following persons disappeared in the hands of army troops:

Jorge Luis OJEDA JARA, 20, a student leader who was active in the Socialist party. He was arrested in Melipilla September 16, 1973, along with Jorge Cornejo Carvajal, Patricio Rojas González, and others. He was taken to Camp No. 2 where he arrived in poor physical condition due to the torture to which he was subjected in the Melipilla prison. The mistreatment he received at Tejas Verdes worsened his health.

Florindo Alex VIDAL HINOJOSA, 25, who worked on road repair in the San Antonio area and was a MIR activist. He was arrested along with others by a military patrol on September 27, 1973, and transferred to Prison Camp No. 2 at Tejas Verdes. His body was found in the Rapel River.

Victor Fernando MESINA ARAYA, 25, a baker who was active in the Socialist party. Army troops arrested him at his home September 27, 1973, and he was taken to the Tejas Verdes prison camp. His body was found in the Rapel River.

Luis Fernando NORAMBUENA FERNANDOIS, 31, an alderman in San Antonio and the regional secretary of the CUT who was active in the Socialist party. Upon being summoned by a military edict, he had voluntarily presented himself to the military authorities. While he was under arrest at the San Antonio jail, he was kept in solitary confinement by order of the military prosecutor's office.

Ceferino del Carmen SANTIS QUIJADA, 31, a labor leader who was a MIR activist. He was arrested September 12, 1973.

Gustavo Manuel FARIAS VARGAS, 23, a tax collector for the sanitation department in San Antonio who was a MIR activist.

Upon being summoned by a military edict, he had voluntarily presented himself to the military authorities.

It has been established before this Commission that after they were arrested or reported voluntarily, these people were taken to Camp No. 2, where they were kept in solitary confinement. On the night of October 5, all of them were put into a refrigerated truck driven by soldiers. They never returned to the prison camp. On the morning of October 6, 1973, the bodies of Ojeda, Mesina, and Vidal showed up on the banks of the Rapel River. They had been severely beaten as indicated by marks on their foreheads. To this day, however, it has not been possible to determine what happened to Norambuena, Santis and Farías. Nevertheless, the final data gathered by this Commission from the Medical Legal Institute suggest that they were also registered as having died that same October 5.

After studying the evidence gathered, the Commission came to the conviction that Jorge Ojeda, Florindo Vidal, Víctor Mesina, Luis Norambuena, Ceferino Santos, and Gustavo Farías were executed by soldiers who were assigned to the Tejas Verdes Military Engineering School and who violated their right to life. The grounds for that conviction are the following items of evidence:

* It has been established that all were arrested and held in Prison Camp No. 2 and the Military Engineering School and that they were kept together but apart from other prisoners.

* It has been determined that the six prisoners were loaded onto the same truck and that none of them returned to the prison camp.

* The verbal explanation given to most of the relatives that they had been released is not very plausible since three of them were found to have "died by immersion" in the Rapal River as their death certificates state, and that the other three have remained disappeared to this day.

On October 16, 1973, Jenaro Ricardo MENDOZA VILLAVICENCIO, 25, and Aquiles Juan JARA ALVAREZ, 30, both policemen from the Tenth station in Algarrobo, who had been arrested October 15 at that police unit, were executed by order of the military command at Tejas Verdes. Their execution followed a death sentence issued by a war tribunal at the Tejas Verdes Engineering School. Even though it was requested from the

proper authority, this Commission has not been able to obtain the trial documentation for these policemen. The Commission came to the conviction that the human rights of Jenaro Mendoza and Aquiles Jara were violated by government agents who executed them in violation of the norms that assure due process. It has come to this conclusion based on the features common to all such wartime procedures during the period in question, and in view of these specific considerations:

* According to the scarce information that this Commission was able to obtain concerning the case, the crime of which they were accused, being drunk while on duty, cannot justify the application of a punishment as irreversible as the death penalty.

* The two people executed were arrested in Algarrobo on October 15, 1973, transferred to San Antonio, and shot to death the next day. Such a quick procedure makes it inconceivable that there was a trial with even the most minimal and elementary guarantees that the standards for due process demand for the accused.

* It has not been possible to determine whether the victims had legal aid. In any case the relatives were never aware of the appointment of a lawyer nor were they given any opportunity to appoint one.

On November 18, 1973, Jorge Antonio CORNEJO CARVAJAL, 26, an inspector at the DIRINCO (National Bureau of Industry and Trade) in Melipilla who was active in the Socialist party, and Patricio del Carmen ROJAS GONZALEZ, 21, who was active in the Socialist party, were executed in compliance with the sentence issued by war tribunal 18-73, likewise by order of the military prosecutor's office in Tejas Verdes. Police in Melipilla arrested them both on September 16, 1973, together with Jorge Luis Ojeda Jara and other people, and they were turned over to the military authorities in San Antonio. Even after repeated requests to the proper authority, the Commission has not been able to obtain the trial record. By other means, however, it did obtain a copy of the sentence. After analyzing the evidence gathered, the Commission has come to the conviction that the human rights of these people were violated by members of the military at Tejas Verdes. The following reasons, in addition to those contained in the overall analysis of the war tribunals, are the basis for this conviction:

* For planning to attack the Melipilla police station on

September 15, they were accused of the crime contemplated in Article 8 of the Weapons Control Law, even though the plan was not carried out. The preliminary investigation documentation contained only 13 pages and mentions no other proof than statements by the accused and by the police who arrested them. The general norms of law require that the crime be established by means other than a confession. That norm was disregarded in this process. Since the people on trial were arrested the day after the attack was to have taken place, it is obvious that they had given up their alleged plan but that circumstance was disregarded.

* In view of Ojeda's pitiful state of health while he was under arrest in Melipilla, the confession of these people cannot be regarded as offered freely and spontaneously.

* It is also quite unusual that Jorge Luis Ojeda Jara, who was arrested together with these two, was not also tried in this war tribunal, even though they had all been arrested for the same activities, had been transferred together to San Antonio, and had been turned over to the same military authorities. The reason was that on October 5, 1973, a military patrol had taken Ojeda out of Camp No. 2, and he had been executed without any due process of law, as has been described above.

* No consideration was given to the extenuating factor of their previous blameless conduct which should have weighed in favor of both prisoners.

* It has not been possible to determine whether these people were provided with legal aid. In any case the sentence makes no reference to any arguments that the accused or their lawyers, if they had any, might have been able to make in their defense. It should be borne in mind that in war tribunals the defense is to provide a written argument. There is no evidence that any such argument was prepared in this case.

Between December 27-31, 1973, two other people were executed in Tejas Verdes:

Oscar GOMEZ FARIAS, 31, the administrator of the sanitation department of Cartagena who was a MAPU activist, was arrested at work on September 12, 1973 and taken to the jail in San Antonio. On two occasions soldiers took him out for interrogation at the engineering school. The second time, approximately December 20, 1973, he was taken directly to the

basement of the officers' club, where he was stripped of his clothes and hung by his arms for about three days, given electric shock and subjected to other forms of torture until the day he died.

Carlos Aurelio CARRASCO CACERES, 26, Gomez Farías's driver, was arrested at his house on December 14, 1973, and taken to Camp No. 2 and then to the engineering school. There he was tortured, both his arms were broken, and he suffered many other forms of mistreatment.

Both were executed in the basement of the officers' club under different circumstances. On December 27, 1973, having gone mad from the torture to which he was subjected, Oscar Gómez Farías was left in his cell with the door open. He came out naked and screaming, and was shot down on the spot by one of the guards. On December 31, 1973, after Carlos Carrasco Cáceres had been subjected to several days of torture at the engineering school, he was brought back out of the vehicle that was about to take him away, and again taken down to the basement of the school. Soldiers returned the victims' bodies to their relatives. Their death certificates register the place of death as "San Antonio. Prison camp." In view of these facts, this Commission came to the conviction that Oscar Gómez and Carlos Carrasco died in the hands of their captors, government agents who violated their human rights.

San Felipe

On September 19, 1973, José Augusto MORA SEREY, 28, the driver of a passenger van, was killed when he was shot by soldiers during the curfew period. He was driving his car and had documentation authorizing him to be out at that hour. The official account was that he was a subversive who had violated an order to halt. This Commission cannot accept that account since it has been established that a group of people were returning from a day in the countryside, that they had obtained the permission required for being out during curfew, and that none of the passengers in the van heard the order to halt. Therefore this Commission holds the conviction that José Augusto Mora died as a result of the political violence of that period.

On October 1, 1973, Ramón Antonio PALMA CORTES, 30, a worker, was executed in the city of San Felipe by troops from Infantry Regiment No. 3-Yungay. He had been arrested at home

that same day by a military patrol on the grounds of an accusation by a private citizen. He was wounded in his home, and then taken to the banks of the Aconcagua River, where he was executed, and his body was thrown into the river. The next day it was drawn out. This Commission believes that this act was by its very nature a grave abuse of power. Although it had no political connotation it was committed by government agents and was never sanctioned nor even investigated. The grounds for that conviction are the fact that many credible witnesses attest to the fact that soldiers arrested him, and to the other events mentioned here, and the fact that his death was caused by two bullet wounds to his torso-all of which is quite consistent with other evidence this Commission has at hand.

On October 11, 1973, six Communist activists were executed by the army in the area of Las Coimas in San Felipe. Their names were:

Mario ALVARADO ARAYA, 34, mayor of Cabildo, who had first been arrested September 17 and then released with no charges against him. In early October, military authorities forced him to make a public retraction of his political commitment in the presence of many witnesses at the Cabildo municipal building. He was arrested a second time on October 8 at home by police from Cabildo.

Faruc Jimmi AGUAD PEREZ, 26, an office worker at SADEMI (Sociedad Abastecedora de la Minería) Mining Supply Company who was in charge of elections and propaganda for the local Communist party. On October 8, 1973, he was arrested at work in the presence of other workers by police from Cabildo.

Wilfredo Ramón SANCHEZ SILVA, 28, an office worker at SADEMI. He was arrested at work the same day and under the same circumstances as Faruc Aguad.

Artemio PIZARRO ARANDA, 37, a worker at SADEMI. He was arrested by the same agents on October 9.

Pedro Abel ARAYA ARAYA, 27, government representative at the La Patagua mine. He was first arrested September 11, and was released without charges a week later. He was arrested a second time on October 9, when he voluntarily reported to the Cabildo police station after police had left a summons at his home.

José Armando FIERRO FIERRO, 24, a worker at SADEMI. He was arrested October 9 or 10 in Cabildo by local police.

According to the official account given by the commander of the zone under state of siege of Aconcagua province and the commander of Infantry Regiment No. 3-Yungay, these six people were executed in the course of an escape attempt when they attacked a subofficer who was traveling in the army truck which was transporting them from the San Felipe jail to the jail in Putaendo. That account claimed that it had been proven that all were directly involved in a terrorist organization in the mining area of Cabildo and had been arrested during an operation in which a large quantity of weapons and explosives was found. The evidence gathered by this Commission on their arrest refutes the official version since there was no search for arms in any of their houses nor did a military operation take place at their workplace. Indeed, some of them were arrested there peacefully and in front of the other workers.

The Commission could not accept the explanation that these people were killed in an escape attempt, mainly for the following reasons:

* It does not seem likely that the only way to stop them from running away was to kill on the spot all these people, who were unarmed and under heavy military guard.

* The man who was then head of health services in San Felipe was ordered to have autopsies conducted and to return the bodies to the relatives. The forensic expert told him that the bodies bore a number of bullet wounds, many of which were not fatal. They also had many puncture wounds for no apparent reason. Their death certificates corroborate this information.

Therefore, this Commission holds the conviction that Mario Alvarado, Faruc Aguad, Wilfredo Sanchez, Artemio Pizarro, and José Fierro suffered a violation of their human rights at the hands of government agents who executed them without any due process of law.

On December 13, 1973, army troops killed two other persons in San Felipe:

Absalón del Carmen WEGNER MILLAR, 31, director of public health in the area of San Felipe and a doctor at the psychiatric hospital in Putaendo who was an active Communist. He was

first arrested on September 12 or 13 for a day and then released without charges and told to return to his hospital work. He was arrested a second time toward the end of November and was turned over to local military authorities.

Rigoberto del Carmen ACHU LIENDO, 31, a sectional secretary for the Socialist party who ran the Social Development program in San Felipe. He was arrested September 12 at a relative's house after he had been summoned by a military edict. He was held prisoner at the jail in San Felipe and regularly taken out for questioning by the investigative police at their headquarters. According to the official account issued by the head of the zone in a state of siege of the Aconcagua province and commander of Infantry Regiment No. 3-Yungay, when the prisoners were being brought back from the military prosecutor's office to the jail the vehicle in which they were being transferred broke down just sixty meters from the jail and so they had to walk the remainder of the way on foot. At that moment one of the prisoners is said to have taken advantage of the situation by trying to seize by force the weapon of an enlisted man while the other prisoner tried to run away. Both were killed on the spot.

The Commission could not accept this account mainly in view of the following circumstances;

* It is unlikely that the only way to prevent these people from running away was to kill them, since they were unarmed and under heavy guard by troops from Infantry Regiment No. 3-Yungay, and since the patrol was located near the prison which had personnel trained to provide help in the supposed recapture of the escapees. Moreover it has been established that as they were being taken to the military prosecutor's office the prisoners had been chained as an extra safeguard. There is no reason to doubt that they returned in the same' fashion, unless the intention was to somehow set up their supposed escape.

* Credible eyewitnesses say that on the way back to the jail, the prisoners were being guarded by an army patrol; at a particular moment, without any escape attempt on their part, the soldiers shot the prisoners in the back, and finished them off with further shots. These witnesses also declare that their bodies were then put into a vehicle and that police immediately came out of the jail with buckets of water to wash the traces of blood off the sidewalk.

* Rigoberto Achú was in very poor condition as a result of

the systematic torture to which he was subjected beginning the day he was arrested, September 12, at the investigative police headquarters. As a result he could not even get dressed, eat, or coordinate his bodily movements. On the day he was executed, he was observed to be in very poor physical shape, and had lost a great deal of weight and a lot of his hair. His condition makes it unlikely that he would have tried to run away.

* The story that Doctor Wegner tried to run away is not credible, since the evidence and testimony this Commission has gathered shows that he was a person who never tried to evade the military authorities. After the events of September 11, he was held prisoner for a day in the jail in San Felipe, and once he was released, he continued to live in the area and moved about openly while continuing to work at the same agency, even though he had the wherewithal to flee from the zone without anyone stopping him, since there were no accusations against him, and indeed no charges were made known even after his second arrest.

Quillota

On September 27, 1973, Teobaldo SALDIVIA VILLALOBOS, 26, a street vendor who was mentally retarded, was executed in accordance with war tribunal 9-73 of the Cavalry School in Quillota. He was arrested by troops in Quillota on September 17, 1973, supposedly because he attacked those who arrested him. The Commission was unable to examine the trial record even though it had been requested from the proper authority. However, it came to the conviction that Saldivia suffered a human rights violation committed by official agents. This determination has been made in view of those features that were common to all war trials during this period, and the following specific considerations:

* The crime of which he was accused was apparently that of attempting to attack military personnel, which does not justify applying a punishment as irreversible as death. There is not even any evidence that he injured those who were supposedly the object of his attack.

* It was possible to establish that the victim was mentally retarded, and in accordance with the common rules of criminal law, that fact should have been considered as exempting him from responsibility or at least diminishing his responsibility. Moreover, there is no indication that his previous blameless

conduct was taken into account.

* It has not been possible to determine whether he had any legal assistance. His relatives have never heard mention of any lawyer; they were not even informed that he had been arrested and that trial proceedings were underway.

Other Areas

On September 16, 1973, Ernesto Alfredo LOPEZ LOPEZ, 25, who worked digging sand for construction, was arrested by police from La Ligua who took him to their station. Since that day his fate and whereabouts have remained unknown. Since it has been established that he was arrested and held at a police facility and since that date he has not returned home or conducted any official business with the Chilean government, this Commission has come to the conviction that the human rights of Ernesto López were violated by government agents who made him disappear.

On October 6, 1973, Orlando GALDAMES ROJAS, 41, an alderman in Petorca who was an active Communist, died at the hospital in La Ligua. As this Commission was able to establish, he had been arrested by police from Petorca and taken to the local checkpoint. Because of the mistreatment he received there he had to be taken to the hospital in La Ligua where he died. The Commission came to the conviction that this was a violation of human rights for which government agents were responsible since it has been established that he was arrested by police from Petorca and then taken to the checkpoint, that he had to receive medical attention at the hospital in La Ligua as a result of that torture, and that the death certificate states that the cause of death was "hemorrhage of the kidney cortex affecting the adrenal gland." Such a cause of death is quite consistent with the beatings and other mistreatment to which he was subjected.

On October 9, 1973, Onofre PEÑA CASTRO, 52, an alderman in Catemu and an active Communist, who had been arrested by local police, was taken to the La Calavera tunnel in Lay-Lay and executed. Since it has been established that Alderman Peña was arrested by police from Catemu and was never released and since the cause of his death was a "bullet wound to the right side of the thorax," this Commission has come to the conviction that Onofre Peña was executed by government agents who violated his right to life.

The next day, on October 10, 1973, Jean Eduardo ROJAS ARCE, 23, an office worker at the Melón Cement Factory, was killed by army troops in the area of Pachacamita, La Calera. He had previously been arrested at the La Calera police station and transferred to the Nogales station. He was released with obvious signs of physical mistreatment. His house was raided while they were searching for him. According to the official account, Jean Rojas Arce was executed when he was caught placing an explosives charge on the railroad line. The account invoked Military Decree No. 24, which authorized immediate on the spot execution. The Commission came to the conviction that Jean Rojas was executed by government agents who violated his human rights in view of the following circumstances:

* It was established that he had previously been arrested by government agents.

* Decree 24 is illegal since it permits an immediate execution ordered at the discretion of the military who apprehend a person in actions that might be classified as crimes, while the law says that in these cases the person must be turned over to the competent judicial authority, even during periods when constitutional guarantees have been suspended.

* When the proper military authority was consulted about this event, he did not offer any evidence and said that the documentation from that period had been legally burned.

* The military official who was responsible for handling the remains said he would not turn over the evidence to this Commission.

* Rojas died as a result of bullet wounds to the head and torso.

g. Sixth Region – Libertador General Bernardo O'Higgins

1.

2.

7.

1. Overview

This section provides an account of eight cases of human rights violations that occurred in the Libertador General Bernardo O'Higgins Region between September 11 and the end of 1973 in which the result was death or disappearance, and in which the Commission came to the conviction that the

government was responsible for the actions of its agents or persons in their service. On September 11 the army assumed supreme authority over the Sixth Region, which today includes the provinces of Cachapoal, Colchagua, and Cardenal Caro. The army also assumed the role of head of the state of siege in both provinces (O'Higgins and Cachapoal).

The armed forces took over the government of the region and assumed control over public order. Regional authorities and sectors of the population who supported the deposed government offered no resistance, and thus there were no armed clashes. The area's key centers immediately came under the control of the new authorities. Referring to this region, Communiqué No. 7 on the Situation of the Country issued by the Ministry of National Defense on September 15, 1973, says: "Internal order: control over the area of jurisdiction and access routes is being maintained. Utilities and transportation are functioning. Food markets have been serving their customers."

Most of the victims were active in the Communist or Socialist parties, and several held administrative posts in the Popular Unity government. It should be pointed out that only one was not known to be politically active, and that even though this region is primarily agricultural and had a number of collectives organized by the Agrarian Reform, there is only one case in which the victim was a small farmer. Evidence examined by the Commission indicates that it was primarily police who were responsible for the arrests and human rights violations that took place in this area.

In Rancagua prisoners, including many small farmers and political leaders, were taken to the local jail which held as many as 1,200 people in the months immediately following the events of September 11. The Membrillar Regiment (today Infantry Regiment No. 22-Lautaro) was also used to hold prisoners. In San Fernando they were taken to the Colchagua Regiment (today Infantry Regiment No. 19-Colchagua) where about 250 people are listed as having been held prisoner between September and November 1973. Most of them later served their sentences in the local jail.

While some war tribunals were held in this area they did not sentence anyone to death. Most of the victims were executed without any prior trial, one supposedly in application of the "law of escape"; another died of torture. Since prisoners were taken to public areas and procedures were carried out with

a degree of propriety, in only one instance did authorities deny that a person had been arrested; that person remains disappeared to the present. As a general rule authorities returned the victims' bodies to their families. There were some irregularities, such as the instance in which a person who died as the result of torture was turned over in a sealed coffin. In two other cases the executioners hid the bodies of those killed. Their relatives found them later.

2. Cases of grave human rights violations in the Libertador Bernardo O'Higgins Region

On September 12, 1973, Rosamel del Carmen SALAS OVALLE, 53, a farmer who was active in the Communist party, disappeared. He left his home in the Requegua area in order to search for some animals. There was no further information on his whereabouts until October 1989 when his brother found his bones half buried in the same area. He was able to identify them from the remaining fragments of clothes. The Commission came to the conviction that the death of Rosamel Salas was connected to the political situation, but it was unable to specify who was directly responsible for these events. It did so by virtue of the following considerations: at that time people known to be active in the Communist party, as he was, were being persecuted; his death cannot be explained by natural causes; his body was not found for sixteen years.

On September 13, 1973, Bernardo Segundo JIMENEZ LUCERO, 33, a newspaper vendor who was active in the Communist party, was killed. He disappeared from his home in San Francisco de Mostazal, on September 11 or 12, 1973. Neighbors told the family that he had been killed. Two months later the family learned that his remains could be found half buried near the Black Bridge in Romeral. There they found a body which could reasonably be assumed to be that of Jiménez. In the official document registering the discovery of the body, the police note that he had died as the result of a military operation that took place in San Francisco de Mostazal September 13, 1973. The death certificate says the death took place on that date. The autopsy indicated that death was caused by a fractured skull and other injuries inflicted by third parties and that the body was wrapped in plastic. The Commission judged that Bernardo Jiménez was executed by government agents in an act that violated his human rights. The grounds for that conviction are that he was active in the Communist party, like other persons whose fundamental rights were violated those days,

that the police officially acknowledged that his death was the work of government agents, and that his body was not turned over to his relatives.

On September 17, 1973, Luis Alfredo ALMONACID ARELLANO, 42, a teacher and leader of the teacher's organization, and a former candidate for alderman who was active in the Communist party, was killed. Evidence and testimony gathered by this Commission indicate that he was arrested at his home in the city of Rancagua by police on September 16, 1973. As he was leaving his house to get into the police truck, his captors shot him. Police took him to the hospital in Rancagua where he died of bullet wounds the following day. In view of these facts the Commission came to the conviction that Luis Almonacid was executed by government agents without due process of law and hence in violation of his human rights.

On October 13, 1973, Manuel Antonio LOPEZ LOPEZ, a peasant, was killed at the Papulla agricultural cooperative in the presence of witnesses. According to newspaper reports, he had been arrested in an operation conducted by several branches of the armed forces. Upon being taken to indicate the exact location of weapons that had supposedly been buried near the cooperative warehouses, he is said to have suddenly charged at the troops and tried to seize a weapon. Unable to do so, he is said to have fled and not to have obeyed an order to halt, and so he was shot to death by the patrol. Since it is not very likely that after he had already been arrested and was under heavy military guard he would try to seize a weapon from his captors; and since it is not likely that when this attempt had failed and he was at the mercy of his guards he would have tried to escape; and since even if he had done so, the government agents could have brought him under control without killing him, the Commission came to the conviction that Manuel Antonio Lopez was executed by government agents in an act that violated his human rights.

On October 15, 1973, Néstor Artemio Iván GONZALEZ LORCA, 37, a merchant who was a leader in the Socialist party, was killed. According to his relatives, that day he went to the police headquarters in Marchigüe because he had been summoned there. His wife waited for him outside the building. When he emerged she came up to him, but he told her that he was instructed to walk down the street alone. A few moments later two people wearing ponchos appeared at the

corner, drew alongside him, and shot him to death. They got away without being seized. The newspaper later said that this had been a matter of revenge. Considering the antecedents and particularly the fact that this took place as he was leaving a police installation and after he had been ordered to walk alone; accounts by witnesses; the fact that those responsible were not seized; and the victim's political activity, this Commission has come to the conviction that Néstor González was executed without any due process by government agents or people in their service.

On November 12, 1973, Archibaldo MORALES VILLANUEVA, 43, an announcer at radio station Manuel Rodríguez who owned the newspaper, Diario el Guerrillo, and had formerly been active in the Communist party, was killed. He was arrested in Santiago by investigative police and transferred to San Fernando, where he was interrogated in the garrison of that same agency. He was later sent to the San Fernando jail and held in solitary confinement for forty-three days. He died three days after being released from solitary confinement. Since he was in good health before his arrest, was held prisoner and in solitary confinement for a long time, regularly underwent torture and mistreatment, according to credible witnesses, and died while in the hands of his captors, this Commission has come to the conviction that Archibaldo Morales died as a result of the torture he received from government agents and that his human rights were gravely violated.

On November 20, 1973, Luis Justino VASQUEZ MUÑOZ, 34, a teacher and alderman in San Fernando who was former general secretary of the governing board of the CUT labor federation in the province of Colchagua and active in the Socialist party, disappeared. He disappeared that day while en route from his home to his workplace. His house had been raided the previous September 7 [sic]. On the day all trace of him was lost, investigative police appeared at his home three times with orders to arrest him, because of his political activities. There has been no certain news concerning his whereabouts from that day to the present. The Commission came to the conviction that Luis Vásquez was subjected to forced disappearance by government agents, thus gravely violating his human rights. That conviction is grounded on the following points: he had previously been persecuted and at the moment of his disappearance he was being sought because of his political activity and his activism in the Socialist party; his family and the Chilean government have had no word of him for the last sixteen

years; disappearance was a tactic used against left activists during this period.

On November 23, 1973, Humberto GALLARDO VARGAS, 43, was killed. He was arrested by police from Rengo on a public thoroughfare for being drunk during curfew. At the moment of arrest he was severely beaten in the abdomen and taken to the Rengo police station. Witnesses observed these events. He was later sent to the hospital in Rancagua where he died of a ruptured small intestine caused by an abdominal contusion. Given the testimony and evidence it has received, the Commission has come to the conviction that Humberto Gallardo Vargas was killed as the result of the use of excessive force by government agents, and that his human rights were violated.

h. Seventh Region – Maule
Overview

This section examines sixty-two cases of grave human rights violations which occurred in the Seventh Region from September 11 until the end of 1973 in which the government was responsible due to the actions of its agents. The Maule region encompasses what are now the provinces of Talca, Linares, Curicó, and Cauquenes.

On September 11, the armed forces and police assumed total control over the region. In only one instance did a group of civilians have an armed confrontation with police and military troops. It took place in the mountains at Paso Nevada, and one policeman and one of the civilians were killed. In Talca the lieutenant colonel who commanded the local regiment took over as governor and as operational commander, but only for nineteen days. In Linares the colonel in command of the local regiment took over as operational commander and as governor. In Cauquenes the head military officer took over the governorship. In cities such as Parral, Constitución, and San Javier, various army officers took over the governorship. Other places, such as Chanco, Catillo and Melozal were under the political and military control of the regiments, or the regional or provincial governor's offices just mentioned.

Most of the human rights violations were committed by members of the army, although police and investigative police and in some instances, civilians working with the armed forces were also involved. Most of the victims were active in left political parties or had been involved in some fashion in labor union or

student activities before the events of September 1973. Most of those who had been involved in parties belonged to the Socialist party, and to a lesser extent to the Communist party and to the MIR. They were typically young, on the average from 20 to 22 years old, and many were still in high school. Many of the victims' wives were also arrested and mistreated.

Of the several places used as detention sites two are most significant:

* The artillery school in Linares. The military prosecutor's office in the city functioned on its grounds, and most of the region's prisoners were held there. All trace of several of them was lost after they were taken there, and they remain disappeared to this day. Almost all of those who were held there were kept in solitary confinement. Prisoners' relatives say they knew their loved ones were there only because it was verbally acknowledged, or because the food and clothes they brought were accepted. This Commission examined a good deal of testimony by people who were held at the artillery school and who say they were tortured while under interrogation. Members of the investigative police were also involved in interrogation.

* The General Bari Firing Range where the area's military intelligence service had its center of operations. Those prisoners regarded as most important, such as regional political authorities, were taken there. This Commission learned of the torture to which prisoners there were subjected. Some persons also disappeared from this site.

Elsewhere in the region, police stations or local jails and, very occasionally, the local quarters of the investigative police were used as detention sites. Prisoners who were tried generally ended up with the investigative police. A significant number of prisoners disappeared from the jail and police station in Parral, and this Commission regards them as disappeared. Testimony was also received from persons who were held prisoner at Reforzada Regiment No. 16 in Talca.

Of the twenty-five cases of execution recorded in the region, some were officially explained as applications of the so-called "law of escape," others as the result of armed clashes, as failure to obey the order to halt during curfew, or as the application of a sentence issued by a war tribunal. For some executions there is no official account.

Of the thirty-seven cases of people who disappeared after arrest, most were apprehended in Parral and disappeared from the jail there. Documents record that many were released. Some were still in the hands of military authorities, while others were seen in jails or at military installations after they had supposedly been released.

When the families received the remains, they were forbidden to hold wakes and provide a decent burial. The bodies were handed over in sealed coffins, and the funeral was carried out according to the exact instructions by authorities and under a heavy military guard, or the body was turned over to the family at the cemetery itself. In three instances the remains were not returned to the families. In September 1990 by a judicial order they were exhumed from the Talca cemetery.

Cases of grave human rights violations in the Maule Region

Talca

The only instance of armed resistance to the new authorities in the area was the one initiated by the previous intendant [regional governor], Germán Castro, on September 11. Castro headed toward the Andes together with a group of about twenty persons in government vehicles. They precipitated a clash in the area known as Paso Nevado. Approaching the police checkpoint and realizing that there was a barrier preventing them from going further, members of the group shot at the official forces. As a result police sergeant Orlando Espinoza Faúndez was wounded and later died. The group took another policeman from the checkpoint as a hostage and continued on their way toward the Argentinian border. Some kilometers ahead they had a shootout with army troops who had been alerted to the situation and were lying in wait for the ex-intendant's group. The civilian Hugo Zacarías MIÑOS GARRIDO, 29, who worked in intendant's office as a driver for the irrigation department and was active in the Socialist party, was wounded. He died that same day at the regional hospital in Talca. The Commission has come to the conviction that he fell in the armed clash that took place on September 1973 as described and was a victim of political violence.

After the shootout some members of the group, including Castro himself, were arrested and taken to Talca and put in the local jail. With the help of local mule drivers, the rest of the group continued to flee toward Argentina. However, two of them, Jorge

Araya Mandujano and Juan Vilchez Yañez, did not make it across the mountain range but fell over a cliff and died there. Their bodies were not recovered. This latter development became known only in late 1990 when some of the members of Castro's group, who had managed to escape from the country, returned to Chile.

As a consequence of these events, on September 30, the military intendant was dismissed by an order signed by a general who visited the area as an official delegate of the commander-in-chief of the army and of the governing junta. After being dismissed, the intendant was arrested, put on trial, and sent into exile.

Subsequently, other people were killed in connection with this incident.

On September 13, 1973, José CASTILLO GAETE, 32, a farmer who was active in the Communist party and lived in the foothill region of Bajos de Lircay, was executed. Castillo's death was connected to the efforts of police to locate the people in Germán Castro's group who were escaping through the mountains. Policemen went to his house and from outside-where they could see him since the door facing the street was glass-shot into the house and killed José Castillo. His widow says that those who came to seize him said he was "to blame" without specifying further. Eyewitnesses provided testimony to this Commission about these events. It should be noted that José Castillo was never part of Germán Castro's group, because when he was killed they were either arrested or outside the country.

The next day, September 14, 1973, three members of a family were executed in Talca:

Héctor VALENZUELA SALAZAR, 27, a university teacher,

Hilda Isolina VELASQUEZ CALDERON, 31, a university nurse and active Communist, and

Claudia Andrea VALENZUELA VELASQUEZ, 6.

Similarly to the previous case, police arrived at the family's house in connection with their investigations into the incident in Paso Nevado. They raided Héctor Valenzuela's house and killed him, his wife and one of their daughters. They wounded two of the couple's other children, Paula, 4, and Gonzalo, 2. The official

explanation was that there had been a shootout. The evidence gathered by this Commission establishes that the house was raided in the early morning and that the victims were shot while inside it. Police had cordoned off the area earlier and told some of the neighbors not to go out into the street but to remain in their houses. When some of the professor's relatives arrived and the bodies were still at the house, the police on hand explained that it had been a suicide. Therefore, this Commission has come to the conviction that José Castillo, Héctor Valenzuela, his wife Hilda Velásquez and their daughter, Claudia Valenzuela, suffered a grave violation of their human rights since government agents executed them without any justification.

On September 13, 1973, Pedro Abraham MORALES RETAMAL, 44, an agricultural worker on the Peteroa estate, was killed. He was a peasant leader and Popular Unity supporter. He was found dead on the road between Sagrada Familia and the Peteroa estate. Morales left a friend's house during the curfew period. Apparently he failed to heed the order to halt given by a military patrol that was guarding public order, and so they shot him. The burial authorization states that the time of death was 2:00 a.m. September 13, 1973. There was no official account of these events. Taking into account particularly the time and the day of his death and the nature of the shots, the Commission has determined that Morales Retamal was presumably killed by government agents who were maintaining public order. If this was a curfew violation, it could have reasonably been handled by arresting him, since he was unarmed and on foot. Hence, the Commission came to the conviction that these agents used excessive force.

Then on September 27, 1973, the former regional governor, Germán CASTRO ROJAS, 33, a bookkeeper by profession who was active in the Socialist party, was executed. The official account provided to the media noted that "The decision was made by the war tribunal and approved by the military judge..." and the sentence was said to have been carried out in the early morning of September 27 when Germán Castro was executed by firing squad.

The Commission has received a vast amount of consistent information which leads it to the conviction that there was no such war tribunal. When Castro was executed there was no sentence and the decision had been taken without any due process of law. Indeed, there is a good deal of consistent competent testimony indicating that around 9:00 p.m.

September 27, four officers of the Talca Regiment held a meeting and ordered that the intendant be executed. However, as is indicated on the official account, Castro had been executed in the early morning of that same day. That meeting cannot be regarded as constituting a tribunal, not even under wartime conditions, nor can those deliberations be regarded as a trial carried out in accordance with the law. Such a trial would have required, among other things, that the person being tried be provided with a defense. Police had previously carried out a brief investigation, and the officers had the results in hand, but in no sense was it an investigation such as that carried out by a tribunal. This Commission is in a position to assert that the four people in the meeting never held the conviction that Intendant Castro was responsible for the shots that killed police sergeant Orlando Espinoza. Therefore, since there was no war tribunal, the Commission has come to the conviction that German Castro was executed without any due legal process and that he was the victim of a violation of human rights.

On October 3, 1973, three agricultural workers, none of whom was politically active, were executed:

Luis Alberto URBINA DIAZ, 50, an agricultural worker on the Venecia estate;

Domingo Antonio URBINA DIAZ, 47, an agricultural worker on the Venecia estate;

José Antonio MENDEZ VALENZUELA, 24, an agricultural worker on the San Rafael estate.

Army troops arrested them on the Venecia estate October 3, 1973 and took them to the El Culenar estate in Talca, which belongs to the army. There they were executed by their captors, and their bodies were buried without notifying their families. Their remains were transferred to the local cemetery. Only in 1990 were their families able to identify them. The event was presented through the local press the next day with the explanation that three criminals had been killed in a frustrated attempt to attack soldiers with knives.

The official account cannot be accepted by reason of what has already been said as well as the following circumstances: it does not seem likely that anyone would attack military troops with knives alone; that the three supposed attackers and no soldier would be killed; that the troops could not halt the attack in

any way except by killing them; that the bodies should be concealed; and that when the exhumation finally took place in 1990, it should be determined that at least one of them showed signs of having had his hands tied. The Commission has come to the conviction that these three peasants from Talca were executed by government agents in an action that violated their right to life.

On October 6, 1973, in a shantytown in Talca, Maria Lidia ANDRADE ANDRADE, 36, who was the mother of fourteen children ranging from eighteen years to seven months, was killed. As she was diapering her youngest daughter inside her house, she was killed by shots fired in the street by soldiers who were using their weapons to try to halt some young people who were running away without having offered any resistance. That same bullet grazed her daughter's head, causing a chronic motor problem. This Commission has come to the conviction that María Lidia Andrade was killed by the action of government agents who were using their weapons excessively and unwisely.

On October 20, 1973, Javier Segundo ALVEAR ESPINOZA, 32, a worker who was a shantytown leader and a MIR activist, was killed. As his family has noted, they last saw him alive on October 15, the day he went underground. Several days later they learned he had been killed. The information they received was that there had been a clash with troops. The official account of what happened, as published in a newspaper reads, "Today the government announced that a mechanic was executed..." The newspaper adds "... The executed mechanic was identified as Javier Alvear Espinoza, 32, who was accused of attacking a police patrol in Pelarco, a small town in the farming province of Talca. When halted by a military patrol he was said to be in possession of a road map and garrison plans, weapons, and ammunition." This Commission does not find it plausible that in October 1973 a single individual would have attempted to attack a police patrol. However, even if that did happen, there is no justification for such a patrol to seize and execute him without any due process, as the official account indicates was the case.

Hence, this Commission has come to the conviction that in executing Javier Alvear, government agents violated his human rights.

Linares

On October 2, 1973, four people, all active in the Socialist party, were killed:

Teófilo ARCE TOLOSA, 26, a CORA (Agrarian Reform Corporation) employee. He was arrested at home on September 12, 1973 by investigative police from San Javier.

José SEPULVEDA BAEZA, 22, a university student. He was arrested at home on September 12, 1973 by investigative police from San Javier.

Mauricio GONZALEZ NORAMBUENA, 20, local director of CORA. He was arrested by investigative police from San Javier on September 13, 1973.

Segundo SANDOVAL GOMEZ, 19, a high school student. He was arrested September 13, 1973, by investigative police from San Javier.

On September 11 police and civilians from the area were chasing these people who managed to elude the bullets of their pursuers and to escape. Later they were arrested by investigative police from San Javier and were taken to the jail in Linares. They were executed by soldiers in Linares on October 2, 1973. According to the official account handed to the press, the prisoners were taken out to the arrest site to "reenact the crime" and there they tried to seize their guards' weapons and escape. The Commission has come to the conviction that the prisoners were executed without any due process of law by government agents. The story of their escape attempt is unacceptable for the following reasons:

* It is inconsistent to claim that on that day these four people were taken from jail to reenact the crime at a site between the artillery regiment and the firing range since the firing range is not on the road to San Javier, which is the location of the events in question.

* The heavy guard under which prisoners were transferred at that time makes it unlikely that after being brought under control and disarmed, they should try to seize weapons from troops who obviously enjoyed physical, numerical, and logistical superiority.

* There is no explanation why in order to halt an escape attempt, if there was one, all the prisoners should have been

killed in the manner described.

On October 20, 1973, Rubén BRAVO BRAVO, 55, a farmer who was active in the Socialist party, was arrested. Troops from the artillery school in Linares arrested him in the area of El Pillay and took him to their base. This Commission examined a good deal of consistent testimony indicating that he was seen there in pitiable physical condition. That was the last available information concerning him. Since it is established that he was arrested by military troops and subsequently held at a military installation, and bearing in mind his political activity, this Commission has come to the conviction that Rubén Bravo disappeared at the hands of government agents in an action that violated his fundamental rights.

On December 23, 1973, Waldo VILLALOBOS MORAGA, 48, who was not politically active, was arrested. The Commission gathered testimony and evidence which indicates that on December 23 police arrested him on a public thoroughfare in the city of Linares. Available information leads the Commission to believe that his arrest was due to personal feuding between him and one of his captors. Villalobos was taken to the city jail. Records show that he entered the jail on December 24 and supposedly left on December 28 at 10:55 p.m., that is, during the curfew which was then in effect. He had been sentenced to four days in jail for being drunk. Even though his supposed release was recorded in the jail log he never returned home, and his fate and whereabouts remain unknown to this day. Since it is established that he was arrested and that all trace of him has been lost since the moment he was in the hands of his captors; that there is sufficient proof to reject as false the story that he was drunk at the moment of his arrest; that it is unlikely that a prisoner would be released during the curfew period; and that the disappearance of prisoners was common practice in this area in 1973, this Commission has come to the conviction that Waldo Villalobos suffered a forced disappearance by government agents who violated his human rights.

Between December 1973 and January 1974, there were four instances in which people disappeared by force from the artillery school in Linares. The account provided to the families and to the courts indicated that all had been released or had never been arrested. Nevertheless, there are numerous accounts by witnesses who saw them being held at the military installation. Their names are:

María Isabel BELTRAN SANCHEZ, 21, a music student and MIR activist. On December 16, 1973, soldiers arrested her along with another person at her home in Santiago, took her to the Military Academy and later transferred her to the artillery school in Linares. In June 1974 the operational command in Linares acknowledged that she had been arrested. That acknowledgement stated that she had been released in mid-January that year in order to receive specialized medical care since she had suffered an abortion while in prison. That is why she was released, "promising to present herself at the garrison headquarters in Linares, once she had recovered, a promise that to this moment has not been kept." The official claim that she had been released in January 1974 is contradicted by the fact that there has been no information about her since that same month and year, when she was last seen inside the regimental grounds. The fate or whereabouts of María Isabel Beltrán remains unknown to this day.

Alejandro MELLA FLORES, 19, a student and MIR activist. He was arrested September 19 by investigative police from Linares, taken to their main headquarters and later to the artillery school, where he was turned over to the military intelligence service. On October 31, he was transferred to the jail in Linares. The record indicates that on December 26, 1973 he was given conditional release. In the judicial inquiry into his disappearance, the investigative police stated that Mella Flores had been released on December 26, "in order to visit his relatives, with a promise to return, which he did not fulfill. He is now regarded as a fugitive and probably left the country over a pass that was not being guarded." The report does not explain why it is assumed that he left the country nor why he did so over "a pass that was not being guarded." In July 1976 the head of the artillery school in Linares told the court investigating Mella's disappearance that he had not been held at that military unit. The fate or whereabouts of Alejandro Mella Flores remains unknown to the present.

Anselmo CANCINO ARAVENA, 25, a farm worker and a MIR activist. Soldiers arrested him December 8, 1973 at a sawmill in Cauquenes where he had hidden since he had been summoned by a decree to present himself to the military authorities. While he was being sought by authorities, as a way of pressuring him to surrender, his parents, wife and sister were held prisoner, and were released when Cancino was arrested. The Commission established through consistent and credible statements from army officers that Cancino was held prisoner at the artillery school in Linares. He remains disappeared to this

day.

Héctor Hernán CONTRERAS CABRERA, 21, an employee at CORA and the regional head of MIR in Parral. On December 8, 1973, army troops arrested him in Santiago at the house of some relatives. Previously his sisters who lived in Parral had been arrested and were questioned so that they could tell where Héctor Contreras was. He was taken to the artillery school in Linares. According to his relatives, the school did not acknowledge that he had been arrested and was being held there. This Commission, however, received much plausible testimony indicating that he was at that facility.

These four prisoners were held at the same detention site. All were active in MIR and were working in the same area. It should be noted that none of them was brought before any sort of court nor was any accused of any crime that would justify their arrests. The Commission has concluded that the reason for their disappearances was entirely political. It is not credible that all should have been released and yet that none should contact his or her family after their supposed release; and that considering the political conditions of the country at that time, well known MIR militants from the area should have been released by the same military authority that had subjected them to harsh treatment of imprisonment and intense interrogation under torture. Since it is established that all were arrested and disappeared while under arrest, this Commission holds the conviction that they suffered a grave human rights violation at the hands of government agents.

Cauquenes

On October 4, 1973, four persons were executed:

Manuel PLAZA ARRELLANO, 25, an agronomist. Early on the morning of September 20, he was arrested at home by a military patrol and sent to the investigative police headquarters in Cauquenes.

Claudio LAVIN LOYOLA, 29, an agronomist. He was arrested October 2, 1973, when he reported to the investigative police headquarters to which he had been ordered to go to sign his name every day.

Miguel MUÑOZ FLORES, 21, a CORA employee. He was arrested at his home immediately after the events of September 11, by investigative police and taken to their headquarters.

Pablo VERA TORRES, 22, a student and office worker who was an area leader of the young Socialists, who had previously been arrested and released. He was rearrested that same month and taken to the headquarters of the investigative police.

On October 4, 1973, these young Socialists were taken from the investigative police headquarters in Cauquenes under heavy military guard. According to the official account, the purpose for doing so was to "reenact the crime" on the El Oriente estate on the outskirts of the city. According to this account these prisoners are said to have taken advantage of the situation to attack one of the guards. In response they were shot and all were killed, "in compliance with Military Decree 24 of the junta." That decree authorized immediate execution should there be armed opposition or resistance to the new military authorities.

A few hours before the execution, a helicopter carrying an official delegate of the commander-in-chief of the army and of the junta and his group had landed in the city of Cauquenes. This delegation remained in the city until immediately after the shooting took place. The overall import of that journey has already been considered.

The families learned of their death through the official decree which was broadcast over loudspeakers installed in the city square. Their bodies were taken to the Medical Legal Institute where the required autopsy was carried out. Troops then took them to the local cemetery and proceeded to bury them in a common grave. Only one of the families, through personal contacts, was able to have the victim's body exhumed and have it buried.

This Commission finds the official account implausible by reason of the following circumstances:

- * At least one of the autopsy reports states that the victim was shot in the forehead point blank; this expert examination refutes the official account.

- * The heavy military guard under which they were led out of the headquarters makes it unlikely that without weapons they would have attacked a guard.

- * Even if that had happened, the troops guarding them could have subdued and recaptured them without having to kill them.

Hence the Commission has come to the conviction that these four persons were executed by government agents without any justification whatsoever. Their right to life was gravely violated, as was their families' legitimate right to have them buried.

Parral

On September 26, 1973, four persons disappeared from the Parral jail where they were being held. As noted in the jail log on September 26, 1973, "By verbal order of the department governor, five prisoners were turned over to army troops: Enrique Carreño González, Eladio Saldías Daza, Hugo Soto Campos, Luis Aguayo Fernández and Aurelio Peñailillo." Only Enrique Carreño returned to the jail. To this day the others remain disappeared:

Hugo Enrique SOTO CAMPOS, 18, a student. He was arrested September 13 by police from Parral and taken to the city jail.

Oscar Eladio SALDIAS DAZA, 22, a student who was active in the Socialist party. He was arrested in Parral on September 20 by police and taken to the city jail.

Aurelio Clodomiro PEÑAILILLO SEPULVEDA, 32, who had a disability pension and was not politically active. He was arrested September 16 by police from Copihue, and taken to the Parral jail the following day.

Luis Evangelista AGUAYO FERNANDEZ, 21, a high school dean who was active in the Socialist party. He was first arrested September 12 by police and then released with the condition that he would go to the police station to sign a register. On one of those visits Aguayo was arrested and taken to the jail.

The Commission has come to the conviction that these four persons suffered a forced disappearance at the hands of government agents, and that their human rights were gravely violated. The particular grounds for that conviction are the following points:

* It is established that they were arrested by government agents.

* During this period leftist activists, who made up the bulk of those being killed, were not released.

* There are many instances of people who disappeared after being held prisoner in this area and in this facility.

* Their relatives have received no further word about them; there is no record of any of them leaving the country or conducting business with government agencies.

* It is established that they were taken out of the jail by army troops who have provided no explanation of their fate.

On October 4, Armando Edelmiro MORALES MORALES, 19, a high school student who was active in the Socialist party, was arrested. He was arrested that day when he voluntarily reported to the Parral police station. It has been established that he was then transferred to the Parral jail. Records indicate that he left on October 11, 1973, but there is good reason to presume that he was taken to the artillery school. The Commission has come to the conviction that Armando Morales' human rights were violated, since he was arrested and disappeared at the hands of government agents who have not explained his fate or whereabouts.

On October 6, 1973, Segundo GONZALEZ SANHUEZA, 37, a driver, was killed. He was arrested September 10, while he was driving a truck north toward Santiago. During a demonstration that was blocking the road, there was some shooting, and as a result one of the demonstrators was killed, and González was arrested by police. He was accused of homicide and taken to jail. Such was the situation in which he found himself at the outbreak of September 11, 1973. He had told his family that they were accusing him of being a "subversive" and of having hidden an arms cache in the area of Catillo. After his death his family was told that during his transfer from the jail to Catillo he had tried to escape and that he was killed in the effort to stop him.

The Commission has come to the conviction that Segundo González was executed by government agents. In conscience it cannot regard the official account as plausible, particularly in view of the following elements:

* It is unlikely that someone whose case was already being processed in the ordinary courts would have tried to escape under the conditions existing after September 11, 1973.

* Even if such an escape attempt had been made the

people guarding him had the means to recapture a prisoner alive.

* During this same period and in this area false information was often given about the fate of prisoners, as has been established in the preceding accounts.

On October 14, 1973, Gaspar HERNANDEZ MANRIQUEZ, 23, a small farmer, disappeared. That day witnesses observed him being arrested in the area of Torca, near Parral, in a joint operation conducted by the army and the police. He was taken to an unknown destination. An intense effort was launched to find his brother, José Rogelio Hernández, who was presumed to have been involved in the death of a policeman. That search led to large scale operations in which several people were killed. He was arrested as part of that search. Since that date there has been no word about Gaspar Hernández. Since it is established that he was arrested by government agents who never offered any explanation of his fate, and since there is no evidence in the various government agencies that he is still alive, this Commission has come to the conviction that Gaspar Hernández was subjected to a forced disappearance by government agents and that he suffered a grave human rights violation.

On October 23, 1973 the following people disappeared: Claudio Jesús ESCANILLA ESCOBAR, 16, a shoeshine boy who was not politically active. He was arrested by a military patrol in the Parral plaza and taken to the police station. He was transferred to the city jail by night, and he remained there until October 23.

Rafael Alonso DIAZ MEZA, 23, a worker. He was arrested on a public thoroughfare by police in Parral on September 22, along with Manuel Bascuñán, and taken to the Parral jail, where he remained until October 23.

Ireneo Alberto MENDEZ HERNANDEZ, 22, who was active in the Socialist party. He was arrested by police at the Copihue checkpoint and transferred to the Parral jail.

José Ignacio BUSTOS FUENTES, 52, a mechanic who was active in the Communist party. He presented himself voluntarily to police in Parral on September 13, after army officials had looked for him in his home. He was transferred to the Parral jail.

Manuel Eduardo BASCUÑAN ARAVENA, 23, a student who

was active in the Socialist party. He was arrested on a public thoroughfare by the Parral police on September 22 along with Rafael Díaz and taken to jail in Parral.

Oscar Abdón RETAMAL PEREZ, 19, a high school student who was active in the Socialist party. He was arrested September 25 by police from Retiro and taken to the Parral jail the day after his arrest.

Roberto del Carmen ROMERO MUÑOZ, 23, a worker. He was arrested October 9 when he voluntarily reported to the police station in Parral after having been summoned. He was imprisoned in the city jail that same day.

The record indicates that these seven people left the jail in Parral October 23, 1973. As this commission has heard from several sources, they were then taken by a police patrol to make statements at the military prosecutor's office by order of the governor of the department of Parral. Examining the Parral jail log, the Commission found that on October 23, 1973 "by order of the governor of the department... the following prisoners are released: José Bustos Fuentes, Claudio Escanilla Escobar, Rafael Díaz Meza, Ireneo Méndez Hernández, Manuel Bascuñán Aravena, Roberto Romero Muñoz and Oscar Abdón Retamal Pérez."

This Commission has come to the conviction that the arrest and forced disappearance of these people was the work of government agents. These persons suffered a grave violation of their rights as citizens. The grounds for that conviction are the following points:

- * Documents and witness accounts establish that they were arrested.

- * The last word about them was that they were being held prisoner.

- * As has been said before, the fact that this kind of procedure occurred repeatedly in this region and the nature of the political involvement of these people makes it unlikely that they would have been released.

In October 1973, the following people disappeared, likewise from the Parral jail:

Luis Alberto YAÑEZ VASQUEZ, 23, a small farmer. He was arrested at his home on October 13, 1973 by police from Parral and taken to their station. His family was later told that he had been transferred to Linares. His present whereabouts are unknown. There is credible testimony from people who witnessed the moment he was taken from the station by police on October 14. This is the last information available about him.

José Hernán RIVEROS CHAVEZ, 27, a construction worker. He had been arrested at his home on October 12 by police from Parral and taken to the police station where many witnesses saw him. Despite their testimony, the police told the family he had not been arrested. His whereabouts remain unknown to this day.

Víctor Julio VIVANCO VASQUEZ, 19, a high school student who was active in MIR. He was arrested October 8 by a military patrol and taken to the investigative police headquarters in Parral and then to the city police station. Witnesses say they saw him under arrest there. From that moment all trace of him has been lost.

Luis Enrique RIVERA COFRE, 21, who was active in the Socialist party. He was arrested October 5, by troops from the artillery regiment in Linares while his family observed. His captors told his family that he was going to be taken to the police station in Parral, and witnesses attest that he did arrive there. On the fourth day of his imprisonment at the police station his family was told that Luis Rivera had been released. After October 8 there was no further word on his whereabouts.

This Commission holds the conviction that these four people were arrested and disappeared at the hands of government agents for the following reasons:

* All were arrested in the presence of witnesses in October 1973 and were held prisoner at the Parral police station. However, when the Commission asked the police about the fate of these prisoners, the official response was that the records from that period had been burned in accordance with internal regulations.

* After consultation with the proper government agencies, it can be said that these people have not left the country, did not register to vote, and have not requested identification cards. None of them contacted their families, and thus it is not

plausible that they were released.

Constitución

On September 14, 1973, these two people disappeared: Arturo Enrique RIVEROS BLANCO, 22, a draftsman at Celulosa Constitución who had been governor of Constitución until September 11, 1973 and was active in the Christian Left. He was first arrested September 12 at the governorship and taken to the local jail and then released that same day. He was rearrested by soldiers September 14.

José Alfonso SAAVEDRA BETANCOURT, 37, an ironworker by trade who was a labor leader. On September 12, he was arrested by troops in the Putú area and taken to the jail in Constitución. Some civilians were involved in his arrest.

According to official information provided at that time both prisoners had been taken to the artillery school in Linares. An examination of the logs indicated that these two prisoners were removed by order of the military governor at 10:00 p.m. Friday September 14, 1973, after he had questioned some of the political prisoners in the jail.

This Commission became aware of two facts that refute the claim that these prisoners were taken to the artillery school: (1) The military governor asked for a car to take them, but it was never used for that purpose since it was back in Constitución an hour after leaving. It is impossible to drive to Linares and back in that amount of time. The prisoners were never taken to Linares. (2) One of the people who was held prisoner in Constitución testifies that he was taken to the area called La Poza on Mutrún hill where he was subjected to a simulated firing squad. That happened the same night that Riveros and Saavedra were taken out of the jail. One of the soldiers involved in this feigned firing squad told the witness he had better obey the orders of the patrol since they had already killed two people. Since it is established that both were arrested, and taking into account the evidence already mentioned, the Commission has come to the conviction that Arturo Riveros and José Saavedra disappeared at the hands of government agents who violated their human rights.

On September 19, 1973, Jorge YAÑEZ OLAVE, 29, a journalist and local head of MIR who was working to organize the labor union at Celulosa Constitución, and Jaime TORRES SALAZAR,

21, a worker and MIR leader, disappeared. In view of the events of September 11, 1973, they decided to leave the area. Orders were issued for their arrest, and they were in fact arrested by police and investigative police in Cauquenes on September 16. Their entrance into the investigative police station in Cauquenes is recorded in report No. 10. The day after their arrest a military patrol took them to the office of the governorship of Constitución at the request of the military governor. From that point on there is no further trace of them. The authorities said that they had been released, and that therefore the officers of the investigative police who were supposed to interrogate them had been sent to Talca. Nevertheless, on September 23 an order for their arrest was sent to all police units in the country. Credible testimony taken by this Commission indicates that the prisoners were executed in Constitución itself.

The official account of their supposed release is seen to be implausible if one takes into account that both were well known area MIR leaders, that there were special orders for their arrest and that they had been arrested in the city of Cauquenes and sent to Constitución at the express wish of the military governor there. The fact that no members of the investigative police were available at that moment is not a plausible reason for releasing them, especially if the authorities again ordered that they be arrested a few days later. Hence this Commission holds the conviction that Jorge Yañez and Jaime Torres suffered a forced disappearance at the hands of the government agents who arrested them and that this action was a grave violation of their human rights.

In November 1973, José CAMPOS MORALES, 26, a peasant leader who was active in MIR, who usually went by his nickname "Chupalla" Campos, disappeared. Troops from the regiment at Linares arrested him at the San Gabriel estate near the city and took him to the local jail. According to the jail log on October 5 he was released for lack of proof. However, this Commission received a good deal of testimony from people who saw him being held prisoner at the artillery school in Linares and at the investigative police headquarters in Constitución after the date of his supposed release for lack of proof. One witness recalls that in a conversation at the artillery school Campos told him that he had been taken to the firing range and was subjected to a mock execution. Even later, in November 1973, witnesses saw him under arrest at the investigative police headquarters in Constitución. From that point on, all trace of him is lost. Since it is established that he was arrested; since, given his political

activity, it is unlikely that he would be released from Linares; since neither his family nor the Chilean government through its agencies has any information on José Campos; and since he disappeared while in the custody of military troops, this Commission has come to the conviction that he suffered a forced disappearance at the hands of government agents, in a grave violation of human rights.

San Javier

In this area four people disappeared by force during September and October 1973. The remains of one of these persons were identified, and those of another were later retrieved. On September 15, 1973, the following people voluntarily reported to the Melozal checkpoint in the presence of witnesses and were immediately arrested:

Cesáreo SOTO, 60, a small farmer from the Molozal area who was not politically active;

Vidal del Carmen RIQUELME IBAÑEZ, 45, a livestock dealer who was a supporter of the Popular Unity;

Ruben ACEVEDO GUTIERREZ, 22, a farm worker who was a peasant leader in Melozal.

On October 2, 1973, Gerardo ENCINA PEREZ, 33, a farmer who was active in the Socialist party, was arrested when he voluntarily turned himself in at the police station in San Javier.

From the moment they were arrested, the prisoners' relatives engaged in an intense but fruitless search for them. One of the families had heard that some bodies had been found nearby and had seen obvious traces of blood on a local bridge. Hence they began a search with the aid of firefighters from Melozal. In the Loncomilla River they found the body of Rubén Acevedo and other bodies that they were unable to retrieve. One of those working in the retrieval effort says that he recognized Gerardo Encina. Rubén Acevedo's body bore bullet wounds.

On the basis of this evidence it can be presumed that these four persons were taken by their captors to the bridge over the Loncomilla River and were executed, and that their bodies were thrown into the current. Since it is established that they were all arrested; since there is no official information concerning their subsequent fate; and since one of the bodies was found, this

Commission has come to the conviction that Cesáreo Soto, Vidal Riquelme, Rubén Acevedo, and Gerardo Encina suffered a grave human rights violation at the hands of government agents, who sought to kill them.

On September 29, 1973, Miguel Antonio FIGUEROA MERCADO, 46, a farmer who was not known to be politically active, disappeared. He was arrested at his home in the Peñuelas sector in Yerbas Buenas by the army and the police. There has been no further word about him since the day he was arrested. This Commission has come to the conviction that Miguel Figueroa suffered arrest and forced disappearance at the hands of government agents who thereby violated his right to life. That conviction is based on the accounts of witnesses who saw him arrested by police and the established fact that he disappeared and has not conducted official business for seventeen years, nor has he left the country, or had any contact with his family.

On October 18, 1973, Mario GONZALEZ ALBORNOZ, 34, a small farmer, was executed. That day soldiers and one policeman arrested him on the El Sauce estate where he lived. His family, who witnessed the arrest, say that their search for Mario González was in vain, since everywhere they went they were met with denials that he was being held prisoner. About a week after his disappearance, his body was found in the El Candil estate, next to the section of land on which he had been arrested. The death certificate says that the cause of death was "destruction of the head-homicide. Bullet wound." In view of the fact that Mario González was last seen alive when he was arrested by government agents and that he died of a bullet wound, this Commission has come to the conviction that those agents were responsible for his death and that they were thereby responsible for a grave violation of his human rights.

On October 25, 1973, Ramón LEIVA NARVAEZ, 53, a teacher who was active in the Socialist party, was killed. That day in the early morning hours while curfew was still in effect, police from San Javier arrested him at his home in the presence of witnesses. He had previously been arrested, released, and threatened at his workplace. His body, bearing bullet wounds, was found the next morning on a public thoroughfare. Since it is established that he was arrested and was shot to death a few hours later, and since those who arrested him have not provided any explanation, this Commission has come to the conviction that Leiva Narvaez was executed by government agents in an

action that gravely violated his human rights.

Other areas

On October 13, 1973, in the area of Catillo four persons disappeared after being arrested. Their names are:

Ruperto TORRES ARAVENA, 58, a chemical engineer and farmer who was not politically active. After a previous arrest he was obliged to report every day to sign the registry at the police checkpoint in Catillo. When he showed up to fulfill this obligation on October 13 he was arrested.

Miguel ROJAS ROJAS, 52, a farm worker who was active in the Socialist party and who belonged to the union on the El Palomar agricultural cooperative.

Gilberto ROJAS VASQUEZ, 28, a carpenter who was active in the Communist party. He lived in Santiago but that day he was visiting the area.

These last two were father and son. They were arrested at Rojas's house on the El Palomar estate in an operation carried out by troops from the artillery regiment in Linares and by police. They were taken to the Catillo checkpoint. From that moment on there has been no trace of them.

Ramiro ROMERO GONZALEZ, 28, a member of the peasant league who worked at the Nuevo Porvenir agricultural cooperative and was active in the Socialist party. He was arrested October 13 at the Catillo checkpoint when he voluntarily presented himself in response to a summons made by a member of that police unit. That same day Alfredo Durán Durán, the notary of the civil registrar's office in Catillo, is also said to have been arrested. This is the last date on which there is any information on his whereabouts. Since there were no eyewitnesses to his arrest, this Commission has not been able to come to a conviction on whether he suffered a human rights violation.

The police told the prisoners' relatives that they had been taken to the Parral police station the day of their arrest, but at the police station itself the families were told that this was not the case. When the family members were at the Parral police station, a policeman telephoned the Catillo checkpoint, which said that they had been released. In the various judicial

processes undertaken on behalf of these people who had disappeared, official accounts continued to vary, and even fell into unexplainable contradictions.

The different accounts provided by authorities, the fact that to this day there has been no word on these prisoners and that none of them is recorded as having left the country, and that they are not currently registered to vote and have not sought an identification card during the last seventeen years; the fact that it is established that police from the Catillo checkpoint were involved in their arrest; the political activity of the victims; and the lack of response to the Commission's requests for help from the proper authorities, have led this Commission to the conviction that these persons suffered grave human rights violations when they were subjected to forced disappearance at the hands of agents of the Chilean government.

On October 15, 1973, Uberlindo del Rosario AGUILERA PEREIRA, 26, a peasant leader, was killed. That day while he was working, local police were carrying out an operation. Driving a jeep, they came to the Pahuil estate and with bursts of machine gun fire forced the peasants to lie on the ground. Uberlindo Aguilera dismounted from a horse with his hands in the air and lay on the ground. A few moments later he stood up with his hands in the air. A policeman shot directly at him, hitting him in the chest and killing him instantaneously. A large number of peasants and police observed these events, and have served as witnesses to what happened. Aguilera's widow was summoned to the Canco police station. The same policeman who shortly before had killed her husband told her that she had four hours to have him buried. He was buried in the local cemetery. His body was transported in a truck belonging to the highway department, and it was driven by police. Since these events have been attested to by the statements of the official forces who were involved in them, the Commission has come to the conviction that Uberlindo Aguilera was executed by government agents and that this was a violation of human rights.

On November 21, 1973, Juan Antonio VILLASEÑOR JARA, 37, an undersea diver who was active in the Christian Democrat party, was killed near Chanco, in the area of Curanipe. According to the official account given to the judge in Chanco, in report No. 27 of the Second police station, Juan Villaseñor was killed while driving his car with the lights off during curfew hours. Refusing to stop when ordered, he is said to have tried to run

over troops with his car. After firing a shot into the air to warn him to stop, they killed him with a shot to the head. The police report suggests that he was drunk. What the Commission was able to establish in its own investigation was as follows. On the morning of his death, Juan Villaseñor and a friend had an argument with some soldiers in the area. Some hours later members of the patrol caught up to him and they had detained his friend. When they saw Villaseñor's car they shot several times until they hit him. In the judicial investigation eyewitnesses declared that the troops were looking for him before his death, that his car had a number of bullet holes, that according to the autopsy report he was not drunk, and that one of the soldiers admitted that he had recognized the car before the shooting began. In accordance with this evidence, the Commission has come to the conviction that Juan Villaseñor's human rights were violated by government agents who killed him in an abuse of their power.

- i. Eight Region - Bío Bío
 - Overview; Cases: Provinces of Concepción, and Ñuble, # Overview

This section deals with 212 cases of human rights violations in the Bío Bío Region from September 11 to the end of 1973. All of them resulted in death or disappearance, and the Commission came to the conviction that the government was responsible for the acts of its agents or persons in their service.

In the Eighth Region, which encompasses what are today the provinces of ñuble, Concepción, Bío Bío, and Arauco, the army, the navy, and the police controlled public order. In the province of Concepción the army and the navy took charge, and it was their members who were guilty of human rights violations. The police controlled public order in the smaller and more remote areas of the province. In the provinces of ñuble and Bío Bío the army and the police exercised military and political control. It was the activity of the police, especially throughout ñuble and in the rural areas of Bío Bío, that produced most of the cases the Commission considered.

It is important to note that in some municipalities or areas, such as Santa Bárbara, Quilaco, Quilleco, and Mulchén, organized civilians were actively involved in the actions that violated human rights. The social conflicts prompted by the

agrarian reform process had led to the formation of far right groups and groups of farmers who became involved in repressive actions after the Popular Unity was overthrown. This Commission received a great deal of consistent testimony that these people generally worked together with the armed forces and were directly involved in repression. On other occasions, they made accusations against people who were then arrested or killed, they acted on their own with the knowledge of the authorities in seizing people who later disappeared, and they were involved in interrogating and torturing prisoners in military facilities.

The characteristics of those who suffered human rights violations varied from one part of the region to another. In the province of Concepción they were generally people who were clearly politically involved, namely cadres of the Communist party, MIR, and the Socialist party. Many of them were professional people, university students, or mid-level or high ranking public officials. Some victims in the area of Concepción do not seem to have been politically involved.

The situation was different in the provinces of ñuble and Bío Bío. Due to conflicts over land ownership, most of the victims were small farmers or farm workers, many of whom were not known to be politically involved. Other victims included political leaders connected to government agricultural agencies such as INDAP (National Institute for Agricultural Development), the Agriculture and Livestock Service, and CORFO (Corporation to Stimulate Production), as well as employees of those agencies.

Procedures varied by geographical sector and by the forces involved: cases included deaths officially explained as applications of the so-called "law of escape"; the application of the maximum penalty by war tribunals which did not operate in accordance with the law; people who died as the result of torture; executions that took place without any due process of law; deaths due to the use of unnecessary force; and disappearances of people after they were arrested by government agents and civilians acting under their protection.

In the province of Concepción the Commission determined that torture was often used by members of the navy, and especially the marines, and by the police who were serving

at the Fourth station in Concepción (now the Second station). In four instances torture led to death. In the province of Bío Bío, especially at the regiment in Los Angeles (now Mountain Infantry Regiment No. 17) prisoners were subjected to the systematic application of torture. At police facilities in places like Santa Juana, Autuco, Chillán, Coihueco, Niblinto and elsewhere prisoners were often mistreated.

So as to better describe the varied events in this region, the cases investigated will be presented according to province and in chronological order. Preceding the case accounts will be a description of the specific features of what happened in each province.

Cases of grave human rights violations in the Bío Bío Region

Province of Concepción

The navy and the army played the primary role in asserting political and military control over this province. The police were in charge of public order in those areas that were distant from the main cities of the province.

In Situation Report No. 7 of the Ministry of Defense, dated September 15, 1973, Concepción was described as follows: "People are generally going about their normal business. Institutions, organizations, and private citizens are cooperating of their own free will. In Talcahuano, casualties: none."

In the provinces, the army, navy, police and prison service operated many detention sites. The main ones included:

* The Regional Stadium in Concepción. In October 1983, according to a report by the International Red Cross Committee, 589 prisoners were being held here, including 44 women. They were living in seven dressing rooms, some of them 12 by 18 meters and others 12 by 6 meters. The floors were of tile and were covered with a layer of sawdust or straw.

* Seaman's School on Quiriquina Island. The same source indicates that in October 1973 this site held 552 prisoners, including 33 women and 19 foreigners (eight

Brazilians, four Uruguayans, three Bolivians, two Venezuelans, one Panamanian and one Pole). The men were housed in the gymnasium, which measured 50 by 25 meters and was surrounded with barbed wire and heavily guarded. The women were in a room that measured 30 by 15 meters.

* The jail in Concepción (now the prison in Concepción). In November there were 43 prisoners in the hands of the army, 17 in the hands of the navy, and 13 who had been sentenced by war tribunals. The army's 43 were housed in the prison theater, which measured 16 by 10 meters. The navy's 17 were held in a different wing of the building. Those sentenced by the war tribunals were housed together with common criminals in dormitories that measured 10 by 5 meters, and they slept in niches in the concrete wall.

* Talcahuano Naval Base. In November 1973 there were 158 prisoners at this facility, including two women. The men were held in the gymnasium, which measured 50 by 25 meters, and the women were a kilometer away at the Rodríguez garrison in a room that measured 20 by 5 meters. The prison at Tomé and the Fourth police station in Concepción (now the Second police station) were also used as detention sites.

On September 12, 1973, Oscar SALAS PARRA, 20, died at the hospital in Lota of bullet wounds received from police. According to a police report prepared that same day, the shooting occurred during "a sniper attack on the Lota Alta substation," in which the other attackers are said to have run away, and there is no mention of any police being killed or wounded. This Commission has not been able to determine how Oscar Salas died. In view of the circumstances of the time and since it is established that he was shot to death by police, the Commission came to the conviction that he died as a result of the political violence in the country at that time, whether or not he was involved in an armed clash with police.

On September 14, 1973, José Eugenio CASTRO ALVAREZ, 22, a shoe repairer, and Ernesto MARDONES SOTO, a university student who was a MIR activist, were arrested by police from Hualpencillo at Castro's house and taken to the police station. The families made countless

efforts to find them but were unable to obtain any information on their whereabouts. Two months later the body of Ernesto Mardones Soto, with signs of bullet wounds, was found on the banks of the Bío Bío River. José Castro Alvarez remains disappeared to this day. The Commission has come to the conviction that Ernesto Mardones and José Castro suffered a human rights violation at the hands of government agents. The basis for that conviction is that the evidence gathered indicates that both of them were arrested, that Mardones was found dead, with signs of bullet wounds, in the Bío Bío River, and that since that time there has been no word on Castro Alvarez, who was presumably killed by government agents.

On September 18, 1973, Arturo Segundo VILLEGAS VILLAGRAN, 45, a taxi driver who was active in the Socialist party, was arrested at his home by police who took him to their headquarters in Penco. Since his arrest there has been no further information on his whereabouts nor any official notification of his death. This Commission holds the conviction that government agents were involved in the forced disappearance of Arturo Villegas, since it is established that he was arrested, his family has never received any further information about him, and he has not conducted any business with the Chilean government.

On September 19, 1973, Héctor Roberto RODRIGUEZ CARCAMO, 25, a philosophy student at the University of Concepción, was arrested at his home by police from the Fourth station in Concepción. In a letter to the family dated November 12, 1973, the army's Third Division recognized that he had been apprehended along with other MIR prisoners and released the day after his arrest. His family's efforts to use the legal system to find him brought no results. He remains disappeared to the present and his fate remains unknown. The Commission came to the conviction that government agents were involved in the disappearance of Héctor Rodríguez for these reasons: it is established and acknowledged that he was arrested; in view of the kind of political activity the authorities attributed to him, their claim that he was released is hardly credible; disappearance was commonly used during that period and that area against those active in that political group; and there has been no word about his fate or his whereabouts to this day.

On September 20, 1973, two Ecuadorians, Felipe Porfirio CAMPOS CARILLO, 23, who was studying massage therapy, and Freddy Jimmy TORRES VILLALBA, 19, an engineering student, were found dead on the banks of the Bío Bío River. Their bodies bore numerous bullet wounds. The headline in the local newspaper was, "Two subversives found shot to death." On September 28, 1973, however, a national newspaper said that these young men were not themselves "subversives, but lived with people who were, and that they had been victims of political revenge." Through credible witness accounts, this Commission has been able to determine that both were held at the Fourth police station in Concepción. Thus this Commission holds the conviction that Felipe Campos and Freddy Torres were executed by government agents who violated their right to life. The grounds for that conviction are that it is certain that they were killed by numerous bullet wounds; they were imprisoned by police; throughout the country similar procedures were employed against foreign citizens residing in Chile; and a number of similar events took place in this area.

On September 21, 1973, José Alfonso CONSTANZO VERA, 26 a maintenance mechanic at the Compañía de Acero del Pacífico who was also an engineering student at the State Technical University, was killed at the Fort Borgoño marine base. He was arrested September 13 at work by navy troops and taken to Fort Borgoño. Witnesses say, and the navy confirms, that he was shot to death by a member of the navy. The official account, provided by the navy, states that "...while he was being held prisoner at that base (DIM No. 3 Aldea) by virtue of the regulations for a state of siege, he attempted to seize a guard's weapon." His body bore bullet wounds in the torso. After his death navy personnel took his remains to the Talcahuano cemetery for burial in a common grave. His relatives retrieved them some days later.

The official account does not seem credible since an unarmed prisoner would be unlikely to attack a guard in a military base that was under heavy protection; even if he did so, it does not seem possible that trained personnel would have no other way to halt his action than shooting to kill. Bearing in mind the story presented, this Commission has come to the conviction that José Alfonso Constanzo was executed by government agents and that the action was a

human rights violation.

On September 28, 1973, Ricardo Antonio BARRA MARTINEZ, 24, a worker at the Fiap textile factory in Tomé who was a MIR activist, died at Fort Borgoño. He was arrested the previous day along with Miguel Angel Catalán Febrero, Tránsito del Carmen Cabrera Ortiz and Héctor Lepe Moraga, who were later brought before a war tribunal and then executed, supposedly for attempting to escape. They were arrested by police from the Tomé station. Witnesses state that Barra was interrogated and tortured there before being taken in poor condition to Fort Borgoño, where he died September 28 as a result of the torture he had received.

His body was buried at the cemetery in Talcahuano. His family later had the body exhumed and said that his back and ears were bruised purple and that his entire body was covered with blood. The death certificate, however states that the cause of death was "sudden death, cardiac arrest." The place is said to be Aldea 3, that is, the marine base located at Fort Borgoño. By order of the military authorities there was no autopsy, and hence it is impossible to establish that he died a "sudden death" since such a diagnosis can be made only if it has been established that no organ has been damaged enough to cause death, nor can the cause of death be "cardiac arrest," which can be presumed to be true of any victim but would likewise require that an autopsy be carried out. In view of the testimony received, because there was no autopsy, because the press at that time called him a "dangerous subversive," because of what happened to those who were arrested with him, and because of the indications on his body, the Commission has come to the conviction that Antonio Barra died of torture inflicted on him by government agents in an action that violated human rights.

On October 4, 1973, José Abraham VIDAL IBAÑEZ, 22, an agricultural worker who was active in the Young Communists was arrested in Hualpencillo by police who took him to the substation in Arenal de Talcahuano. On October 8, police told his relatives that he had been released but his whereabouts and his fate remain unknown to this day. The Commission has come to the conviction that the disappearance of José Vidal Ibañez constitutes a human rights violation at the hands of

government agents. The reasons for this conclusion are that it is established that he was arrested; it is not likely that he would have been released since the local press was reporting that official accounts pointed to him as one of the most "dangerous subversives in the area"; and there has been no trace of him since his disappearance while in the hands of his captors.

On October 6, 1973, police gathered the following prisoners at the boarding house in Schwager:

Fransk MARDONES GARCES, 22, a teacher and active Socialist, who voluntarily reported to the police checkpoint in Villa Mora on October 2 and was taken to the Lo Rojas checkpoint in Coronel;

Zenón FUENTES SAEZ, 42, a driver, mechanic, an employee at the hospital in Coronel, a delegate to the hospital board of directors and an active Socialist who on October 3 was arrested there along with 25 other employees;

Hernán QUILAGAIZA OXA, a radio operator and topographer who was active in the Communist party and arrested at the offices of the Schwager machine shop.

That day, according to testimony received, after interrogation they were taken to Concepción. The police later claimed that Fuentes and Quilagaiza had been released from the Fourth station in Concepción at 2:00 p.m. October 6. This is the last available information about them. The official account states that when the vehicle halted on the way to Concepción, Mardones tried to escape and was killed by police. His body was buried in the cemetery in Coronel by order of the police. Employees at the cemetery in Coronel say that at about 8:30 a.m. October 7, a group of men in uniform ordered them to bury three bodies. One was the body of Fransk Mardones, but they did not know who the other two were. Only that of Mardones was in a coffin. The other two bore bullet wounds. They were buried in Lot No. 13 of the cemetery.

The Commission has come to the conviction that the death of Fransk Mardones and the disappearance of Hernán Quilagaiza and Zenón Fuentes constituted grave human rights violations by government agents. The

Commission does not believe it is likely that Mardones would have tried to escape, since he was unarmed and heavily guarded, and the area itself was under strict military control. It is likewise implausible that the other two prisoners would have been released that day, since they would have been the only witnesses who could confirm the police account of Mardones's escape attempt, and indeed they never subsequently contacted their relatives. Finally, statements by witnesses provide reasonable grounds for assuming that Zenón Fuentes and Hernán Quilagaiza were also killed by those same government agents.

On October 9, 1973, three MIR activists were killed in the area known as Paso Hondo near the town of Tomé:

Tránsito del Carmen CABRERA ORTIZ, 28, a textile worker at Fiap Tomé,

Miguel Angel CATALAN FEBRERO, 22, a university student, and

Héctor Manuel LEPE MORAGA, 29, a student at the State Technical University in Concepción.

They were arrested by police September 27, 1973, together with Ricardo Barra Martínez, who was tortured to death, and were turned over to the navy intelligence service. Brought before a war tribunal October 6, 1973 (Record-1), Cabrera was sentenced to fifteen years and a day with no parole, and five years with possible parole; Catalán to fifteen years and a day with no parole, ten years and a day with no parole, twenty years with no parole, and ten years of exile with no parole; and Lepe was given fifteen years with no parole, five years and a day with no parole, and three years and a day with possible parole.

According to the official account, two or three individuals with shotguns and homemade devices attacked the navy patrol assigned to guard the prisoners, and the prisoners tried to take advantage of the moment to escape. A member of the patrol shot and killed them immediately. This Commission rejects the official account for the following reasons: they were under guard and were unarmed; had there been an attack on the patrol it is not likely that none of the official forces would be wounded and that none of the attackers would be wounded, arrested or

killed; and testimony from other prisoners who were also being moved indicates that the prisoners were shot without any previous attack at all. The Commission has come to the conviction that the execution of these three persons was a violation of human rights committed by government agents, and specifically by members of the navy.

On October 11, Hugo del Rosario CANDIA NUÑEZ, 19, a worker at Sigdo Koppers and Máximo Segundo NEIRA SALAS, 34, a worker at Sigdo Koppers who was a union leader and MIR activist, were shot to death without any due process of law at the Fort Borgoño Marine Base. They were arrested at work by members of the navy who took them to Fort Borgoño where they were shot. Since their bodies were turned over in sealed coffins, their families were prevented from identifying them. The Commission came to the conviction that the killing of Hugo Canida and Máximo Neira was a human rights violation for which the government was responsible, since these were executions that took place without any due legal process.

On October 18, 1973, Robustiano CARRASCO TOLOZA, 46, a farmer, died in the hospital in Concepción. He had been arrested October 14 at his home in Curamávida by police from Santa Juana who took him to their headquarters. He was held there and tortured until the 16th. When he came home after being released, his body was bruised, his genitals were swollen, and he was suffering intense pain, especially in the head. That head pain increased the following day, and he gradually sank into a coma. In that condition he was taken to the hospital in Santa Juana on October 17. The diagnosis was trauma to the brain and a cerebral hemorrhage. He died at the hospital. The autopsy report states that his shoulder, right elbow and the back of the right hand were all raw, and that there was bloody mucous in the stomach. The conclusion states that, "these injuries-fractured cranium with a cerebral contusion, and hemorrhaging of the meninges-in the foregoing conclusions were caused by being hit many times with or against a hard object and raise the strong suspicion that they were caused by third parties." The Commission came to the conviction that Robustiano Carrasco died as the result of actions by government agents since the injuries that caused his death could only be inflicted by those who held him prisoner and tortured him for two days.

On October 22, 1973, four people, all active in the Communist party, were shot to death on land belonging to the police along the highway between Concepción and Talcahuano:

Vladimir Daniel ARANEDA CONTRERAS, 33, a teacher in Lota and a leader of the teachers' organization;

Bernabé CABRERA NEIRA, 39, a worker at Celuosa Arauco and president of the cellulose workers union in Concepción;

Isidoro del Carmen CARRILLO TORNERIA, 46, a government administrator and general manager of ENACAR (Empresa Nacional del Carbón-National Coal Company); and

Danilo Jesús GONZALEZ MARDONES, 39, a professor at the teacher training school and mayor of Lota.

After being arrested they were brought to trial and given the maximum sentence by a war tribunal (case 1645-73, October 18, 1973) for allegedly violating Law 17798 (Weapons Control) and for being guilty of the crimes of organizing groups to engage in armed combat with explosive bombs; making, storing and illegally transporting explosives and explosive devices; and illegally possessing explosives and weapons, all of these crimes committed during wartime. On October 21, the commander of the army Third Division approved the sentence and fixed the date of execution by firing squad for October 24. However, it took place on the 22nd at the location noted above. The bodies were not turned over to the families and, by order of the authorities, they were buried in the cemetery in Concepción without their relatives being informed. Only in July 1990 could they be located and exhumed by order of the Second Criminal Court in Concepción.

The Commission has come to the conviction that these judicial proceedings and the sentences they issued were improper on the basis of the information already provided concerning all war tribunals as well as the following considerations:

* It is unacceptable that the motion to have the war

tribunal in wartime ruled incompetent should be rejected since those accused were being tried for crimes alleged to have been committed prior to the beginning of the state of war, that is, during peacetime. Nevertheless, the tribunal did not accept the motion to dismiss.

* Retroactive application of the law is another grounds for questioning the propriety of the process, since the war tribunal increased the punishment by applying Decree Law No. 5 to crimes alleged to have been committed before that law went into effect.

* Likewise, in dividing the crime into parts and identifying and sanctioning each separately, and then adding up the punishment that would be due to each of the actions if they were independent criminal actions, the tribunal ignored the rules for properly construing crimes;

* The tribunal rejected the claim that the prisoners' previous conduct had been blameless, by morally categorizing the antecedents of the accused and holding that it is not enough that conduct be "merely good, for the law requires that it be utterly spotless," and also "that a summary written report from two favorable witnesses is not enough." In this fashion the tribunal was setting standards for extenuating factors that go beyond what the law itself establishes.

* Without providing any grounds for doing so, the court rejected whatever the accused raised to extenuate, diminish, or modify their supposed responsibility. Hence it is the conviction of this Commission that these firing squad executions were a grave violation of human rights, and particularly of the right to life and to a just trial.

On October 22, 1973, María Edith VASQUEZ FREDES, 24, a merchant who was active in the Communist party, voluntarily reported to the police station in Curanilahue and was told to return the 23rd. Since that date her fate and whereabouts remain unknown. On October 24, police from that station raided her house and told her relatives that she had run away when she was taken out of the police station, supposedly to assist in a search for weapons. However, witnesses who testified before the Commission assert that she did not run away, but that soldiers and police took her to the area of Colico. There has been no word on her

whereabouts since her arrest and disappearance. It is the Commission's conviction that government agents were responsible for the disappearance of María Vásquez since it is unlikely that she would try to run away from her captors, who were armed and trained. In addition she proved her willingness to report to the authorities on two consecutive days; in addition testimony by witnesses contradicts the official account, and since when witnesses from that police unit were called to give testimony in a court proceeding they stated that they were unaware of any escape attempt.

On November 8, 1973, Fernando ALVAREZ CASTILLO, 40, a law school graduate who was governor of the province of Concepción and active in the Communist party, died at the Fourth police station in Concepción. Police arrested him September 11, 1973, and took him to the navy base at Talcahuano and then to Quiriquina Island. Police took Alvarez and three other prisoners from the island to the Fourth station on November 5. There is proof that they were tortured there. He died on November 8, with a perforated lung, as a doctor who aided him at the police station has confirmed. The death certificate says the cause of death was "bleeding from the left side of the chest." Official information provided by the public relations department of the army Third Division indicates that he died very suddenly as the result of a cardiovascular crisis. This Commission holds the conviction that the death of Fernando Alvarez was a violation of his right to life committed by government agents. The grounds for that conviction are that he had been arrested for a month, that the autopsy report revealed that he was suffering from wounds that cannot be explained except as the result of torture, and that reliable witnesses have testified that they had learned that he had been killed while under interrogation.

On November 8, 1973, Héctor Fernando VELASQUEZ MOLINA, 37, an elementary school teacher who was active in the Radical party, died in the prison in Tomé. On November 6, 1973, he was arrested while at work by investigative police under orders from the naval prosecutor's office at Talcahuano, and was taken to the prison in Tomé. Numerous credible and consistent witnesses have testified that he was subjected to torture by navy personnel. The death certificate says the cause of death was "shock, acute pancreatitis, hemorrhage." The Commission came to the conviction that the death of

Héctor Velásquez due to mistreatment was a human rights violation committed by government agents. The reasons for that conviction are the fact that he was in the hands of navy authorities and in a prison when he received the wounds that killed him, and the plausible testimony it received from witnesses to the events.

On November 27, 1973, the body of Mario Alberto AVILA MALDONADO, 27, who worked at the Department of Social Development in Tomé and was active in the Young Socialists, was found in the area of Quebrada Honda. He had voluntarily reported to the police station in Penco on September 18. After being held for three days he was released. On October 9 police from the Penco police station and civilians arrested him at his workplace. There was no further information on his whereabouts until November 27 when his body appeared at the site mentioned above. The death certificate states that the cause of death could not be determined. Having established that he was arrested, this Commission holds the conviction that Mario Avila died as a result of the action of government agents who gravely violated his right to life.

On December 20, 1973, two active Communists were shot to death by order of a war tribunal:

Irán del Tránsito CALZADILLA ROMERO, 22, a worker at Fiap in Tomé, and

Fernando Humberto MOSCOSO MOENA, 20, a student of civil engineering in lumber at the State Technical University at Concepción.

Both were given the maximum sentence by a war tribunal prepared by the navy (Record-5, December 16, 1973). On this occasion fifty-two people were put on trial. The next day the commander of the Second Naval Zone approved the sentence, and the execution by firing squad took place December 20. Their bodies were not turned over to their relatives, but were buried in Cemetery No. 2 in Talcahuano. Their relatives were later allowed to transfer their remains to the cemetery in Tomé. Irán Calzadilla Romero was found guilty of the crimes defined in Article 6c of Law 12927, and of illegally possessing arms and explosives as defined in Law 17798. Fernando Moscoso Moena was found guilty of the crime of distributing, transporting, and storing

explosives, according to Article 10 of Law 17798.

The Commission has come to the conclusion that the tribunal's decisions did not respect the rules for a due process, because of the indications already noted with regard to all war tribunals and especially in view of the following points:

* The war tribunal did not accept the defendants' argument that it was incompetent on the grounds that the crimes of which they were accused should be tried by a military tribunal in peacetime, since they had been committed before the state of siege went into effect.

* The tribunal retroactively issued a sentence since the heavier punishment mandated in Decree Law 5 could not be regarded as applicable to crimes committed before the change in the law, as was the case here. The tribunal regarded the crime as ongoing and believed that although it began while the earlier version of the law was in effect, it extended into the time when Decree Law 5 was promulgated.

* The tribunal ignored the rules for how crimes should be construed and divided all the acts that made up the crime, identifying and sanctioning them separately, and adding the punishments for each one as though they were separate criminal activities.

* The tribunal rejected all the considerations that the accused put forward to extenuate, lessen or modify their presumed responsibility.

* The extenuating factor of Calzadilla's blameless conduct was rejected because the court argued that he had acted as the head of an organization that intended to carry out "violent activities" sanctioned by law. The rejection of this extenuating factor was obviously a manifestation of prejudice by the court since what was at issue in the trial was precisely whether or not he was guilty of violent behavior, and hence the accusation could not serve as grounds for rejecting the extenuating factors presented by the defense.

Therefore it is the conviction of this Commission that these firing squad executions involved a grave violation of

human rights, especially the rights to live and to a fair trial.

On December 24, 1973, Heriberto ROJAS PEÑA, 23, was arrested by police near his home in the town of Coronel. His relatives searched for him in vain, and he has been disappeared since that day. Since it is established that he was arrested, and that he has had no further contact with his family all this time, nor has he conducted any business with government agencies or left the country, this Commission holds the conviction that the disappearance of Heriberto Rojas was a grave human rights violation for which government agents were responsible.

Province of Ñuble

In the province of ñuble the army and the police were responsible for maintaining public order. Members of the police were those who were most often involved, with varying degrees of responsibility, in the human rights violations that were brought to the attention of the Commission. The most common kinds of human rights violations brought before the Commission were disappearance of prisoners and executions without trial. The difference between these two situations is based only on whether or not the remains of victims subsequently appeared. The Commission has therefore been led to the moral conviction that those who are numbered as disappeared must have met the same fate as those who were executed. This conclusion is confirmed by the fact that many of the disappeared had been arrested along with other people whose bodies were found later, and that a number of those bodies had been buried without having been identified.

Torture was often employed, although the Commission did not encounter cases of people who had died as a result of it. Nevertheless, testimony received and signs on the remains of the victims (many had their hands bound with wires) indicate that they were tortured before being killed.

The main detention sites in the province of ñuble were the following:

* Prison of Yungay (currently a site for preventive detention). In November 1973, according to the International Red Cross, "there were 90 prisoners under

the control of military authorities, in 41 cells measuring two meters square and two and a half meters high; the floors were tiled, and the windows were barred. The prisoners did not have enough beds nor enough clothing." At this site electricity was applied to prisoners during interrogation.

* Prison at Chillán. In November 1973 there were 247 prisoners under the control of military authorities. The prisoners were treated in an acceptable manner.

* Prison at San Carlos (now a center for preventive detention). During that same period there were six prisoners in the hands of military authorities. As a rule prisoners were treated properly, and there are no complaints of torture.

* Prison at Bulnes (now a rehabilitation center). In November 1973 there were fifteen prisoners in the hands of military authorities. The cells measured three by two and a half meters. Prisoners were generally treated properly. Mountain Infantry Regiment No. 9 in Chillán and the Second police station in Chillán also served as detention sites.

▪ Cases: Chillán

On September 16, 1973, Ricardo Raúl LAGOS REYES, 47, the mayor of Chillán who was active in the Socialist party (and the father of Ricardo Lagos Salinas, a Socialist party leader who was arrested and forcibly disappeared in Santiago in 1974), his wife Alba OJEDA GRANDON, 29, who was pregnant, and his son Carlos Eduardo LAGOS SALINAS, 20, a university student, were killed at their home. Local authorities claimed that these people engaged in a gun battle with the police who had come to their house in order to arrest them. However, witnesses to the events have noted that as soon as the group of police and soldiers arrived, the house was raided, and the Lagos family was then executed, and that no such gun battle with government forces ever took place. Other witness accounts add that the operation had begun hours previously and that the paths to the Lagos family's house were blocked. Lagos Reyes's death certificate states that the cause of death was "numerous gunshot wounds." Two doctors who were family friends took the bodies from the morgue in Chillán and assumed the responsibility for having them buried.

This Commission finds the official account unacceptable because:

- * It finds the witness accounts to be consistent and believable.

- * The regional authority kept Ricardo Lagos in his post as mayor, and he continued to live in a normal fashion at his house, and hence he was presumably not a conflictive person who could have chosen to engage in a shootout with the forces seeking to arrest him.

- * There were no signs of an exchange of fire.

- * Moreover these three people were killed in the patio of the house and not inside as would have been the case if they were shooting from behind barriers. The Commission came to the conviction that the execution of Mayor Lagos and his family constituted a violation of their human rights by government agents.

On September 16, 1973, Cecil Patricio ALARCON VALENZUELA, an official at INDAP (Instituto de Desarrollo Agropecuario-Institute for Agricultural Development) who was active in the Socialist party, was arrested by soldiers. According to credible testimony, soldiers took him under arrest to the Chillán Regiment. He was taken from that site that same day by a patrol of police and soldiers who were in possession of books and various items that had been found in the raid on the house of Ricardo Lagos, who had been executed that same day. It has been established that the next day Alarcón's body was sighted under the old bridge over the Ñuble River but could not be retrieved due to the swiftness of current. A news report about the destruction of a guerrilla school in October 1973 stated that Alarcón was said to be an instructor at the school. He and his superior Reinaldo Poseck (who also disappeared) were said to be fugitives.

It is the conviction of the Commission that Cecil Alarcón was arrested, subjected to forced disappearance, and presumably killed by government agents. The grounds for this conviction are that:

- * It has been established before this Commission that he was arrested and that his captors were connected to the

death of Mayor Lagos.

* The official account that appeared in the press declaring him to be a fugitive is not plausible, since he was arrested and it was never announced that he had been released or had escaped.

* Similar procedures took place elsewhere in this region.

On September 16, 1973, Manuel LARA NUÑEZ, 30, a farm worker, was killed by police at his home in Chillán. Because of a domestic dispute, his wife placed a complaint against him. Police then came and proceeded to kill him in the presence of witnesses. His death certificate states that the cause of death was "acute loss of blood, numerous bullet perforations. Done by police." Since he was killed by shots from police, and taking into account statements by eyewitnesses, this Commission has come to the conviction that Manuel Lara was the victim of the use of undue force by government agents in violation of his human rights.

On September 18, 1973, Gabriel Marcelo CORTEZ LUNA, a 17-year-old high school student, was arrested by police at his home. He was taken to the Second police station in Chillán. A month later the family learned that the body was in the morgue in Chillán and had been buried because no one had come to claim it. It was then exhumed, identified by the family, and legally buried. The body was found with bullet wounds to the head. The Commission has come to the conviction that Gabriel Cortez was executed by government agents, since witnesses have testified that he was arrested, and there was no information on him from the time he was arrested until his body was found in the manner described.

On September 18, 1973,

Juan Guillermo FUENTES RAVANAL, 24, a worker who was a MIR activist,

Luis Alberto BARRERA RIQUELME, 45, a shoe repairer who was active in the Socialist party, and

Miguel Enrique MALDONADO BAO, 22, a worker who was

active in the Socialist party,

were arrested and taken from their home in the Trabajadores al Poder neighborhood. According to credible and consistent accounts by witnesses, soldiers arrested these three, took them to the regiment and from there to the area of Quilmo where they executed them in another military installation. Their families later found their bodies in the local morgue. Juan Fuentes' death certificate reads: "perforating bullet wound in the chest, work of a group in uniform." Date: September 18, 7:30 p.m. Miguel Maldonado's death certificate reads "perforating bullet wound to the abdomen and chest, work of a group in uniform." Date: September 18, 7:30 p.m. Luis Barrera's death certificate reads, "Bullet wound to the skull and head, work of a group in uniform." The date is the same as the foregoing. The Commission has on hand consistent evidence supplied by witnesses and documents attesting that this was the work of official agents and has come to the conviction that these persons were executed by government agents in an action that violated their human rights.

On September 19, 1973, José de la Cruz FIGUEROA BUSTOS, 43, a day laborer and active Socialist, was arrested by police from the España checkpoint at his home in the Irene Frei shantytown in Chillán. After numerous efforts to ascertain his whereabouts, his family found his body showing obvious signs of mistreatment at the morgue. The death certificate speaks of "death by immersion in water," and states that the date was September 20, 1973. Relatives subsequently received reports that the body had been found in the Chillán River and taken to the morgue by police from Huambalí. Since it is established that he was arrested, that no indications that he was released have been found, and that this kind of procedure was used in areas in southern Chile with other prisoners, and taking into account his political activity, this Commission holds the conviction that José Figueroa was the victim of an action that violated his human rights since his death can reasonably be attributed to government agents.

On September 19, 1973, Reinaldo Luis JELDRES RIVEROS, an INDAP official who was active in MAPU, was arrested by soldiers in the presence of witnesses. That day

he had gone voluntarily to the Chillán Regiment to pick up the authorization he needed to take things from his house, since he had been arrested from September 14-18 and then released without charges. On that same day, September 19, it was reported that police had shot him to death alongside the ñuble River. The family says that a high ranking military officer told them that his killing was prompted by pressures brought to bear by farmers in the area. There was never any official acknowledgement of either his arrest or his death. It is the conviction of this Commission that government agents were involved in the disappearance of Reinaldo Jeldres. This conviction is based on these considerations: it is established that he was arrested; his family has had no further word about him and that seems strange since he reported to the regiment voluntarily; he has not engaged in any official government business such as entering or leaving the country, obtaining an identification card, or registering to vote; and the unconfirmed information that he was probably executed can be regarded as plausible since other similar events took place in this area at this time.

On September 23, 1973, police arrested two persons:

Luis Antonio IBARRA DURAN, a worker at IANSA (Industria Azucarera Nacional-National Sugar Industry) who was a MIR activist, and

Leopoldo LOPEZ RIVAS, a shoe repairer who was active in the Communist party.

It is established that they were both taken to the Second police station in Chillán. On September 24 the family was told that López had been taken to another unspecified place, and on the 26th Ibarra's relatives were told that he had been released the previous day. Their whereabouts have remained unknown since that time. Another person, Juan Poblete Tropa, was arrested that same day by the same people and taken to the same installation. His body showed up by the El Ala bridge over the ñuble River. Two other bodies that were not identified were found there also. The Commission came to the conclusion that the arrests, disappearances and probable deaths of these two people were in violation of human rights and that government agents were responsible. It is established that they were arrested and there is no evidence that they were released,

and hence the authorities were responsible for what happened to them.

That same September 23, Juan Mauricio POBLETE TROPA, 20, a merchant who was not known to be politically active, was arrested by police and soldiers. Several days previously he had reported to the Chillán Regiment after being summoned since he had recently finished his military service. Since he was not ordered to stay in the barracks, he returned to his normal routine. After being arrested he was taken to the Second station and was able to receive visits there until September 27. Approximately one month later his body appeared near the El Ala Bridge over the ñuble River. In view of these antecedents, the Commission has come to the conviction that government agents were involved in the execution of Juan Poblete Tropa, which occurred without any due process of law in an action that violated his fundamental rights.

On September 25, 1973, Robinson Enrique RAMIREZ DEL PRADO, 36, a master tanner who was active in the Socialist party and provincial president of the CUT labor federation, was arrested at his workplace by police. After being arrested he was taken to the Second police station; there his family was told on September 27 that he was going to be released. Testimony by witnesses to this Commission indicates that he was taken out of the police station to an unknown destination. From that time to the present there is no further information about him. Upon receiving a judicial summons, the authorities denied that he had been arrested.

It has been established before this Commission that he was arrested. Furthermore, it is unlikely that he would have disappeared of his own choice as he was continuing his normal activity despite his position and his political activity, and he reported to work the day he was arrested even though police had previously come looking for him there. During the last sixteen years there has been no indication that he has contacted his family or had any official dealings with agencies of the Chilean government. These facts, taken in conjunction with the procedures used against people with similar characteristics at that time, lead this Commission to the conviction that Robinson Ramírez was forcibly made to disappear after having been arrested by government agents. That was a grave human rights

violation.

On October 1, 1973, civilians and police assigned to the Schleyer checkpoint arrested three people in one of their homes:

José Gregorio RETAMAL VELASQUEZ, 21, a student at the teacher training school.

Patricio Lautaro WEITZEL PEREZ, 26, a watch repairman who was active in the Revolutionary Radical Youth. He was arrested September 11 and accused of being responsible for an attack on a radio station in Chillán and then ordered released for lack of evidence by the investigating judge on September 18.

Arturo Lorenzo PRAT MARTI, 21, a student at the teacher training school who was active in the Revolutionary Radical Youth.

Despite efforts made by their relatives, no prison site ever acknowledged that these people were being held prisoner. On December 24, Patricio Weitzel's father found a group of at least nine bodies, bound with wire and bearing bullet wounds, on the banks of the ñuble River by the El Ala Bridge. He recognized the body of his son and hid it for the moment. In response to a request from him, the judge in Chillán, who was investigating the missing person report, went to that area and ordered the remains to be removed and taken to the local morgue. The remains of Weitzel and Retamal were buried in the city cemetery. The death certificate for Weitzel Pérez states that the cause of death was "Acute loss of blood. Many perforating bullet wounds. Homicide." It is presumed that he was killed the day of his arrest, as suggested by the watch he was wearing. There was no further information about Arturo Prat Martí after his arrest although it can be assumed that he suffered the same fate as those who were arrested with him. The Commission came to the conviction that the execution of Weitzel and Retamal and the forcible disappearance of Prat in the hands of government agents constituted grave human rights violations. The grounds for this conviction are the established facts that they were arrested and that the bodies of two of them were identified among a number of bodies of people executed.

On October 1, 1973, Eduardo Segundo CRISOSTOMO SALGADO, 24, an agronomy student at the University of Concepción who was a MIR activist, was arrested by police from the Second station. He went there voluntarily because his house had been raided more than once. His wife saw him there on October 2, and later she was told that he had been transferred to the regiment in Chillán. Neither there nor anywhere else was his arrest acknowledged.

That same day, October 1, 1973, Ricardo TRONCOSO LEON, 30, a photographer and theater director who was a MIR activist, was arrested by police from the Second station. His family says they saw his name in the prison log book. Nevertheless, on October 3, the police station refused to accept the clothes they had brought him, and they were told that he had been transferred to the regiment. There, however, it was denied that he was being held a prisoner inside. Since that time his whereabouts and fate remain unknown.

Likewise on October 1, 1973, Francisco Segundo SANCHEZ ARGUEN, 43, a professor at the University of Chile who was active in the Socialist party, was arrested at home by police from the Second station in Chillán. Witnesses attest to the fact that he was arrested and held at a police installation. Police authorities told the family that he was there and then told them that he had been transferred to the regiment, but military authorities denied that such was the case. Witnesses say he was taken from the police station at around 3:00 a.m. October 1. Since his arrest there has been no information on his whereabouts and fate. On April 22, 1982 the Second District Tribunal of Chillán declared that he is to be presumed dead.

The similarity between the experience of these three people and that of others whose bodies were found in this area lead to the presumption that they suffered the same fate: in all such cases it is established that they were arrested and held prisoner; all were active in left political parties; none have ever had contact with their families or conducted any business with the Chilean government. Therefore the Commission was able to come to the conviction that they were in fact arrested and forced to disappear by government agents and that these were grave violations of human rights.

On October 1, 1973, Jaime del Carmen ESPINOZA DURAN, 22, a farmer, was arrested by a military patrol near his home. According to witnesses on the scene, one of those arresting him was a sub-officer with whom he had clashed over private matters some time before. Nothing further was heard of him after his arrest. Testimony given before this Commission makes it possible to conclude that he must have been shot at the El Ala Bridge the day he was arrested. It is the conviction of the Commission that the arrest and disappearance of Jaime Espinoza are human rights violations committed by government agents who were abusing their power in order to carry out private revenge by taking advantage of the authority invested in them.

On October 2, 1973, Manuel Humberto CRISOSTOMO TORO, 24, a CORFO employee who was active in the Socialist party, was arrested at work by police and soldiers. He had been summoned by edict to present himself at his workplace. Six or seven other persons were also arrested there. He was later taken to the regiment in Chillán, although the authorities always denied that he had been arrested. Testimony received by this Commission confirms that he was held at that site. His fate and whereabouts remain unknown to this day.

That same October 2, 1973, Mario Fernando MORENO CASTRO, 39, a CORFO employee who was active in the Socialist party, was arrested at his home by police from the Second police station. They took him to the Second station and finally to the regiment in the city. The authorities did not acknowledge his arrest even though family members went looking for him in different places. There has been no information on his fate or whereabouts since his arrest.

Having noted that Manuel Crisóstomo and Mario Moreno were arrested; that they were involved in a particular kind of political activity; that there is no information on their whereabouts; that they have not had any dealings with official agencies of the Chilean government; and finally that they are not registered as having left the country, this Commission has been able to come to the conviction that they were both arrested and that government agents were responsible for their subsequent disappearance, thus gravely violating human rights.

On October 3, 1973, Cleofe del Carmen URRUTIA ACEVEDO, 41, a taxi driver who was an active Communist, was arrested on a public thoroughfare. He had previously been summoned by a military decree, and his home had been raided by police and soldiers. Initially the Second police station acknowledged that he had been arrested, but later they denied it. Since that date his whereabouts and fate remain unknown. In this instance, the similarities with the cases of Eduardo Crisóstomo, Ricardo Troncoso and Francisco Sánchez, examined above, and that of other persons whose bodies were found in this area, lead to the presumption that they suffered the same fate, for it is established that they were arrested and held prisoner, that they were politically involved with the left, and that they had no further contact with their relatives and no dealings with the Chilean government. Therefore the Commission was able to come to the conviction that Cleofe del Carmen Urrutia was in fact arrested and forcibly made to disappear by government agents and thereby suffered grave human rights violations.

On October 3, 1973, Roberto Iván AVILA SEPULVEDA, 22, was arrested at the teacher training school where he was studying. According to eyewitnesses, he was arrested by agents in civilian clothing. Witnesses have testified to this Commission that at the investigative police headquarters he was turned over to a member of the military intelligence service. However, no detention site has acknowledged holding him prisoner. Since that time the whereabouts of Roberto Avila remain unknown, and judicial investigations into the matter have been terminated without any results. The Commission has come to the conviction that it is certain that he was arrested, that his subsequent disappearance can be attributed to government agents and that his human rights were thereby violated.

On October 4, 1973, six workers from the Hogar de Cristo prefabricated housing factory were arrested at their homes or at work:

José Salvador ACUÑA YAÑEZ, 29, a worker and treasurer of the union at the factory,

Luis Alberto MUÑOZ VASQUEZ, 22, a worker,

José Remigio PADILLA VILLOUTA, 23, a worker,

Ernesto Raúl SALAZAR SALAZAR, 38, a worker,

Luis Hernán SAN MARTIN CARES, 22, a worker,

Ernesto René TORRES GUZMAN, 22, a worker.

They were arrested by soldiers and by police from the police station on the road to ñuble. Witnesses present at the arrest say the police were carrying a list with the names of those arrested. The families then went to all the detention sites in the area, and in each case they were told these men were not being held prisoner. Nevertheless, some people are certain that they saw them at that police station on the road to ñuble. The many judicial investigations undertaken in an effort to locate them led nowhere since the authorities responded to every request for information with a denial that they had been arrested.

The Commission came to the conviction that these six persons were arrested and suffered forcible disappearance at the hands of government agents, and that this was a grave human rights violation. The number of those who disappeared makes any other explanation unlikely since none of their families has had any word on them since that time. It has been established that each one of them was arrested and held prisoner, and the proper government agencies have stated that during the last seventeen years none of them has conducted those civil procedures that are obligatory for every Chilean citizen.

On October 7, 1973, Reinaldo Salvador POSECK PEDREROS, 49, a lawyer who was the regional head of INDAP (National Institute for Agricultural Development) and active in the Socialist party, was arrested at his home. Those arresting him were members of a military patrol. According to a number of accounts by witnesses, after being arrested he was taken first to the Chillán Regiment and then to the Second police station, where he was interrogated under torture. The result was a cardiac arrest, and he hence was taken to the local hospital. A military patrol removed him from the hospital. As has already been noted, in October 1973 the local press ran a story about the dismantling of a guerrilla school according to which its leader, Reinaldo Posek [sic] and his aide, Cecil Patricio Alarcón (also disappeared) were said to be fugitives.

Bearing in mind the following considerations: the various indications of the implausibility of the official version; the activity of the victim and his position; the procedures used at that time against leftist individuals and parties; the political violence that resulted from conflict over land ownership in this area; the lack of any word about him, either private or public, for seventeen years; and having verified that the lawyer Posek was arrested, this Commission has come to the conviction that he suffered a forced disappearance at the hands of government agents and that such an action violated his human rights.

On October 9, 1973, Francisco de Asís RETAMAL MATAMALA, 26, an office worker at COU (Corporación de Obras Urbanas-Corporation for Urban Works) who was active in the Communist Party, was arrested at work and in the presence of witnesses by police from the Schleyer checkpoint. In response to all judicial inquiries, the authorities officially denied that they had any responsibility for what happened to him. Since it is established that he was arrested by government agents and since he has not had any contact with his family, nor had any dealings with government agencies, and is not registered as having left the country, this Commission has come to the conviction that the forced disappearance of Francisco Retamal by government agents was a human rights violation.

On October 15, Bernabé de San José ULLOA LUENGO, 21, a worker who was a supporter of the Popular Unity, was arrested at home by members of the investigative police and taken to their headquarters. Since that moment there has been no further information on his fate or whereabouts despite countless efforts made by his family. Since it is established that he was arrested by government agents, this Commission holds the conviction that Bernabé Ulloa's subsequent disappearance can only be attributed to those who arrested him and who therefore violated his human rights.

On October 22, 1973, two small farmers were arrested near Chillán in the area of Cato:

Sergio Enrique CADIZ CORTES, 28, a farm worker who was secretary of the Isabel Riquelme Federation of Peasant Unions and active in the Socialist party, and

Gilberto de la Cruz PINO BAEZA, 32, a farm worker.

Cádiz was arrested at home, and Pino where he worked. Those arresting them were police from the Second station in Chillán. Both had been arrested before at that station and at the Chillán Regiment and released on condition that they would periodically return to sign their names at the police station in Cato. The police acknowledged that they were arrested on October 22 but said that they were released the following day. Since that date, however, there has been no further word about them. This Commission does not find plausible the claim that they were released the day after they were arrested, since despite their previous histories, their arrests, and the continual harassment against them, they had not gone into hiding, and yet after this arrest they had no contact with their families, they had no dealings with government agencies, and they are not registered as having left the country. Consequently the Commission has come to the conviction that Sergio Cádiz and Gilberto Pino suffered a human rights violation at the hands of government agents who forcibly caused them to disappear.

On October 30, 1973, Octavio Saturnino RIQUELME VENEGAS, 30, a carpenter who was a leader of the Isabel Riquelme Peasant Federation and active in the Socialist party, was arrested at his home in Chillán by police from the Zañartu checkpoint. His wife, who was present when he was arrested, looked for him in all the detention sites. All her efforts were in vain. According to credible witnesses, Riquelme's body was seen in the Cato River. However, there is no official notification of his death and his family has not recovered his body. The Commission came to the conviction that Octavio Riquelme was subjected to forced disappearance at the hands of government agents and that he suffered a human rights violation. That conviction is especially supported by the credibility of the testimony to his arrest and the existence of a number of similar instances involving small farmers in this region.

On November 5, 1973, the following people were arrested at their homes in the El Tejar neighborhood of Chillán:

Oscar Enrique FETIS SABELLE, 35, a SAG (Servicio Agrícola y Ganadero-Agriculture and Livestock Service)

entomologist;

Sergio Iván FETIS VALENZUELA, 27, a SAG employee who was active in the Radical party;

Tomás Enrique RAMIREZ ORELLANA, 26, a construction worker who was active in the Communist party; and

Luis Guillermo WALL CARTES, 22, a mechanic who was active in the National party.

They were all arrested by a patrol made up of police and soldiers and were transported in a SAG truck. Witnesses saw the same vehicle the next morning at the regiment. Efforts made by their relatives to locate them proved fruitless. In view of the testimony it received, the nature of these events which resemble others whose results were similar, and given the number of people involved—none of whom has been heard from for seventeen years—this Commission came to the conviction that they were subjected to forced disappearance by government agents. The Commission finds it unlikely that four people from the same neighborhood would have taken a joint resolution of their own free will to hide even from their families, which were engaging in various legal actions in an effort to locate them.

On December 20, 1973, Carlos Enrique CARRASCO GUTIERREZ, 22, a farm worker who was treasurer of the Triunfo los Valientes agricultural cooperative, was killed. He left some friends as the curfew hour was approaching. The next day his body was found along the road from Chillán to Yungay, and his motorscooter was found a great distance away. Police took his body to the Medical Legal Service in Chillán. According to the death certificate the cause of death was "numerous bullet wounds to the head region." The date of death was said to be September 20. Even though the Commission does not know under what circumstances Enrique Carrasco died, given the fact that it was due to bullet wounds and occurred during curfew, and in view of the usual procedures at that time and in that area, the Commission has come to the conviction that he fell victim to the political violence of that period.

Other Places in the Province

On September 14, 1973, Carlos Alberto SEPULVEDA PALAVECINO, 33, a teacher and a municipal representative of Ninhue who was active in the Communist party, was killed by police from Quirihue. The police shot him down in his own house. No explanation for why government agents had to act in this fashion was ever provided. Seeing that Sepúlveda was still alive, his wife asked permission to go to a local woman who provided medical attention, but her request was refused. The certificate from the San Nicolás cemetery says that the cause of death was "military confrontation." Police authorities ordered that he be buried immediately. All these facts indicate that there was no armed confrontation; it should also be noted that the police made no such claim. Moreover, the police did not allow him to receive medical attention when his life could probably still have been saved. The Commission came to the conviction that Carlos Sepúlveda was executed by government agents who thus violated human rights.

In the early morning of September 14, 1973, a group of about twenty people was traveling toward the Andes foothills in a van in an effort to escape from the police and the military. They were stopped by police at the Niblinto checkpoint, and in the ensuing shootout Bernardo Isaac SOLIS NUÑEZ, 20, who was active in the Socialist party, was killed. Fernando Albino CARRASCO PEREIRA, 25, a taxi driver who was active in the Socialist party, was wounded in the stomach. According to testimony received, he was then executed by police who came from Chillán as reinforcements. The rest of the group managed to escape.

The next day two of them, José Fernando ROMERO LAGOS, 22, a high school student, and Rubén VARAS ALENY, both of whom were active in MIR, split from the group, intending to contact small farmers in the area, but they did not return. Through testimony from credible witnesses, this Commission has been able to establish that both were arrested by police and were executed September 15, 1973 at the Niblinto checkpoint. Their status to this day is that of disappeared. According to further testimony, peasants found their bodies and buried them.

There was no official account of these events at that time. The deaths of Solís and Carrasco are recorded with the note that the cause of death was "bullet wounds, acute loss of blood," and that the place of death is said to be a public

thoroughfare in Niblinto. Authorities did not acknowledge that Romero and Varas had been arrested. From the events recounted here, the Commission came to the conviction that Bernardo Solís was killed in a gun battle between police forces and civilians; that Fernando Carrasco was not able to get assistance for his wounds and died after the shootout in an action that was a human rights violation since the government agents had an obligation to keep him under arrest and provide him the medical assistance he needed; and that Rubén Varas and José Romero were arrested the day after the shootout by government agents who were responsible for their disappearance.

On September 17, 1973, José René GOMEZ VELASQUEZ, 38, a farmer, and his 17-year-old son José Domingo GOMEZ CONCHA, a student, neither of whom was politically active, were killed in their home by two police from Cobquecura. Numerous credible and consistent witnesses declare that there was no provocation on the part of the victims. Those who killed them forced the relatives to bury them in Cobquecura within two hours without allowing a doctor to certify that they were dead. They were later transferred to the cemetery in Quirihue. The Commission came to the conviction that this was a grave instance of the abuse of power. It may not have had any political connotation, but it was a human rights violation- and particularly of the right to life- for which government agents were to blame.

On September 18, 1973, Orlando RIFFO PASTENES, 34, a construction worker and president of the neighborhood association in Confluencia, was arrested by police from Quinchamalí who were driving around in a private truck. He was arrested in the presence of witnesses at the door of a grocery warehouse near his home and taken to the Quinchamalí checkpoint. The next day his body appeared in the ñuble River. His family drew it out with the permission of the police. After it had been taken to the morgue for an autopsy, the body was handed over to his family for burial on September 20. The death certificate states that the cause of death was "perforating bullet wound to the head, the work of a group in uniform." Police authorities offered no explanation for these events. The Commission came to the conviction that Orlando Riffo was executed by government agents in an action that constituted a grave

human rights violation. The lack of any official explanation for this event confirms that conviction all the more.

On September 20, 1973, Darío Hugo MONTOYA TORRES, 19, an enlisted man in the Buin Regiment who was not politically active, was executed in Cobquecura in total disregard for the law. Early in the morning that day police from Cobquecura came to his grandmother's house, where he was visiting while on sick leave. They forced him and a friend who was also there to get out of bed and go outside. As they did so, they were accusing them of having destroyed a public telephone, despite their protests that they were innocent. The police shot them, killing Darío Montoya on the spot. His friend was wounded, but after feigning that he was also dead, he managed to escape. Hours later the police came back and ordered Montoya's relatives to bury him immediately, and they did so. Some days later they received permission to have him exhumed and legally buried. The death certificate issued on that occasion states that the cause of death was "internal hemorrhaging as the result of three shots to the shoulders and the liver, at least two of which were perforating. Execution by being shot to death." In this case the Commission came to the conviction that Montoya's human rights were gravely violated. Those responsible were government agents who in total disregard for the law killed him on the presumption that he had been involved in a very minor offense, which, moreover, he had not committed. The fact that police officials provided no explanation for these events contributed to that conviction.

On September 26, 1973, Mario FERNANDEZ GONZALEZ, 25, foreman in the Antártica mine belonging to the Lota Green, was arrested by police from Ninhue and by soldiers at the boarding house where he was living on the Torrecillas estate. Witnesses to the event say that he was arrested because there were explosives in the mine, as is normal in that kind of work. In the course of its investigations, the family learned that those who arrested him turned him over to police from Quirihue, who then handed him over to those in Chillán. At the police station in Chillán his relatives were told that he had been sent to the regiment in Los Angeles, but this turned out not to be true. Since the day of his arrest, there has been no further information on his whereabouts and fate. Having established through credible testimony that he was

arrested, and since he has had no contact with his family and has had no dealings with government agencies, this Commission has come to the conviction that Mario Fernández underwent forced disappearance at the hands of government agents in violation of his human rights.

On September 27, 1973, Carlos Roberto MONTECINOS URRRA, 44, a craft-person and alderman of Coihueco who was a leader of the peasant league and active in the Communist party, was arrested by police. He had voluntarily reported to the regiment in Chillán, accompanied by the mayor of Coihueco, because his house had previously been searched by police who were looking for him. After leaving him there, the mayor went to the Sixth station where he explained that Montecinos had been left at the regiment, and he asked that the police in Coihueco be informed so that they would stop looking for him. He was released from the military garrison that same day, with orders to return to sign in the next day. As he was leaving, however, police arrested him and drove him in a vehicle belonging to the municipality of Coihueco to the Sixth station in Chillán, as eyewitnesses have testified to the Commission. He spent the night of September 27 at the police station and was then transferred to the police unit in Coihueco. His family has had no information on his whereabouts and fate since his arrest.

The next day, September 28, José Lorenzo COFRE OBADILLA, 42, a farm equipment operator for the Montaña Bustamante agricultural cooperative, was arrested by the police in Coihueco when he went to their headquarters. His tractor remained parked in front of the building for several days, even though it was denied that he had been arrested. The tractor was later pushed over the bank into the Niblinto River.

Testimony received by the Commission indicated that both Montecinos and Cofre were killed at the police headquarters in Coihueco, and their bodies were thrown into the Niblinto River near Minas del Prado. The Commission came to the conviction that, official denials notwithstanding, Carlos Montecinos and José Cofré were in fact arrested by government agents and that such agents were responsible for their ultimate fate. The basis for that conviction is the information provided in the reliable testimony received by the Commission.

On October 1, 1973, Juan Pablo BARRERA ANABALON, 35, a shoe repairer, was killed by police in the area of Pinto. He had gone there along with one of his brothers and another person intending to make charcoal. A group of police from those assigned to Pinto arrived on the scene and killed him and wounded one of his companions. There had been no provocation on their part nor did police officials offer any prior explanation. The police apparently regarded them as "subversives" because someone in the area had denounced them. Juan Barrera's death certificate states that the cause of death was a "perforating bullet wound to the head, inflicted by police." It is the Commission's conviction that the execution of Juan Barrera was a grave human rights violation, since there is no explanation for killing a defenseless person on the basis of mere suspicion-and in fact no explanation was offered at that time. The fact that his two companions were immediately allowed to go free is a further proof that there was no justification or reason for Barrera's death.

On October 8, at 2:20 a.m., Jaime Alberto VEGA TAPIA, 33, a farmer, was killed. His body was found on the road between Cobquecura and Quirihue. The death certificate, which was issued with the authorization of the operational commander in Quirihue, states that the cause of death was, "internal hemorrhage; a gunshot through the torso, passing from the left shoulder through the right chest. Execution by shooting." The time of death is that stated above. Credible witnesses have testified that police from Cobquecura carried out the shooting. With the evidence of the death certificate in hand, the Commission came to the conviction that Jaime Vera was executed without any due legal process and that this was a grave human rights violation, since there is no proof of any legal proceeding whatsoever.

On October 11, 1973, police from Chillán and from the unit in San Nicolás on the Ranquil agricultural cooperative (now La Victoria estate) of the municipality of San Nicolás arrested three farm workers:

Wilson Alfredo BECERRA CIFUENTES, 25, a farm worker who was a supporter of the Socialist party and secretary of the Ranquil Peasant Committee;

Tomás Rogelio DOMINGUEZ JARA, 24, a farm worker who was vice-president of the Ranquil Peasant Committee; and

Gustavo Efraín DOMINGUEZ JARA, a farm worker.

Many credible and consistent witnesses observed the arrest and the manner in which the police who were arresting them questioned and tortured them in the cooperative shed, asking them about arms that they had supposedly hidden and about Marxist literature. They raided the houses on the cooperative and examined the documentation they found there. They then drove these three men toward Chillán by way of the road that leads to the El Ala Bridge. After these events their relatives were unable to obtain any further information on their whereabouts and final fate, although they believe they may have been killed near the bridge. The authorities never acknowledged that they had been arrested. The Commission came to the conviction that government agents were involved in the forced disappearance of Wilson Becerra, Tomás Domínguez and Gustavo Domínguez. It believes that it is sufficiently established that these people were arrested and that there has been no further word about the three small farmers since then.

On October 23, 1973, Juan Félix ITURRA LILLO, 50, a farmer who was active in the Communist party, was arrested at his home in Liucura by a police patrol from Pemuco. After arresting him they went back toward Pemuco. Along the way, in the area of General Cruz, the patrol arrested Francisco del Rosario JELDRES VALLEJOS, 25, a carpenter, whom they forced to get on the same truck which was going toward Iturra. According to reliable accounts, both prisoners were killed on the Chequén Bridge, and their bodies were left there. They were buried by a local resident. There is no official acknowledgement that they were arrested nor any certification of their deaths. The Commission was able to come to the conviction that government agents were responsible for the forced disappearance of Ibarra and Jeldres and for their ultimate fate, and thereby for a violation of human rights. Its conviction is based on statements by reliable witnesses to the fact of their arrest; the unlikelihood that they would have gone into hiding of their own free will; and finally, the fact that such incidents were a common

occurrence in this area.

- Cases: Province of Bío Bío; Los Angeles; Santa Bárbara; Quilaco
Province of Bío Bío

A distinctive feature in this province was the active participation of civilians in the various actions of grave human rights violations that took place during this period. Another peculiar feature of this province was that the political violence that took place after September was generally the result of the climate of violence that already existed as a result of tensions generated by the agrarian reform process.

Torture was practiced extensively, especially in Mountain Infantry Unit No. 17-Los Angeles, where excessive violence was used against prisoners, and torture was routine in interrogation sessions. At this site the military intelligence service was in charge of the prisoners. When prisoners were transported, they were forced to lie on their stomachs in military trucks and then more and more people were piled on top. As a result those on the bottom arrived at their destination in very poor condition or even dead.

It was common practice not to turn the corpses over to the relatives, and hence in many cases people remain disappeared. Bodies were commonly thrown into the area's numerous mighty rivers, particularly the Bío Bío, Rarínco, Ranaico, and Bureo rivers.

The army and the police were in charge of maintaining public order in the province. In various locations around the province the police were most directly involved in cases of people who disappeared after arrest or were killed without due process. There is no evidence of war tribunals issuing the death sentence in the province of Bío Bío.

In Los Angeles there were several detention sites since most of the prisoners in the province were concentrated in that city. It became a transit site for many prisoners who went to different facilities in the region or in the country, especially to those in Concepción.

* Mountain Infantry Regiment No. 17-Los Angeles. In November 1973 there were 323 prisoners, one of whom

was a Uruguayan. The prisoners were housed in six dormitories in the stables. The cells were six by seven meters and each housed sixty people. The building had concrete floors and a tin roof. There was also a tent measuring eight by four meters where prisoners about to be released were held. A poorly ventilated house eight by twelve meters near the main building was also used as a cell. Prisoners slept together on the floor, and the overall conditions were crowded and lacking in hygiene. There was not enough food.

This facility was the main detention center in the province. Prisoners from the entire area, whether arrested by soldiers or the police, were taken there. Extrajudicial executions were common in this facility as was the use of torture by members of military intelligence, by police, and according to credible testimony by former prisoners in this facility, by civilians. "Interrogations" were carried out in the office of the regiment's civilian employees.

* Prison in Los Angeles (now the site for preventive detention). In November 1973 there were 80 prisoners in the hands of the military authorities, but the number of common criminals was as high as 213. In general conditions were crowded, and there was a shortage of beds. There was not enough food for the number of people in the jail.

* Good Shepherd Home in Los Angeles. In November there were 21 women prisoners, one of them of Spanish nationality. Overall conditions were good. In the city there were also other detention sites of a transitory nature from which prisoners went to more permanent centers: Liceo de Hombres, Gimnasio de Iansa, Liceo Alemán [high schools].

Los Angeles

On September 12, 1973, Juan Miguel YAÑEZ FRANCO, 25, a carpenter who was active in the Communist party, was arrested at his home and taken to the Los Angeles Regiment, where his wife visited him several times. Starting on September 29, representatives at the base began to deny to his family that he was being held there. His whereabouts remain unknown to this day. His death is not registered and there is no official explanation of what

happened to him. Since it is established that he was arrested by government agents and was held at a prison site, this Commission holds the conviction that Juan Miguel Yáñez was subjected to a forced disappearance by government agents and that his human rights were violated.

Also on September 12, César Augusto FLORES BAEZA, 30, a CORA (Corporación de Reforma Agraria-Agrarian Reform Corporation) administrator who was active in the Socialist party, was arrested. He voluntarily reported to the investigative police, was arrested and was taken to the Gimnasio Iansa, where his family was able to visit him. He was then transferred to the regiment where witnesses have testified that he was subjected to torture. From that time nothing further is known about his fate or his whereabouts. In November a high ranking regiment officer is said to have acknowledged his arrest to the family and told them that he had been released. However, he never returned to his family, had no dealings with any government agency or service, and is not registered as having left the country. Witnesses told his family that he was taken for questioning on September 17 and never returned. In view of all this information, the Commission holds the conviction that César Flores suffered a violation of his human rights at the hands of government agents who, after arresting him, made him disappear by force.

On September 15, 1973, Adelino Alfonso PEREZ NAVARRETE, a farm worker who was active in the Communist party and a delegate to the CUT labor federation, was arrested by civilians as he was leaving jail. He had been arrested by police from Mulchén on September 9 and accused of a robbery alleged to have taken place during the land occupation of an estate. He was released on September 15 for lack of evidence. As he left the jail he was detained by civilians who took him to the police station in Mulchén. After five days he was taken to the Liceo de Hombres in Los Angeles and from there to the regiment. When he arrived there he was dying. Witnesses said that in the military truck he had to bear the weight of the other prisoners on top of him. He received medical attention at the regiment from doctors who were fellow prisoners and who knew him. His body was left out in the courtyard. There was never any further word about him. A newspaper story on October 6, which gave no source,

stated that he had been killed when he attacked the guards in an escape attempt and that he had been buried along with others in the common grave at the general cemetery in Los Angeles. The family was never notified of his death, there is no death certificate, and they have not been able to locate his remains. It is the conviction of the Commission that the disappearance, presumed death, and concealment of the body of Adelino Pérez Navarrete was a grave human rights violation in which the government was involved due to the action of its agents.

On the morning of September 16, 1973, five persons were arrested at their homes and in the presence of witnesses in the San Alfonso neighborhood. Those arresting them were police from a station in Los Angeles who were driving a pickup that belonged to the Farming and Livestock Service. Those arrested were:

José Luis Tito VILLAGRAN VILLAGRAN, 53, armed forces retiree who supported the Socialist party. After his arrest his family received word from the hospital in Los Angeles that he had been taken there in grave condition with bullet wounds and with knife cuts on his face. On September 17 he died at the hospital due to "general peritonitis and rupture of the small and large intestines." His family was able to identify and bury his body.

Egidio Robespierre ACUÑA PACHECO, 24, a day laborer. He has remained disappeared since the day of his arrest.

Juan Guillermo CHAMORRO AREVALO, 23, a bookstore owner who was active in the Communist party. After his arrest witnesses say they had seen him at the police station in Los Angeles and then at the regiment. They claim to have seen his body at this latter site. To this day his family has received no official explanation of his whereabouts or his fate, does not have any death certificate, and has not received his body.

Juan Isaás HEREDIA OLIVARES, 41, a teacher at School No. 1 in Los Angeles who was a supporter of the Popular Unity and vice-president of the municipal Council for Supplies and Prices. Since his arrest nothing further is known of his whereabouts and fate. There is no official notification of his death.

Heriberto RIVERA BARRA, 47, a typesetter. At the time of his arrest, he was confined to bed with a severe trauma and injury to the brain. At the South police station his wife was told that he had been taken to the Liceo de Hombres, but there it was denied that he was being held prisoner. In the court procedure undertaken by the family, the police authorities suggested that "the possibility that Rivera Barra may have left the country for Argentina be considered." The Commission came to the conviction that Egidio Acuña, Juan Guillermo Chamorro, Juan Isafas Heredia, and Heriberto Rivera were arrested by government agents who took them to some place from which they then disappeared. It likewise holds the conviction that those who arrested José Villagrán were responsible for his death. The fact that there are reliable witnesses to their arrest and the refusal of the authorities to provide information on their whereabouts or on the fate of José Villagrán lead the Commission to conclude that human rights violations were committed by government agents who were responsible for their disappearances and ultimate fate.

On September 17, 1973, José Abel CORONADO ASTUDILLO, 20, a worker at the National Electricity Company, was arrested at home. Those arresting him were police from the El Abanico area. Police authorities told his family that he had been transferred to the regiment in Los Angeles. At the regiment the family was told that José Coronado was there, and so for a month they brought him personal hygiene items. Later, however, they were told he was not there. He remains disappeared to this day. The Commission has come to the conviction that the disappearance of José Coronado was a human rights violation for which government agents were responsible. The grounds for that conviction are that it is established that he was arrested and that it is unacceptable that the authorities who had him under their control have not provided any explanation of his fate.

On September 18, 1973, Luis Angel Ariel CORNEJO FERNANDEZ, 23, a student at the University of Concepción who was active in the Young Communists, was arrested along with other persons by police and soldiers and taken to the regiment in Los Angeles. Eight other prisoners were released, but not Luis Cornejo. Through an official letter in June 1974 the executive secretary of SENDET (Executive

National Secretariat of Prisoners) stated that he had been released for lack of evidence the very day of his arrest. His whereabouts and fate remain unknown since his arrest. In view of these facts, the Commission was able to come to the conviction that Luis Cornejo was subjected to forced disappearance by government agents. It rejects as unbelievable the official explanation that he was released unconditionally since it contradicts statements by witnesses and the initial official responses.

On September 18, 1973, Manuel WENTEN VALENZUELA, 49, a farmer, was killed. He was arrested by police and civilians from Santa Bárbara on September 15, 1973 at his house and taken to the regiment. At the regiment his family was told that he was not being held there. His body was found in the hospital morgue on September 22. The death certificate states that the cause of death was, "destruction of the brain mass, fractured skull, perforating bullet wound to the head." The date of death was September 18, 1973. Witnesses stated that Manuel Wenten was killed by a member of the military when he charged at him in an act of desperation after he could no longer withstand the beating he was being given. The Commission came to the conviction that government agents were responsible for the death of Manuel Wenten and that they violated his human rights. The grounds for that conviction are the following: it is established that he was arrested; he died while being held prisoner at a military installation; the cause of death was gunshots; his family learned of his death in an unusual manner; and there were witnesses to his death.

On September 18, 1973, Juan Eladio ULLOA PINO, 26, a surveyor who was the head of the Corporation for Urban Works and a supporter of the Popular Unity, and his brother Víctor Adolfo ULLOA PINO, 16, a high school student, were arrested by police at their home in Los Angeles. They were taken to the regiment, and according to witnesses, they were turned over to members of the military intelligence service. Witnesses also say that in early October unknown persons took them away. On October 6 the local press reported that they had been released conditionally and that they had not presented themselves when ordered to do so by the authorities. Nevertheless, neither of them had any further contact with their family, had any dealings with state agencies, or is registered as having left the country. In

view of these facts, the Commission was able to come to the conviction that the disappearance of Juan Eladio Ulloa Pino and his brother Víctor Adolfo Ulloa Pino was a grave human rights violation committed by government agents, since it is sufficiently established that they were arrested, and since the claim that they were conditionally released is not plausible for the reasons already given.

On September 19, 1973, Mario Alfonso LOPEZ ALIAGA, 35, a tractor driver for CORA, who was active in the Socialist Party and secretary of the Chacayal peasant cooperative, was arrested. Witnesses saw him being arrested at the San Lorenzo estate by soldiers and police who were acting under the command of a top regional authority. The Commission received testimony from witnesses stating that he did not enter the public jail, although military authorities said he had been taken there. On September 21, the press reported that he had been arrested in a "blitzkrieg" action by the army in the area of Villucura, and military authorities called him a "dangerous subversive." However, there has been no word about his fate or whereabouts since the day of his arrest. Since it is established that he was arrested, the Commission has come to the conviction that his disappearance was an action that violated human rights and for which government agents were responsible.

On September 19, 1973, Julio Esteban HENRIQUEZ BRAVO, 37, a merchant, was arrested along with another person by members of the investigative police in the Plaza de Armas [town's main square] and taken to the regiment, according to what the family was told. Witnesses say that he was seen at that installation until the end of September and that he had been beaten and tortured. Since that time he remains disappeared; he did not return home, has not conducted official business, nor is he registered as having left the country. Since it is sufficiently established that he was arrested, this Commission holds the conviction that Julio Esteban Henríquez suffered a human rights violation at the hands of government agents who after arresting him caused him to disappear.

Also on September 19, Héctor Leonardo MORENO CAMPUSANO, 19, a high school student who was active in the Young Socialists, was arrested. He was with other young people at a section of Polcura. They decided to walk

back to Los Angeles. Police arrested him at the Duqueco Bridge and took him to the Los Angeles police station. Witnesses saw him there, and say that early on the morning of September 21 he was taken away. That same day his body appeared at the hospital morgue, and a relative identified him. The death certificate states that the cause of death was "destruction of the myocardium, penetrating bullet wound in the chest." Military authorities have not provided any explanation for these events. The Commission has come to the conviction that Héctor Leonardo Moreno was executed without due process of law by government agents who violated his right to life.

On September 21, 1973, Wilfredo Hernán QUIROZ PEREIRA, 32, a worker at the El Abanico plant of ENDESA (National Electricity Company) and a labor union leader who was active in the Communist party, was arrested. He was arrested by soldiers and police from the El Abanico area and subsequently taken to the regiment at Los Angeles. On January 14, 1977 the local press reported that he had been shot to death there along with Plutarco Coussy Benavidez, Mario Samuel Olivares Pérez and Víctor Jerez Meza. There is no official notification of his death, nor any official explanation of his fate. These facts lead this Commission to the conviction that the disappearance and ultimate fate of Hernán Wilfredo Quiroz constituted a human rights violation for which government agents were responsible.

On September 23, 1973, Jaime ARAYA PALOMINOS, 26, a student of topography at the University of Concepción who was active in MIR, was executed. He had been summoned by military decree on September 11 and was arrested September 22 along with other persons, who were taken to the regiment at Los Angeles. On September 23 he was shot at that base. The official statement published in the newspaper on October 6 states that he was shot down for having attacked the guards who were holding him in custody and attempting to escape. His body was buried at the cemetery in Los Angeles. It is the conviction of the Commission that the death of Jaime Araya constituted a grave human rights violation for which government agents were responsible. The official account of a supposed escape attempt is unlikely in view of the fact that he was in a heavily guarded military installation. Even if such had been the case, it does not seem acceptable that

armed guards should have had to kill an unarmed prisoner to prevent him from escaping.

On October 3, 1973, José Oscar RODRIGUEZ PEÑA, 49, was killed in an armed clash with troops, according to an official account published in the newspaper October 6, 1973. Bearing in mind the official information on these events and having weighed the other evidence it has at hand, especially the lack of information on the supposed shootout with official troops, and the fact that Rodríguez has not had any dealings with government agencies since 1973, the Commission has come to the conviction that José Rodríguez was killed and that he suffered a human rights violation that can reasonably be attributed to government agents.

In the early morning of October 5, 1973, José Hugo CABEZAS PEREZ, 22, a farm worker, Segundo Enrique CABEZAS PEREZ, 14, a student, and Iván ZURITA, were arrested. Investigative police arrested these three persons at their homes in the El Tránsito neighborhood and took them to their headquarters. They were seen there that day. Police officials told the family that they had been transferred to the regiment, but there and at other sites it was denied that they were being held. Since that date they have remained disappeared. It is the conviction of this Commission that the disappearance of Iván Zurita and of the two brothers Hugo and Segundo Cabezas was a human rights violation for which government agents were responsible. The grounds for that conviction are that it is established that they were arrested and that subsequently none of them has contacted his family, had any dealings with government agencies, or is registered as having left the country.

On October 12, 1973, Pedro Pascual CEA CABEZAS, 49, a farmer, was arrested at the El Pedregal estate. Police arrested him and another person. They were taken to the El Alamo checkpoint and then transferred to the First police station in Los Angeles. The other person was taken to the regiment and at that point lost contact with Pedro Cea, who remains disappeared to this day. Since it is established that he was arrested, this Commission holds the conviction that Pedro Pascual Cea underwent forced disappearance at the hands of government agents who violated his human rights.

On October 18, 1973, Jorge ROBLES ROBLES, 43, a merchant, was arrested at his home by investigative police and taken to the police station. According to testimony provided by witnesses to the Commission, he was released during curfew hours and was killed by soldiers, and then buried on an estate near Los Angeles. To this day his whereabouts remain unknown. Since it is established that he was arrested by government agents and held at a police facility, this Commission holds the conviction that the disappearance of Jorge Robles was a human rights violation for which the government was responsible by reason of the actions of its agents.

Santa Bárbara

The Commission examined several cases in the areas of Santa Bárbara and Quilaco in which people disappeared after being arrested by patrols made up of civilians and police. In all these cases, the efforts of their relatives to locate them in the area's various detention sites proved to be in vain. Their presence was denied in all these places. Since their arrests were witnessed, since it has been established that none of these people had further contact with their relatives or had official dealings with government agents, and since they are not registered as having left the country, this Commission has come to the conviction that their disappearance was a violation of human rights, repeatedly committed by government agents and local civilians who helped them.

On September 14, 1973, Juan Francisco FUENTES LIZAMA, 67, a farm worker, and Juan de Dios FUENTES LIZAMA, 78, also a farm worker, were arrested. These two brothers were arrested at their home on the Corcovado estate by a patrol made up of civilians and police from Santa Bárbara. According to an account by witnesses, Juan Francisco Fuentes Lizama was shot at the arrest site and died on the spot. Nevertheless, to this day nothing is known about their whereabouts or fate. For the reasons set forth in the introduction to the events in this area, this Commission has come to the conviction that Juan Francisco Fuentes Lizama and his brother Juan de Dios Fuentes Lizama suffered a human rights violation committed by government agents who were responsible for their disappearance.

On September 16, 1973, Sebastián Hernaldo CAMPOS DIAZ, 24, an electrician's assistant, was arrested. That day he voluntarily reported to the police station in Santa Bárbara when he learned that they had come looking for him at his house. Witnesses who saw him at the police station claim that he was killed there, and that his body was thrown into the waters of the Bío Bío River. The motive is said to have been a personal grudge and not to have had anything to do with the political situation. Since then his whereabouts and fate remain unknown. These facts, the plausibility of the accounts by witnesses and those bringing forth the accusation, the complete lack of subsequent news about his fate, and the apparent personal motivation of the official agents, lead this Commission to the conviction that Sebastián Campos suffered a human rights violation committed by government agents who abused their power.

On September 17, three people, all farm workers at the Monte Verde agricultural cooperative, voluntarily reported to the police unit in Santa Bárbara:

José Gilberto ARANEDA RIQUELME, 28,

José Segundino ZUÑIGA ACELDINES, 51, and

José Rafael ZUÑIGA ACELDINES, 49.

On September 18 police told their relatives that they had been transferred to the regiment in Los Angeles, but all three have remained disappeared to this day. The Commission has come to the conviction that the disappearance of José Gilberto Araneda and the two brothers, José Segundino Zuñiga and José Rafael Zuñiga, constitute a human rights violation for which government agents were responsible, taking into consideration the general tenor of events in this area, the firmly established fact that they were arrested, and the fact that it is unacceptable that those who apprehended them not provide a satisfactory and plausible explanation for the destiny and fate of people they have arrested.

On September 20, a patrol of civilians and police arrested seven people in their homes:

Desiderio AGUILERA SOLIS, 42, a farm worker;

Miguel CUEVAS PINCHEIRA, 41, a shoe repairer who was active in the Socialist party;

José Mariano GODOY ACUÑA, 25, a farm worker and a leader of the peasant league at the El Huache cooperative;

José Domingo GODOY ACUÑA, 20, a farm worker and labor leader of the peasant league at the cooperative;

José Nazario GODOY ACUÑA, 22, a farm worker and labor leader of the peasant league at the cooperative;

Julio César GODOY ACUÑA, 56, a farm worker and labor leader of the peasant league at the cooperative;

Manuel SALAMANCA MELLA, 38, a cattle dealer.

At the police station in Santa Bárbara the relatives were told that these prisoners had been transferred to the regiment in Los Angeles. According to statements provided to this Commission, the prisoners were killed and thrown into the Bío Bío River from the bridge that crosses at Quilaco. However, their whereabouts and fate remain unknown since their arrest. In response to accusations made by their relatives, a judicial proceeding was undertaken before the military prosecutor's office in Los Angeles (case record 25-73). The trial record establishes that sometime after September 11, 1973, a patrol composed of police from Santa Bárbara and civilians who had been invited to help the police was operating in Santa Bárbara. This force is said to have been one of "voluntary collaboration with the Chilean police." The military prosecutor's office sentenced the accused to 180 days of imprisonment with possible parole: one of them for carrying a firearm without permission and for carrying out legal actions related to those weapons without the proper authorization; the other person was sentenced to 61 days in jail, with possible parole, for having committed the crime of illegally bearing a firearm. On May 18, 1979 the commander-in-chief of the army Third Division definitively suspended proceedings against the accused. The military prosecutor's office did not make any statement about the disappearance of these people.

In view of facts presented, the collective nature of this situation, and what can be deduced from those judicial

proceedings and from the repeated occurrence of similar events in this province, the Commission has come to the conviction that the disappearance and probable death of these seven people constituted a grave human rights violation for which government agents and those civilians who were working alongside them were responsible.

On September 22, Héctor Jaime NUÑEZ MUÑOZ, 27, a merchant, voluntarily reported to the police in Santa Bárbara. He had previously been summoned to present his documents since he was merely passing through this area. At this police station his family was told that he had been released immediately. Since the day he presented himself there has been no further word about his whereabouts and fate. In view of the information it has gathered, this Commission has come to the conviction that Héctor Jaime Núñez suffered a human rights violation for which government agents were responsible, since the explanations provided by police authorities are contradictory and implausible and since there has been no further word on him since his disappearance.

In the early morning of October 23, Carlos Jacinto DAPOLLONIO ZAPATA, 22, a waiter, and Sergio DAPOLLONIO PETERMAN, 48, a farm worker, were arrested at their home by police and civilians from Santa Bárbara. Witnesses observed them being executed at the bridge over the Bío Bío River and saw their bodies thrown into the water. Relatives drew out the body of Carlos Jacinto Dapollonio Zapata, but while the wake was being held at his home, a police patrol took the body and presumably threw it into the river from the Piulo Bridge. These facts enable this Commission to come to the conviction that Carlos Jacinto and Sergio Dapollonio suffered a grave human rights violation at the hands of government agents and the civilians working with police who killed them and denied their families the legitimate right to bury their bodies.

Quilaco

On September 13, 1973, Cristino Humberto CID FUENTEALBA, a farm worker, was arrested at his home by police and civilians from Quilaco, who took him to the police station there. At the station his relatives were told that he had been transferred to Mulchén; there they were

told that he had been taken to the regiment in Los Angeles, where there was never any acknowledgment that he was being held prisoner. His whereabouts remain unknown to this day. Because of these circumstances, this Commission has come to the conviction that the disappearance of Cristino Cid constituted a human rights violation for which government agents were responsible.

On September 20, 1973, a patrol made up of police, soldiers and armed civilians arrested three people in the area of Loncopangue:

Luis Alberto BASTIAS SANDOVAL, 28, a farm worker who was active in the Communist party,

Luis Alberto CID CID, 47, a farm worker, and

Raimundo SALAZAR MUÑOZ, 46, a farmer who was an invalid.

Those arresting them were driving a pickup that belonged to the municipality and took their prisoners toward the police station in Quilaco. There the family was told that the prisoners had been handed over to the military in Chillán. Since their arrest nothing further is known of their whereabouts. Since it is fully established that they were arrested, this Commission holds the conviction that Luis Bastías, Luis Cid, and Raimundo Salazar suffered a grave human rights violation at the hands of government agents and their civilian collaborators, who after arresting them, made them disappear.

That same day, September 20, 1973, José Felidor PINTO PINTO, a farm worker who was president of the Campo Lindo agricultural cooperative, and Segundo Marcial SOTO QUIJON, 32, a day laborer, were arrested by police from the Quilaco checkpoint and armed civilians at the Huinquén (now Campo Lino) estate. Credible witnesses who have appeared before this Commission say that after their arrest they were taken to the Piulo Bridge over the Bío Bío River and executed. There is no official notification of their deaths. These particular circumstances and the general facts about procedures used in this area, have enabled this Commission to come to the conviction that the disappearance and probable deaths of José Felidor and Segundo Soto constituted a grave human rights violation

for which government agents and the civilians working with them were responsible.

On November 3, José Roberto MOLINA QUEZADA, 51, a farmer, and Gabriel José VIVEROS FLORES, 29, a farm worker, were arrested in their homes by police from Quilaco and two civilians from the area. Their families went searching through different detention sites, but it was always denied that they were being held. To this day their whereabouts remain unknown. These particular facts and the general facts on procedures used in this area have led this Commission to the conviction that the arrest and subsequent disappearance of José Roberto Molina and José Viveros were the work of government agents and the civilians who were working with them, who thereby violated their human rights.

- Cases: Quilleco and Mulchén; Villa Los Canelos; Polcura, Alto Polcura, Central el Abanico, and Canteras; Laja and San Rosendo
Quilleco and Mulchén

In Mulchén on September 18, 1973, Manuel Jesús AEDO LANDEROS, 24, a carpenter, was arrested. That day he left his house with two friends, and they then went their separate ways at approximately 11:00 p.m. From that moment all information on his whereabouts has been lost. In the judicial processing of the missing person report, police from the Second station acknowledged that he had been arrested September 19 at about 3:00 a.m. and say that he was released that day at about 6:30 a.m.. However, he never returned home or had any dealings with government agencies, and he is not registered as having left the country. The Commission has been able to come to the conviction that he suffered a human rights violation, since following his arrest there has been no further information on his whereabouts, and it is unlikely that during all these years he would not have contacted his family.

On September 22, 1973, Gabriel Valentín LARA ESPINOZA, 18, a high school student and MIR activist, was arrested at his home by a group of armed civilians and police and was then taken to the Second police station. Police authorities told the family that he had been transferred to the regiment at Los Angeles, but there was

no acknowledgement that he was being held at the regiment. Subsequently in response to a habeas corpus introduced by his family, the station told the court that "when the events of September 11, 1973 occurred, he fled the area because he was involved in MIR; hence there is no record of his arrest at this unit on that date or any other." Since it is established that he was arrested, and since it regards the statements made by police authorities as contradictory, this Commission holds the conviction that Gabriel Valentín Lara was arrested and made to disappear by government agents who gravely violated his human rights.

On September 23, while he was at his home in Mulchén, José del Carmen ORELLANA GATICA, 23, a farm worker on the El Verdún estate and rural union leader, was seized by civilians and taken to an unknown destination. His fate and whereabouts remain unknown to this day. Because of the testimony it has received, and in view of the fact that there were many similar cases affecting peasants, especially if they were labor leaders, the Commission came to the conviction that the seizure and disappearance of José Orellana entailed a violation of human rights by civilians who were acting under the protection of government agents.

On September 27, Nibaldo Cayetano SEGUEL MUÑOZ, 32, a municipal worker who was an alderman in Mulchén, a leader in the CUT labor federation and active in the Communist party, was arrested when he voluntarily reported to the police station, accompanied by the town's former mayor. Two months after his arrest police authorities told the family's lawyer to stop looking for him. To this day there is no information on his fate or whereabouts. In view of this information, the Commission came to the conviction that the disappearance of Nibaldo Seguel was a human rights violation for which government agents were responsible, since it is sufficiently attested that he was under arrest at a police facility and there is no plausible explanation for what happened to him subsequently.

On September 28, Jorge Patricio NARVAEZ SALAMANCA, 15, a high school student who was active in FER-MIR (Frente de Estudiantes Revolucionarios-Revolutionary Student Front), was seized. Armed civilians seized him at

his home and presumably took him to the police station in Mulchén. His whereabouts and fate remain unknown. Police and military authorities denied having arrested him or having ordered that he be arrested, and in response to a judicial inquiry the police station in Mulchén stated that according to other "subversives," Narváez had fled to Argentina. Since it is established that he was arrested, and in view of the fact that after this date Jorge Narváez had no contact with his family, had no dealings with government agencies, and is not recorded as having left the country, this Commission holds the conviction that his disappearance was a human rights violation for which civilians acting with the support of government agents were responsible.

In the area of Quilleco, northeast of Los Angeles, on October 1, a local police patrol arrested José Abraham HERNANDEZ HERNANDEZ, 51, a farm worker and leader of the peasant cooperative, at his home. At the police station in Quilleco, to which he was presumably taken, the family was told he was not being held, and they were told to look for him in Los Angeles. Since his arrest there has been no information on his whereabouts. The Commission has come to the conviction that José Abraham Hernández suffered a human rights violation at the hands of government agents, because it is unlikely that after so many years he would not have had contact with his family, and because statements by police authorities are contradictory, insofar as numerous witnesses have testified that he was arrested.

From October 5-7, 1973, in the El Morro, Carmen y Maitenes, and Pemehue estates located in the mountains to the east of Mulchén, eighteen peasants from the area, none of whom were politically active, were executed. A patrol of about thirty persons made up of police, soldiers, and civilians from Mulchén went to those estates with a previously prepared list of people who were to be arrested and who were subsequently killed.

Riding on horseback, the patrol came to the El Morro estate on the evening of October 5. They arrested five peasants in their homes and took them to the banks of the Renaico River:

Juan de Dios LAUBRA BREVIS, 26, a farm worker,

Domingo Antonio SEPULVEDA CASTILLO, 29, a servant at the manor house,

José Edmundo VIDAL AEDO, 20, a farm worker,

Celsio Nicasio VIVANCO CARRASCO, 26, a farm worker,

José Florencio YAÑEZ DURAN, 34, a farm worker.

Witnesses heard shots. In December neighbors and relatives found their bodies in the area of La Playita. They bore bullet wounds, and their hands were tied with wires.

The group of men in uniform and civilians continued on their way up to the Carmen y Maitenes estate, where they arrested eight peasants in their homes and led them to the manor house. There they beat them and forced them to beat each other:

Miguel del Carmen ALBORNOZ ACUÑA, 20, a farm worker,

Daniel Alfonso ALBORNOZ GONZALEZ, 28, a farm worker,

Alejandro ALBORNOZ GONZALEZ, 48, a farm worker,

José Guillermo ALBORNOZ GONZALEZ, 32, a farm worker,

Luis Alberto GODOY SANDOVAL, 23, a farm worker,

Manuel Florencio RUBILAR GUTIERREZ, 25, a farm worker,

José Liborio RUBILAR GUTIERREZ, 28, a farm worker,

José Lorenzo RUBILAR GUTIERREZ, 33, a farm worker.

At about 11:00 p.m. witnesses heard automatic weapons fire. The following day the members of the patrol buried seven bodies in a pit dug in a meadow near the houses and covered them with sod. That same day, October 7, they set out toward Pemehue. They brought along Guillermo Albornoz who was in poor condition, and whose body later

appeared downstream in the Renaico River.

At the Pemehue estate again they arrested five peasants in their homes:

Alberto ALBORNOZ GONZALEZ, 41, a farm worker,

Felidor Exequiel ALBORNOZ GONZALEZ, 33, a farm worker,

José Fernando GUTIERREZ ASCENCIO, 25, a farm worker,

Jerónimo Humberto SANDOVAL MEDINA, 22, a farm worker, and

Juan de Dios ROA RIQUELME, 35, a farm worker.

That night repeated bursts of fire were heard. Relatives later found their bodies with their hands tied, their faces demolished, and bearing many bullet wounds. They were all buried where they were found.

On November 21, 1979, a criminal accusation was initiated in the court in Mulchén (case No. 20595) alleging the crimes of raiding a house, kidnapping, unlawful mistreatment, injuries, and homicide committed against eighteen peasants in Mulchén. The action was brought against those who had participated in the "patrol." The First Appeals Court in Concepción appointed a special judge who undertook the investigation. After an exhaustive investigation the judge came to the conclusion that the patrol composed of soldiers, police, and civilians who went to those estates were the ones who had killed these people and later buried the bodies, or in some cases, made them disappear.

The bodies were illegally exhumed, presumably in March 1979, before the judicial investigation could take place. Nevertheless it was possible to make a number of expert examinations that helped identify the bodies by what remained and because some of them were still buried there. The judge declared himself incompetent to continue investigating the case and sent the documents to the military prosecutor's office in Concepción. On January 7, 1983 the military judge of the Third Military Tribunal ordered

that proceedings in the case be permanently halted and applied the amnesty law to those accused. On December 18, 1983, the martial court annulled the application of amnesty and made the suspension of proceedings temporary.

These facts enable this Commission to come to the conviction that the execution and subsequent concealment of the bodies of the eighteen peasants on the El Morro, Carmen y Maitenes, and Pemehue estates constituted a grave human rights violation for which government agents and those civilians who were involved with them were responsible.

On November 3, Segundo Hernán REYES GONZALEZ, 28, a waiter, was arrested. He was arrested by police from Mulchén at his home and taken to the police station in Mulchén. Police authorities acknowledged his arrest, but they later denied it to his relatives. To this day he remains disappeared. Since it is established that he was arrested and in view of the contradictory accounts from police authorities, this Commission holds the conviction that Segundo Hernán Reyes was made to disappear by government agents who violated his human rights.

On November 5, Juan Darío PINCHEIRA CHAVES, 28, a farm worker and former municipal representative from Santa Bárbara, was arrested by police from Mulchén and taken to the local police station. There his family was told that he had been taken to the regiment in Los Angeles, but there was never any acknowledgement that he was being held at that site. In fact witnesses stated that he was killed at the police station by his captors. There is no official notification of his death and his body remains disappeared. This Commission has come to the conviction that Juan Darío Pincheira suffered a violation of human rights for which the government was responsible due to the actions of its agents.

Villa Los Canelos

In Villa Los Canelos, which is located in the mountainous area near Antuco, there are many instances of people who remain disappeared, and whose disappearance is connected to the activity of police from Antuco and El Abanico, as well as the activity of soldiers

from the regiment in Los Angeles and civilians from the area.

On September 17, 1973, Mario Samuel OLIVARES PEREZ, 27, a worker for ENDESA [National Electricity Company] who was active in the Socialist party and a neighborhood leader, was arrested by police from Antuco. After being arrested he was taken to the grounds of the police station where witnesses saw him in the stables and in very poor physical condition. The relatives say that at the police station they were told that two days after his arrest he had been taken to the regiment in Los Angeles, but spokespersons at the regiment denied that he was being held there. On January 14, 1977 the local newspaper said he had been shot to death along with two other persons. To this day there is no official notification of his death nor has his body been turned over.

Also on September 17, 1973, Luis Leopoldo SEPULVEDA NUÑEZ, 27, who worked at the El Toro headquarters of ENDESA and was active in the Communist party, voluntarily turned himself in to the police in Antuco. Police authorities told his relatives that he had been taken to the regiment in Los Angeles, but at the regiment it was denied that he was under arrest.

The Commission came to the conviction that in these two cases government agents were responsible for the disappearances of Manuel Olivares and Luis Sepúlveda since it must be concluded that they were indeed arrested, it is unacceptable that the various authorities have no reasonable explanation for the fate and destiny of those arrested, and some days later other arrests and disappearances took place similar in character and were connected with this same police post.

On September 21, Plutarco Enrique COUSSY BENAVIDES, 32, who worked at ENDESA, was a labor union representative and active in the Communist party, was arrested by police and soldiers in Antuco. As he was travelling in a bus on his way to work, he was forced to get off in front of the police station. The family says that the police told them that he had been transferred to the regiment in Los Angeles. Witnesses say that they were with him in the regiment until September 27 and that he was in very poor physical condition. On October 6 the local press

reported that he had disappeared along with four other people after having been released "conditionally" while the investigation was being finished. The report noted that they had not presented themselves when summoned once more and that they should be aware of the consequences, should they be found.

This Commission holds the conviction that the disappearance of Plutarco Coussy constituted a human rights violation for which government agents were responsible, since it is established that he was arrested, since the official report that those five people were released is not plausible, and since it is inconceivable that none of them would have contacted their relatives.

On September 22, Víctor JEREZ MEZA, 31, a miner and a driver at the El Toro headquarters of ENDESA who was a labor leader and active in the Socialist party, was arrested. Having searched for him since September 11, soldiers and police from El Abanico arrested him at the union office. He was held prisoner along with his fellow ENDESA workers Plutarco Coussy, Mario Olivares, and Wilfredo Quiroz. Police authorities told his relatives that he had been taken to the regiment in Los Angeles. As in the preceding case, on October 6 the local press reported that he was disappeared after having been released conditionally while the investigation was being completed. The report also noted that he had not responded to a new summons and that he should be aware of the consequences, should he be found. Since it is established that he was arrested, this Commission holds the conviction that Víctor Jerez suffered a violation of his human rights at the hands of government agents who made him disappear by force.

On September 27, Manuel Antonio AGUILERA AGUILERA, 45, a worker at the El Toro plant of ENDESA, and Abel José CARRASCO VARGAS, 39, a worker at the El Toro ENDESA plant who was active in the Socialist party, were arrested at their homes in Villa Los Canelos by police from Antuco and soldiers from the regiment in Los Angeles. They were taken to the police station in Antuco. Their relatives say they were told that the two men had been taken to the regiment in Los Angeles. Witnesses say they saw Abel Carrasco at the regiment. Their fate and whereabouts remain unknown to this day. It is the conviction of the Commission that these people were

indeed arrested by government agents, who were responsible for their subsequent disappearance. The grounds for this conviction are the evidence produced by relatives and witnesses and the fact that it has been duly proven that there were other similar situations in this same geographical area.

On November 6, the following people were arrested:

Exequiel del Carmen VERDEJO VERDEJO, 49, a worker at the ENDESA El Toro plant and member of the labor union who was active in the Communist party;

Manuel SEPULVEDA CERDA, 26, a merchant; and

José Oscar BADILLO GARCIA, 49, a worker at ENDESA.

Police and soldiers arrested them at the El Toro plant. Initially police authorities acknowledged the arrests to relatives and stated that the prisoners had been taken to the regiment in Los Angeles. Officials there, however, denied that these people were being held. Later the police from Antuco also denied the arrest in response to inquiries from the courts. There has been no information on the whereabouts of these people after their arrest. Since it is established that they were arrested and, taking into account the evidence about the procedures used in this area, the Commission holds the conviction that Exequiel Verdejo, Manuel Sepúlveda and José Badillo underwent forced disappearance at the hands of government agents who violated their human rights.

Polcura, Alto Polcura, Central el Abanico, and Canteras

On September 14, 1973, Mario Omar BELMAR SOTO, 30, a worker at the ENDESA El Toro plant, was arrested at work and taken to the police unit in Antuco. His relatives say they were told there that he had been arrested and had been taken to the Los Angeles Regiment. The family also said that they had heard the account of a person who witnessed him being shot to death there. Bearing in mind the testimony it has received and the fact that similar things happened to other workers from this electrical power plant, the Commission came to the conviction that the disappearance of Mario Belmar was a politically motivated violation of his human rights for which government agents

were responsible.

On September 16, Abraham LOPEZ PINTO, 54, a farm worker who was active in the Communist party, was arrested at his home in Antuco by police and soldiers. He was taken to the local police unit in Antuco, and there his family was told that he had been taken to the regiment in Los Angeles, where, however, his arrest was denied. To this date nothing is known of his whereabouts. It is the Commission's conviction that government agents were responsible for the disappearance of Abraham López, since it is established that they arrested him and that there were numerous instances of such a procedure in this area.

In Polcura on September 17, Bernardo Samuel MEZA RUBILAR, 46, operating manager and foreman of the machine shop at ENDESA who was active in the Socialist party, was arrested by police. He was then taken to the El Abanico police facility. It is not known whether he was taken anywhere else. Military authorities did not acknowledge his arrest. For reasons similar to those in preceding cases, this Commission has come to the conviction that government agents were involved in the disappearance of Bernardo Samuel Meza and that they violated his human rights.

On September 17, Alamiro Segundo SANTANA FIGUEROA, 23, a day laborer who was active in the Young Socialists, was arrested by police from El Abanico. From there, according to testimony, he was taken to the regiment in Los Angeles, and he later died as a result of the torture he endured. To this day there is no official account of his fate or whereabouts. The Commission has come to the conviction that the disappearance of Alamiro Santana was a human rights violation for which government agents were responsible since, in view of what has been said, it is certain that he was arrested, and it is unacceptable that the authorities should not provide any explanation of his fate.

On September 17, four persons, all workers on the Las Canteras estate, were arrested by police:

Nelson Cristián ALMENDRAS ALMENDRAS, 22, a farm worker,

Juan de la Cruz BRIONES PEREZ, 28, a farm worker,

Victoriano LAGOS LAGOS, 35, a farm worker, and

José Ricardo LOPEZ LOPEZ, 32, a farm worker who supported the Popular Unity.

Their families say that the police authorities told them these people had been taken to the regiment in Los Angeles, where, however, it was denied that they were being held. According to witnesses, the police patrol took the prisoners to the Laja River immediately after arresting them and returned without them. Their whereabouts remains unknown to this day. Since it is established that Nelson Almendras, Juan Briones, Victoriano Lagos and José López were arrested and subsequently disappeared, this Commission holds the conviction that they suffered a grave human rights violation for which the government was responsible due to the actions of its agents.

On September 18, Luis Eduardo VERGARA CORSO, 33, a primary school teacher and INDAP official who was a government representative in the Lago Laja farming and forestry estate and active in the Socialist party, was arrested. Soldiers and police from El Abanico arrested him after he voluntarily turned himself in at the Lago Laja estate. His wife and children had been arrested so that he would turn himself in. After being arrested, he was taken to a military encampment along the banks of the Polcura River. His whereabouts remain unknown to this day.

Witnesses say that immediately after his arrest shots were heard near a place along the Polcura River where soldiers were encamped. The state of siege operational commander in ñuble officially reported that the estate was being audited. Citing military authorities, the local newspaper on November 5 reported that Vergara was involved in "Plan Z" and that his aim was to blow up the El Abanico and El Toro hydroelectric plants. In view of the foregoing, and particularly the fact that there were witnesses to his arrest, the implicit acknowledgment of his arrest flowing from the information in the newspaper, and the fact that since these events there has been no further word about Luis Vergara, the Commission came to the conviction that government agents were responsible for his arrest, subsequent disappearance, and probable death.

On September 19, Benjamín Antonio ORREGO LILLO, 42, a carpenter, was arrested at his home on the Polcura estate by police from El Abanico. His relatives say that the police told them that he was shot while he was being transported. The body was not turned over to his relatives, nor was there any official notification of his death. Since it is fully established that he was arrested, and there has been no further information on his whereabouts, this Commission came to the conviction that the disappearance of Benjamin Orrego was a human rights violation for which government agents were responsible.

On October 4, in Quillay-Loma, within the Las Canteras estate, José Francisco ZAPATA ANDRADE, 24, and Silverio JOFRE JOFRE, both of them farm workers and union leaders who were active in the Communist party, were executed. According to witnesses they were seized by unknown people and taken away in a pickup truck. Their bullet ridden bodies were found a month later, one in the Laja River and the other in a forest. A judicial investigation was initiated (case numbers 15815 and 15824 of the Second Criminal Court in Los Angeles, and case number 45654 of the First Criminal Court in Los Angeles, which combined the two earlier cases), but it did not lead to any results with regard to who was responsible for their deaths. The Los Angeles police station reported that "police from the El Alamo checkpoint were devoting themselves to locating and arresting 'subversives,' many of whom fled along the banks of the Laja River near the homes of the workers who were killed. That is why," say the police, "they were executed (by the subversives themselves) to silence them before potential questioning."

Taking into account the fact that they were political activists and union leaders and the fact that many similar events took place in this region, the Commission was able to come to the conviction that both of them lost their lives as a result of actions by government agents or by civilians under their protection. The Commission does not find plausible the hypothesis that they were executed by "subversives," since there is no other proven instance of such events that might serve to make it probable.

On November 13, Manuel Jesús ARIAS ZUÑIGA, 43, a mechanic at the El Toro ENDESA plant and a union leader, was arrested. Soldiers arrested him at his home in the

Cuatro Juntas area of Alto Polcura and took him to the Alto Polcura checkpoint, which is under the authority of the police in Antuco. According to his relatives, the police told them that he had been taken to Los Angeles. Nevertheless, despite the efforts they have made to find him since his arrest, he remains disappeared. The Commission has come to the conviction that this was an instance of a human rights violation committed by government agents, since it has received testimony that he was arrested. The accounts furnished by the police authorities are hardly plausible nor is it credible that after so many years the family would not have had some kind of news from him.

Laja and San Rosendo

Nineteen people were arrested by police from Laja between September 13-17:

Juan Antonio ACUÑA CONCHA, 34, a machinist at the State Railroad Company who was active in the Socialist party, president of the Council for Supplies and Prices in San Rosendo and a union leader. He voluntarily reported to the police in San Rosendo and was allowed to leave. That same day he was arrested by police from Laja.

Luis Alberto ARANEDA REYES, 43, a machinist at the State Railroad Company who was active in the Socialist party. He was arrested September 15 by police from the Laja headquarters.

Mario Manuel BECERRA AVELLO, 18, a high school student. He was arrested September 13 by police from Laja as he was about to board a train to Curacautín.

Rubén Antonio CAMPOS LOPEZ, 39, principal of the Consolidated School in Laja who was an alderman for that same district and active in the Socialist party. He was arrested at his home by police September 16.

Dagoberto Enrique GARFIAS GATICA, 23, an office worker at the Compañía Manufacturera de Papeles y Cartones [Paper and Cardboard Manufacturing Company]. Police arrested him in San Rosendo September 15.

Fernando GRANDON GALVEZ, 34, an office worker at the Compañía Manufacturera de Papeles y Cartones who was

active in the Communist party and a union delegate. Police arrested him at work on September 14.

Jack Eduardo GUTIERREZ RODRIGUEZ, 45, a contractor who was active in the Socialist party. He was arrested at work September 13.

Juan Carlos JARA HERRERA, 17, a high school student. Police from Laja arrested him September 17.

Mario JARA JARA, 21, a furniture maker's assistant. Police from Laja arrested him at his home September 15.

Jorge Andrés LAMANA ABARZUA, 27, an office worker at the Compañía Manufacturera de Papeles y Cartones who was active in MAPU, a welfare representative in the union of the Cóndor company, and a member of the board of the union at the paper company. He voluntarily reported to police authorities on September 15.

Alfonso Segundo MACAYA BARRALES, 32, a merchant who was active in the Communist party. He voluntarily reported to police headquarters in Laja on September 13 and was put under house arrest. On September 15 they rearrested him.

Heraldo del Carmen MUÑOZ, 27, an employee at the Compañía Manufacturera de Papeles y Cartones who was active in the Socialist party and a member of the board of the Council of Supplies and Prices. Police from Laja arrested him September 13 as he was leaving work.

Wuilzon Gamaniel MUÑOZ RODRIGUEZ, 26, an employee at the Compañía Manufacturera de Papeles y Cartones. He was arrested on September 14 by police from Laja.

Federico RIQUELME CONCHA, 38, an employee at the Cóndor company. Police arrested him in the street on September 13.

Oscar Omar SANHUEZA ORTIZ, 23, a school teacher. He was arrested at home by a police patrol from Laja on September 15.

Luis Armando ULLOA VALENZUELA, 51, a worker who

was active in the Communist party. Police from Laja arrested him at work on September 14.

Raúl URRÁ PARADA, 23, an employee at the Compañía Manufacturera de Papeles y Cartones who was active in the Communist party, a union delegate and a firefighter at the Third Company in Laja. He was arrested September 13 by local police as he was leaving work.

Juan de Dios VILLARROEL ESPINOZA, 34, a worker who was active in the Communist party and a labor union leader. He was arrested at work by police from Laja on September 14.

Jorge Lautaro ZORRILLA RUBIO, 25, a mineworker in Argentina who was on vacation in Chile. On September 15 he voluntarily reported to the police station in San Rosendo when he heard that the police were looking for him.

They were all taken out in the early morning of September 18, supposedly in order to be transported to the Los Angeles Regiment, but they never arrived there. On October 11, 1973, local people found their bodies buried in a sand pit on the San Juan estate, which is located on the road between Laja and Yumbel. A complaint was brought to the tribunal in Yumbel, which examined the matter and ordered that the bodies be dug up and later that they be buried at the parish cemetery in Yumbel where they remained until 1979.

On July 24, 1979, the Archdiocese of Concepción brought suit before the criminal court in Laja (Case No. 2770) against police from Laja. A judicial investigation was accordingly initiated, and the First Appeals Court in Concepción appointed a special judge. That investigation led to the identification of the bodies and the determination that they had been executed by police from Laja on September 18 at the site where their remains were found. Until that point their relatives had searched for them in the various detention facilities without success. On March 18, 1980 the specially appointed judge declared himself incompetent, and the documents went to the special military prosecutor's office in Concepción (trial record 323-80). The judge of the Third Military Tribunal definitively suspended the proceedings June 9, 1980, and the Supreme Court approved that suspension on December 3,

1981 (court record No. 564-80). The amnesty contained in Decree Law 2191 of 1978 was applied to those responsible for their deaths.

In 1979, while these judicial investigations were in process, the body of Luis Onofre SAEZ ESPINOZA, 37, an employee at the Compañía Manufacturera de Papeles y Cartones who was active in MAPU and a leader in union No. 1 at the company, was discovered. He had gone with the parish priest from Laja to report voluntarily to the police station in Los Angeles on September 20 and was arrested. From the moment of his arrest his family had no further word about him until his remains were found on the San Juan estate.

All this information, which has been duly attested, enables this Commission to come to the conviction that the human rights of these twenty people were gravely violated by government agents who arrested them, executed them without any due process of law, concealed their bodies and prevented their relatives from learning what had happened to them and burying them.

- j. Ninth Region – Araucanía
 - Overview; Cases: Temuco
 - # Overview

This report presents the most serious human rights violations leading either to a proven death or to disappearance which occurred between September 11, 1973 and January 31, 1974 in the Ninth Region of the country, which today encompasses the provinces of Malleco and Cautín. Among all the incidents it examined in this region, the Commission came to the conviction that in 115 cases the government was responsible for human rights violations due to the actions of its agents or persons working for them.

The percentage of the rural population in this region is one of the highest in the country, and there are a great number of Mapuche indians. Even before September 11, 1973, problems rooted in land tenure had led to major social conflicts. Despite this climate, however, once the September military intervention took place, there was no resistance to the new regime. Indeed when asked to do so, many people voluntarily reported to the new authorities. The

purpose, it was said, was to enable them to register their homes (Military Decree No. 11 of the office of the governor of the province of Cautín, September 12, 1973).

The army took control of political and administrative matters in the region and appointed its own officers to serve as intendant and as governors over the provinces.

During the initial period, from September 11 until approximately mid-October, 1973, those who suffered grave human rights violations were primarily agriculture and health professionals who had worked in the previous government, and leaders of labor unions and social organizations, that is, generally people connected to movements supportive of the deposed government. Many of them were Mapuches and small farmers. Starting in mid-October the criteria for choosing the victims underwent a change. Most of the people imprisoned at this point were active in, or connected to, leftist parties. Some were active in other parties or were even not politically involved.

Among the main detention sites in this region were the Tucapel Regiment, the Maquehua Air Base, and the jail in Temuco. The number of people imprisoned in these places between September and December 1973 can be estimated at between five and seven hundred. In other cities the local regiments were used as prison sites: in Angol, Cavalry Regiment No. 3-Húsares; in Traiguén Artillery Regiment No. 4-Miraflores; in Victoria, Transportation Battalion No. 4. In other towns and places in the region the police stations were used.

Procedures varied from one city or town to another. In Temuco individuals were called to report to the authorities by means of military decrees published or broadcast in the media, or a summons was sent directly to those being sought. In other cases, their houses or workplaces were raided, and they were arrested and taken to the sites mentioned above. Sometimes military decrees offering an official explanation for executions were published. Prisoners in the Temuco jail were taken to the Tucapel Regiment and placed in a cell next to the guard's room. From there they were taken to the military prosecutor's office, which was located within the grounds of the base, or to the gymnasium where prisoners were interrogated. Torture and other unlawful forms of mistreatment were

used during interrogation.

Initially, soldiers had no kind of written order as they took prisoners out of the jail. Later the procedure was more formalized, and an order from the military prosecutor's office had to be presented whenever a prisoner was taken out. This Commission received numerous accounts from witnesses testifying that torture was used at the Maquehua Air Base and the Tucapel Regiment.

In other cities and areas the procedure was different. It was generally the police who were ordered to carry out detentions. They went to the homes of those being sought and arrested them; they raided homes and sometimes set them on fire or destroyed them, and they stole the goods of those they were arresting. In these operations the police were often accompanied by private citizens from the area.

When people were not to be interrogated but simply eliminated, they were executed close to the site where they had been apprehended, and their bodies were thrown in nearby rivers or buried in the fields. In many instances, the families or witnesses observed or heard the execution and later found the dead bodies buried, left exposed, or floating down a river. Often the relatives buried them, first checking with the police. The police generally granted the request, indicating that it should be done quickly and without telling the community. If the aim was to interrogate the prisoners, they were taken to the nearest checkpoint or police station, and from there to some regiment. At those sites family members were most often told the person was not being held prisoner. In rural areas people were also taken in air force helicopters. They were brought to the most important police station in the area or directly to the Maquehua Air Base in Temuco.

On one of its visits to the region, the Commission received a great deal of consistent testimony from the victims' families recounting the physical mistreatment and humiliations to which they themselves were subjected, both in the raids on their houses and during the efforts they made to locate their relatives in police stations and regiments and at checkpoints. In some instances the relatives were also arrested.

We should emphasize the harsh treatment given to the

Mapuches and their families and how difficult it has been for these people in the most rural areas to have to live alongside those who killed their loved ones, sometimes even to the present. Due to fear, poverty, or hopelessness, only a small percentage of these families have taken advantage of whatever chance there was to seek redress in the courts or to present their complaints to human rights organizations.

In six of the cases studied, it has been established that civilians were involved in repressive actions.

This report provides an account of those cases in which this Commission has come to the conviction that human rights violations led to proven death or to disappearance. They are organized according to location and in chronological order.

Cases of grave human rights violations in the Araucanía Region

Temuco

On September 14, 1973, Eduardo GONZALEZ GALENO, 31, a doctor who was director of the hospital in Cunco and was active in MIR, was arrested at work by members of the air force. They arrested him along with his wife, who was also a doctor and shared his political commitment, and they took them to the police headquarters in Cunco. They were then taken by helicopter to the air force base in Maquehua. Witnesses have testified to this Commission that they were at that military base, although the authorities told his relatives he was not being held there. To this day Eduardo González remains disappeared. After examining the evidence in this case very closely, and establishing that he was arrested, and ascertaining that he has not conducted any official government business nor has he had any further contact with his family, the Commission has come to the conviction that Eduardo González suffered a grave human rights violation at the hands of government agents who were responsible for his arrest and subsequent disappearance.

On September 15, 1973, Arturo HILLERNS LARRAÑAGA, 29, a doctor who was working for the National Health Service in this area and was a MIR activist, disappeared.

During curfew hours he was arrested at his home by police from the Second police station in Temuco. Military Decree No. 1 from the commander's office at the Temuco garrison, which was issued the next day, stated that "Dr. Arturo Hillerns Larrañaga escaped September 15, 1973 at 3:00 a.m. while he was being taken from his home to Helicopter Squadron No. 3 in order to gather evidence on subversive groups. This citizen is a fugitive, and military and police patrols have been ordered to find him. They have orders to shoot if they encounter any resistance." This Commission finds the official account implausible, since it is clear that Dr. Hillerns was being held prisoner by about twenty police who were being followed by a number of vehicles while curfew was in effect, at a time when the city was under heavy guard. For all these reasons it is quite unlikely that he would have tried to escape, let alone that he would have done so successfully. In view of the foregoing, and because he has not had any further contact with his family or conducted any business with the government, and bearing in mind the general features of the period that have already been explained, this Commission has come to the conviction that Arturo Hillerns was arrested by government agents and that they made him disappear in an action that gravely violated his human rights.

On September 18, 1973, José Félix GARCIA FRANCO, 31, an Ecuadorian seventh year medical student at the University of Chile who was serving his internship at the hospital in Temuco, disappeared. García had voluntarily reported to the Second police station in response to a call to all foreigners issued by the authorities. His wife says that on September 18, when she took him food at the police station she was told that he had been taken to the border and released that day. Since that date his whereabouts have been unknown. When consulted by this Commission, the National Bureau for Foreigners reported that José Félix García is not recorded as having left the country.

After September 19, 1973, there was no further information concerning the fate or whereabouts of José SAN MARTIN BENAVENTE, 27. He was the former head of DIRINCO (National Bureau of Industry and Trade) in Temuco and was not politically active. He had been arrested when he voluntarily reported to the headquarters of the police in the city. His relatives say that they were later told that he was not being held prisoner.

Since in both these cases there is evidence that these people were held prisoner in police facilities; since the Commission inquired about them with the Chilean police, who stated that all the documentation from that period had been legally burned; and since there has been no word on them either through their families or through dealings they might have had with the Chilean government; and in view of the features specific to these cases, this Commission has come to the conviction that José García Franco and José San Martín underwent forced disappearance at the hands of government agents who gravely violated their rights.

Since September 19, 1973, there has been no word on the fate and whereabouts of Esteban Marie Louis PESLE DE MENIL, 49, a former priest of French nationality who was an expert on cooperatives, worked at INDAP (National Institute for Agricultural Development) and was active in the Socialist Party and a member of the Christians for Socialism Movement. Witnesses saw him being arrested in his office by air force reservists in uniform, and taken toward an unknown destination. Despite countless efforts to find him on the part of his family and his embassy, he remains disappeared to this day.

Three days later, on September 22, 1973 Ambrosio BADILLA VASEY, 28, a former employee of the Banco del Estado [State Bank] who was a member of the central committee of MIR, disappeared. He was arrested at a friend's house in Temuco by air force troops. His relatives say that when they made efforts to locate him, the authorities told them that he had been released because there were no charges against him. That, however, would not be consistent with the manner in which authorities at that time were dealing with MIR activists whom they captured. He has remained disappeared since the date of his arrest.

On September 25, 1973, Ricardo BUSTOS MARTINEZ, 21, a worker who was not politically active, was arrested in the presence of witnesses by air force troops at a sawmill on the Los Laureles estate where he was working. Witnesses observed that the agents who arrested him were beating him as they did so, and they then put him onto a helicopter. His whereabouts remain unknown since that date.

In these three cases, it has been established that people were arrested and that there has been no sign of them, that is, they have not contacted their families or conducted any official business with the Chilean government. This Commission holds the conviction that the human rights of Esteban Pesle de Menil, Ambrosio Badilla, and Ricardo Bustos were violated by government agents who arrested them and then subjected them to forced disappearance.

On September 25, 1973, José Eulalio MUÑOZ CONCHA, 21, a worker and a leader in the Ampliación Amanecer neighborhood who was arrested in the presence of witnesses and taken to the Temuco jail, disappeared. The family says that they were told that he was being held in solitary confinement and was going to be transferred to the Tucapel Regiment before being released. They looked for him at a number of facilities without success. When this Commission consulted the jail officials, they responded that Muñoz Concha "entered this jail on 9-24-1973 by order of the army prosecutor's office in Temuco, crime not specified. He left 9-25-73 by order No. 24 of the army prosecutor's office, Temuco." Jose Muñoz remains disappeared to this day.

Something similar took place September 25, 1973 with Luis Jorge ALMONACID DUMENES, 22, a social work student at the Temuco campus of the University of Chile who was a MIR activist. Police arrested him in the presence of witnesses on September 16 and took him to the police station in Padre Las Casas. On September 19, he was taken to the Tucapel Regiment and the next day to the jail in Temuco. Witnesses who testified before this Commission declare that police took him away. In response to inquiries from this Commission, jail authorities in Temuco replied that Luis Almonacid "entered this jail 9-19-1973. He left 9-25-1973 by order of the prosecutor's office. Order to release No. 21." Since that date Luis Almonacid remains disappeared despite all his relatives' efforts to find him.

Since it is established that these two people were arrested and were then held prisoner in the Temuco jail and since none of them has ever indicated to their relatives that they are alive, nor have they conducted any official business with the Chilean government, the assertion that they were released is in effect refuted. Indeed, the evidence

in its possession enables this Commission to state that they both left the jail under military guard. This Commission holds the conviction that José Muñoz and Luis Almonacid were subjected to forced disappearance by government agents who gravely violated their human rights.

Since September 18, 1973, there has been no further word on the fate of María ARRIAGADA JEREZ, 40, a teacher at School No. 31-Gabriela Petesmen in Chilpaco, who was active in the Communist party and a leader in the teachers' organization. She was arrested at work in the presence of witnesses on September 27 by members of the air force and police. Together with another teacher she was taken in an air force helicopter to the police substation in Lonquimay. On September 28 she was taken to the police station in Curacautín and then to the Maquehua Air Base in Temuco. Her whereabouts have remained unknown since that moment.

On September 30, 1973, Jorge Eduardo CALDERON OTAIZA, 28, who worked at the Caja Nacional de Empleados Públicos [National Bank for Government Employees], was studying civil engineering at the University of Temuco and was active in the Young Socialists, disappeared from that same military installation. He was arrested at home by police from the police station in Padre las Casas and later was taken to the Maquehua Air Base. When seen there he was in poor physical condition. His relatives say that government forces never acknowledged that he was being held prisoner. To this day Jorge Eduardo Calderón remains disappeared.

After very carefully examining the evidence in these two cases, this Commission has come to the conviction that Maria Arriagada and Jorge Eduardo Calderón suffered a forced disappearance at the hands of the government agents stationed at the Maquehua Air Base who arrested them. These actions were a grave human rights violation.

In late September, 1973, Luis Bernardo MALDONADO AVILA, 24, who was studying mechanical engineering at the Temuco campus of the State Technical University and was active in the Socialist party, was arrested. Troops arrested him in the presence of witnesses in front of the post office in Temuco and took him to an unknown destination. Despite the many inquiries made by his relatives, Luis

Maldonado remains disappeared to this day. Having established that he was arrested, and taking into account his political commitment, the fate of leftist prisoners during that period, the manner in which he was arrested, and the fact that neither his family nor the Chilean government has received any information on him, this Commission has come to the conviction that Luis Maldonado underwent forced disappearance at the hands of government agents in an action that violated his human rights.

On October 2, 1973, four persons were executed at the Tucapel Regiment in Temuco. In their public explanation of these deaths, military authorities claimed that two of them had attempted to escape and the other two had attacked their guards.

With regard to the two persons killed in an alleged escape attempt, a military decree issued by the commander's office of the garrison in Temuco reported to the citizenry that "two persons who were being held prisoner inside the Tucapel Regiment in Temuco were shot down by guards when they attempted to escape from that facility." The two people executed in this fashion were:

José María ORTIGOSA ANSOLEAGA, 42, a merchant and a farmer who was a personal friend of President Salvador Allende. Because of accusations that a guerrilla school was operating on his estate, he had been summoned by the military prosecutor's office, and hence he travelled from Santiago to Temuco to report to the authorities. He was arrested by a military patrol on the outskirts of the city and was taken to the jail and from there to the Tucapel Regiment. Many witnesses saw him in poor physical condition as a result of the torture he underwent.

Daniel de los Angeles MATELUNA GOMEZ, 53, an advisor to the CUT labor federation in Temuco.

In Military Decree No. 9 the commander's office of the Temuco garrison reported on the two executions which were carried out in response to alleged attacks on military personnel as follows: "In keeping with the provisions of Military Decree No. 24 of the military junta, the guards of Infantry Regiment No. 8-Tucapel shot to death Pedro Ríos Castillo and Guido Troncoso Pérez. At the instigation of Perez, who was a member of the presidential body guard,

they had tried to seize the guards' weapons and assault them." Pedro RIOS CASTILLO, 43, was vice-president of the Development Council of Bío Bío, Malleco, and Cautín, a teacher at the University of Concepción and active in the Socialist party. He voluntarily reported to the military authorities in Temuco on September 11 in response to a summons issued through official communiques, and he had been allowed to go free. Soldiers then arrested him and his son, who was a minor, in Los Angeles, and took him to the local regiment. He was then transferred to the jail in Temuco and then to the Tucapel Regiment the day before he died. Witnesses have testified that he was in poor physical condition as a result of the torture to which he was subjected.

Guido TRONCOSO PEREZ, 21, a mechanic who was active in the Socialist party. He had been arrested at home a few days previously by the investigative police who tortured and then released him; they rearrested him on October 2. His captors took him to the Tucapel Regiment.

The Commission did not find acceptable the official accounts provided to the public to explain these four deaths in view of the following considerations:

- * The four people executed were imprisoned in a heavily guarded military base, and hence it was not very likely that they would make an irrational attempt to seize the guards' weapons or attempt to escape.

- * Testimony offered to this Commission indicates that several of the prisoners were in poor condition as a result of the torture they had undergone, thus making it even more unlikely that they would attack armed guards.

- * If indeed the prisoners had made such an attack or attempted to escape, in all probability they could have been subdued without having to be killed, since they were unarmed civilians facing a military unit.

For these reasons, this Commission holds the conviction that José María Ortigosa, Daniel Mateluna, Pedro Ríos, and Guido Troncoso were executed by government agents, who deprived them of their right to life in an entirely unlawful fashion.

That same day, October 2, two public health officials who were active in the Communist party were executed at the Maquehua Air Base:

Alejandro FLORES RIVERA, 33, an official at the Temuco regional hospital who was the regional president of FENATS (National Federation of Health Care Workers);

Hernán HENRIQUEZ ARAVENA, 38, a surgeon who was in charge of the National Health Service in the provinces of Malleco and Cautin.

In the period immediately following September 11 both had been summoned and reported voluntarily to the military prosecutor's office and were put under house arrest. They were later arrested and taken to the Maquehua Air Base. Credible witnesses have testified that both were in poor physical condition as a result of the torture they had undergone. On the night of October 2 air force personnel took them out of the base. That was the last time they were seen alive.

Three days later, in Military Decree No. 5, dated October 5, 1973, the commander's office of the Temuco garrison reported that "Alejandro Flores Rivera and Hernán Henríquez Aravena were killed by their guards in response to an escape attempt that they had planned with the assistance of outside persons while they were being held under arrest at the headquarters of Helicopter Squadron No. 3. The outsiders escaped without suffering any casualties. These subversives were buried." The official report does not indicate the date on which they were executed, nor where their mortal remains were buried. The death certificates, however, state that they died on October 2, 1973. To this day their bodies have not been returned to their relatives. There is no explanation for failing to do so, nor is it acceptable.

This Commission rejects the official account in view of the following circumstances:

* It is not credible that while they were under arrest at a military base and could not receive visits and indeed when no acknowledgement had been made to their relatives that they were being held there, the prisoners should have arranged an escape plan with people from outside the

base.

* The poor physical condition of the prisoners as a result of the torture to which they had been subjected and the tight military guard over the base and the surrounding area, made the possibility of escaping even more unlikely.

* Given the heavy military guard of this area at that time, it is implausible that the outsiders who were allegedly involved would have eluded being captured.

* Credible witnesses have testified to this Commission that on October 2 air force personnel took these two prisoners out of the Maquehua base toward an unknown destination.

Taking into account these circumstances, the Commission holds the conviction that Alejandro Flores and Hernán Henríquez were executed by government agents and that their human rights were thereby violated.

On October 3, 1973, Dixon RETAMAL CORNEJO, 24, a civil engineering student at the Temuco campus of the State Technical University who was active in MIR, was arrested at his boarding house in Temuco by members of the air force. He was taken to the Maquehua Air Base. According to his relatives, troops there said that he had been held prisoner at the base but then had been turned over to the police. He could not be located at any police facility and remains disappeared to this day. After carefully examining the evidence in this case, and since there is no explanation for why he never had further contact with his family, this Commission has come to the conviction that Dixon Retamal Cornejo suffered a grave human rights violation and that government agents were responsible for his arrest and subsequent disappearance.

On October 4, 1973, Rubén Eduardo MORALES JARA, 29, a teacher at the Temuco campus of the University of Chile who was active in MIR, disappeared. Morales was being held prisoner at the Temuco jail on September 11, 1973, accused of having violated the weapons control law. Since that moment his relatives have never seen him again. Jail authorities reported that "on October 4, 1973 he ran away from the guard post at the Temuco Regiment." However, the report prepared by the investigative police in

Temuco states that Morales Jara, "while he was being transferred by army troops at night, escaped by diving into the waters of the Cautín River, and was not found." Besides being contradictory, the official accounts are implausible. It is very unlikely that a prisoner would have tried to escape from a military base when he was alone or unarmed or on the road when he was being heavily guarded by troops. For its part, this Commission holds the conviction that Ruben Morales Jara underwent forced disappearance at the hands of government agents in an action that violated his human rights.

On October 4, 1973, all trace was lost of the whereabouts of Omar Roberto VENTURELLI LEONELLI, 31, a former priest, a teacher in the education department at the Temuco campus of the Catholic University and a member of Christians for Socialism. He voluntarily reported to the Tucapel Regiment September 25 in response to a summons broadcast by radio. He was then taken to the jail in Temuco, and from there he corresponded with his family. The family states that on October 4 they were told that he had been released. Since then they have looked for him in vain. When consulted by this Commission, jail authorities answered that Venturelli "left 10-4-73. By order of the military prosecutor's office in Cautín. Release order No. 52." Omar Venturelli remains disappeared to this day.

On October 11, 1973, Luis Gastón LOBOS BARRIENTOS, 46, a teacher who was active in the Radical party, a former provincial governor and a deputy for the province of Cautín, disappeared. Police from Pitrufquén arrested him at his home and took him to the Second station in Temuco. Photographic evidence indicates that his head was shaved, and he was marched through the center of Temuco and was then put under house arrest. The same police officers rearrested him at his home on October 5, and took him to the Temuco jail. Authorities there reported that Lobos was released on October 11 at 6:50 p.m. by order of the prosecutor's office of the police in Cautín. The family says that the prosecutor's office later told them that Lobos was released October 11 at 7:40 p.m. (curfew was in effect at 7:00 p.m.) and that he had been given a safe conduct pass so that he could return home. According to credible testimony from witnesses, Gastón Lobos was put onto a helicopter. This Commission has examined testimony by witnesses who say that his body

was found at the mouth of the Imperial River, and that the person who found him, knew him personally and buried him at a site that has thus far not been located.

Since it has been established that these two people were arrested and held prisoner, the assertion that they were released is not convincing since neither of them has returned to his family, has had official dealings with agencies of the Chilean government (such as taking out a new identification card, or registering to vote), or is recorded as having left the country. On the contrary, the evidence it has examined enables this Commission to state that Omar Venturelli and Gastón Lobos left the jail in the custody of military troops who made them disappear by force.

On October 11, 1973, Arturo NAVARRETE LEIVA, 21, worker at Ferrocarriles del Estado (State Railroad Company) who was not politically active, was arrested in downtown Temuco by an air force patrol in the presence of numerous witnesses and was taken to an unknown destination. His relatives stated that military authorities never acknowledged holding him prisoner. Since it is established that he was arrested and since there has been no word about him to this day, this Commission holds the conviction that Arturo Navarrete suffered a violation of his human rights at the hands of government agents who arrested him and then made him disappear by force.

Since October 12, 1973, there has been no information on the fate or whereabouts of Jaime Emilio ELTIT SPIELMANN, 27, a law school graduate who was active in the Radical Youth. On September 13 he was arrested in Santiago by troops from the Tacna Regiment. He was put under house arrest until October 6, when he was rearrested and taken to the Tucapel Regiment in Temuco on October 7. His relatives last saw him there October 12. They say that the next day officials at the regiment told them that he had been released that same day. He remains disappeared to this moment. Since it is established that Jaime Eltit was arrested by government agents and that he was held prisoner at a military base, and since he has never had further contact with his family or had any dealings with the government, this Commission holds the conviction that he underwent forced disappearance at the hands of government agents who gravely violated his

rights.

On October 13, 1973, José FUENTES FUENTES, 44, a small scale industrialist who was not politically active, was arrested by police from Temuco at the hotel where he lived and was taken to the Second police station. His relatives say that police later denied that he was being held prisoner. He has remained disappeared since that moment. Since there is evidence that he was held prisoner at a police facility; since there has been no word on him since that day; and since the Chilean police, when consulted on this matter, stated that all documentation from that period had been legally burned, this Commission has come to the conviction that José Fuentes suffered a forced disappearance at the hands of government agents who gravely violated his rights.

Since October 13, 1973, Nelson CURIÑIR LINCOQUEO, 22, a fifth year student in civil engineering at the Temuco campus of the State Technical University who was active in the Young Communists, has been disappeared. Air force troops arrested him at his home in Temuco during the very early morning hours of October 5. His family says that troops told them that they were taking him to the Maquehua Air Base, but representatives at the base denied that he was being held there. On October 18, 1973 the newspaper published Military Decree No. 10 of the Temuco garrison, which stated: "Since citizen Nelson Vladimir Curiñir, a MIR activist, escaped from a military patrol while he was being taken from the site of his capture to the Temuco jail, all units of the armed forces and police are ordered to capture him dead or alive."

Witnesses who testified before this Commission say that air force troops took Nelson Curiñir out of the Maquehua base early on the morning of October 13 and that he never returned. From that day on his family looked for him in vain until his remains were found in 1990 at the cemetery in Nueva Imperial. He had been buried there anonymously in October 1973. The autopsy report says that in the back of his cranium was a hole from a bullet that exited above his right eye. For these reasons this Commission holds the conviction that government agents were responsible for the arrest, disappearance, death, and improper burial of Nelson Curiñir. They violated his right to life and his family's right to know what had happened to him and to bury him.

On October 26, 1973, two health workers who were active in the Socialist party were executed by military troops in Temuco:

Manuel Gastón ELGUETA ELGUETA, 28, a hygiene educator, grammar school teacher and an official at the regional office of the National Health Service who was active in the Socialist party and a FENATS (National Federation of Health Care Workers) leader. A few days before he was killed, he had been held under arrest at the Second police station. He was released and then rearrested at home by military troops in the early morning hours of October 26.

Jecar NEHGME [sic] CORNEJO, 32, a hygiene educator, instructor in health at the Temuco campus of the University of Chile and an employee at the National Health Service who was a regional leader of the Socialist party. He was also the father of Jecar Neghme Cristi, a MIR leader who was murdered in 1989. Soldiers arrested Neghme at his home on October 27, 1973.

In Military Decree No. 12, the commander's office of the Temuco garrison reported: "By order of the military prosecutor's office, citizens Jecar Neghme Cornejo and Gastón Elgueta, who have been proven to be terrorists, were arrested on October 25 at 10:30 p.m. As they were being taken to the garrison of Mountain Infantry Regiment No. 8-Tucapel, they tried to assault the patrol and wrest their guard's weapon away, and therefore they were shot down."

Having analyzed the circumstances of their deaths, this Commission cannot accept the account provided by the authorities, in view of the following points:

* Although the military decree and their death certificates state that they died October 25 at 10:30 p.m., neither the day nor the hour was correct. According to a number of consistent accounts this Commission received, these people were arrested by a military patrol in the early morning of October 26.

* It is not likely that two people who had been taken prisoner and subdued by military personnel would attempt

to wrest away a guard's weapon.

* Even if the official account were true, it does not seem acceptable that the only way to prevent these two unarmed civilians from running away would have been to kill them.

Therefore, this Commission has come to the conviction that Jecar Neghme and Gastón Elgueta were executed without any due process by government agents in violation of their human rights.

On November 9, 1973, seven people, all active Communists, were executed by army troops:

Juan Antonio CHAVEZ RIVAS, 26, a student at the Temuco campus of the State Technical University. He was arrested November 5, 1973 at his home and taken to the Tucapel Regiment. His relatives saw him there.

Pedro MARDONES JOFRE, 22, a student at the Temuco campus of the State Technical University.

Florentino MOLINA RUIZ, 44, a worker, regional secretary of the Communist party in the province of Cautín and a member of the party's central committee. He was arrested November 5, 1973 at his home by two plainclothes agents and taken to the Second station and then to the Tucapel Regiment.

Amador MONTERO MOSQUERA, 21, a student at the Temuco campus of the State Technical University. He had been arrested at home by plainclothes agents on November 7, 1973, and taken to the Tucapel Regiment.

Juan Carlos RUIZ MANCILLA, 21, a civil engineering student at the Temuco campus of the State Technical University. He had been arrested November 7, 1973 at his parent's home in Punta Arenas and flown to Temuco in an air force plane and was held prisoner at the Tucapel Regiment.

Victor Hugo VALENZUELA VALASQUEZ, 22, an aide at the property registry office in Temuco. He was arrested November 7, 1973 at work by plainclothes agents and taken to the Tucapel Regiment where he was seen by witnesses.

It is reasonable to presume that Carlos AILLAÑIR HUENCHUAL, 57, a farm worker who was active in the Communist party, was killed along with them. Troops had arrested him at a relative's house on November 6.

An official report issued November 10 mentions an attack on a explosives supply room at the Tucapel Regiment which occurred at 11:45 p.m. the previous day. "Subversives outfitted with a good supply of explosives attempted to reach the back of the regiment where the explosives are stored. The sentries caught them on time, an intense exchange of fire took place, and seven of the attackers were hit." In its report on the same incident, the army stated: "Last night at 11:45 an estimated fifteen people armed with dynamite, grenades, and firearms attempted to attack the Tucapel Regiment garrison. Seven of them were killed in the attempt; two were captured and the rest ran away. The regiment suffered no casualties and there was no material damage." The Commission connects the seven people listed above with this account since all their death certificates indicated that their deaths took place at the very same date and hour as on the official accounts and they note that they were killed on a "military base" by "firearm-action of a military unit."

This Commission cannot regard this official account as credible by reason of the following considerations:

* It is not plausible that, during the gun battle which is alleged to have taken place by night, the sentries would have fatally wounded seven of the supposed attackers without suffering any casualties themselves.

* At the morgue the relatives were able to view the victims' bodies, which bore clear indications that they had been tortured. That is consistent with the death certificates of Pedro Mardones, Amador Montero and Víctor Hugo Valenzuela, which indicated that the cause of death was a "crushed skull." That note indicates that they died not only of bullet wounds, but also because their skulls were smashed.

* The most convincing point for this Commission is that the abundant testimony and evidence gathered prove that these people were held prisoner for several days at the

Tucapel Regiment. Hence it was impossible for them to have attempted to break into the back of the regiment grounds, armed with explosives, as asserted in the official account.

For all these reasons, the Commission has come to the conviction that the seven persons on the list were executed by government agents in violation of their human rights.

On November 22, 1974, Luis Alberto LEAL ARRATIA, 55, a farmer who was active in the Radical Left party and had been actively involved in the agrarian reform process in the area, was arrested and disappeared. He was arrested three times. He was first arrested by air force troops, and next by the police, who took him to the Temuco jail and then released him October 17, 1973. Finally on November 22, 1973 he was arrested again, this time by plainclothes agents at his daughter's house in Temuco. Since then there has been no word about him despite all the inquiries made by his relatives. Since it has been established that Luis Alberto Leal was arrested, and in view of the way he was apprehended, the date on which it took place, the nature of his political involvement, and the fact that neither his family nor the Chilean government have had any word of him for seventeen years, this Commission has come to the conviction that Luis Alberto Leal suffered a forced disappearance at the hands of government agents in an action that gravely violated his human rights.

On November 30, 1973, Santiago FAUNDEZ BUSTOS, 23, a university student who was active in the Socialist party, was killed. He had been arrested by soldiers November 27 and taken to the Tucapel Regiment in Temuco, where his mother was able to see him two days later. His relatives say that on November 30 the military told them that he had been released. Santiago Faúndez's dead body was found and identified by his family at the local morgue. The death certificate indicates that he died November 30, 1973, in Temuco, and states that the place of death was a "military base" and that the cause of death was "suffocation; convulsive state under study." These facts make it possible to come to the conviction that Santiago Faúndez was executed by government agents who were holding him prisoner inside a military base, in an action that gravely violated his human rights.

In November 1973, Manuel Orlando BIOLEY OJEDA, 20, who was visiting his family in Temuco from San Bernardo, where he was fulfilling his obligatory military service, disappeared. After staying out on leave too long, he reported to the Tucapel Regiment in Temuco and was put under arrest. He was then taken to the investigative police, where his mother visited him. His family says that members of the investigative police told them that he had been taken back to the regiment, but at the base they were told he was not there. This is the last information available about him. Since it is established that he was arrested by government agents and was held prisoner at a military base, and since he has never had further contact with his family or conducted any official business with the government, this Commission holds the conviction that he disappeared at the hands of government agents in an action that violated human rights.

On December 25, 1973, Omar TORRES ANTINAO, 21, a fruit vendor who was not known to be politically active, was killed by soldiers from the Tucapel Regiment in Temuco. Soldiers had been to his house a number of times looking for one of his sisters who was active in MIR but had not found her. When his captors came to the house that day Torres fled toward the back yard. The soldiers chased him and shot him down in the presence of his mother and sisters, killing him on the spot. His body was turned over to his family at the hospital in Temuco. Since witnesses have verified this account of what happened, this Commission holds the conviction that Omar Torres was executed without due legal process by government agents in an action that violated human rights.

In December 1973, Juan RIQUELME RIQUELME, 31, a teacher at the Colegio Alemán in Temuco who was not known to be politically active, was arrested by official forces in civilian clothes at his home in Temuco. A relative was arrested with him and both were driven to the Maquehua Air Base. Witnesses say they saw him being held prisoner there. There has been no trace of him since then. After examining the evidence in this case, this Commission has come to the conviction that Juan Riquelme suffered a grave human rights violation and that government agents were responsible for his arrest and subsequent disappearance.

- Cases: Lautaro; Galvarino; Carahue and Puerto Saavedra;

Freire; Pitrufoquén; Toltén; Gorbea; Victoria; Angol; Cunco;
Melipeuco; Lonquimay; Llaima; Curacautín; Villarica;
Curarrehue
Lautaro

On September 15, 1973, Luis del Carmen MORA SAN JUAN, 43, a tractor driver at the El Luchador rural cooperative, was arrested in the presence of witnesses by troops from the La Concepción Regiment in Lautaro. His relatives began to look for him in different places but without success. Two months later they found his body buried nearby and dug it out. The death certificate states that he died of "a crushed skull." Since it is established that he was arrested by government agents, and taking into account how he died, this Commission holds the conviction that Luis Mora was executed and that his body was later concealed by government agents, who thus gravely violated his right to life.

On September 23, 1973, Manuel Elías CATALAN PAILLAL, 27, a farm worker who had been arrested in the Juan Catalan community in Lautaro by police and taken to the local police station, disappeared. His family says that they took food and clothing for him to the police station every day. However, his wife says that on September 23 she was told that he had been transferred to the jail in Temuco; at the jail, however, it was denied that he was being held. Since that date his whereabouts remain unknown, despite all the efforts made to locate him. Since witnesses have testified before this Commission that he was arrested and held prisoner, and since he had no further contact with his family and had no dealings with agencies of the Chilean government, the Commission has come to the conviction that Manuel Catalán was subjected to a forced disappearance at the hands of government agents and that his human rights were gravely violated.

On September 27, 1973, Aníbal BURGOS SEPULVEDA, head of personnel at the Banco del Estado in Lautaro who was active in the Communist party, and Julio HADDAD RIQUELME, 47, a merchant and leader of the Communist party, were executed in the city of Lautaro. The public was informed by means of Military Decree No. 52, issued by the head of the zone under state of siege in the province of Cautín, which reads: "... On September 26, 1973 citizens Aníbal Burgos González (sic) and Julio Haddad Riquelme

were arrested by police and by troops from the La Concepción Regiment in Lautaro because they were involved in carrying out 'Plan Z' in Lautaro. Together with the former governor of the department, Fernando Teillier, they were plotting to kill the senior military and the police officers in the area. 2. On September 27, 1973 in the course of a search for the fugitive Fernando Teillier, these two attempted to attack their guards and to escape toward the hills. A military patrol repelled their attack and shot them down." Their bodies were handed over to their relatives in sealed coffins.

Once more, as in other instances of supposed escape attempts, the account offered by the authorities cannot be accepted since it is highly unlikely that civilians who were being held prisoner and were unarmed would try to attack the heavily armed guards who were transporting them. Likewise it does not seem justifiable that the only way to subdue them in response to their alleged aggression was to kill them. This Commission holds the conviction that Julio Haddad and Aníbal Burgos were executed without any due legal process by government agents and that they suffered a human rights violation.

On September 27, 1973, Eligen PONCE ARIAS, the operational manager of CORHABIT (Corporación Habitacional) who was not known to be politically active, was arrested. Witnesses observed him being arrested by a patrol made up of troops from the La Concepción Regiment in Lautaro; he was then taken to an unknown destination. On October 8, his family found his body, with a number of cuts and with a bullet wound to the right temple, buried on the hill of Muco Alto. Since the fact of his arrest and the cause of death are established, and likewise the concealment of the body, in accordance with what was common treatment of prisoners at that time, the Commission has come to the conviction that Eligen Ponce was executed by government agents in violation of his human rights.

On September 29, 1973, Pedro MILLALEN HUENCHUÑIR, 35, a married farm worker who was active in the Communist party, was arrested at the Campo Lindo agricultural cooperative by police who were accompanied by civilians. Witnesses testified before this Commission that they had seen troops beat Millalén and then put him

into a vehicle that belonged to one of the civilians and that he was finally taken to the house of one of the civilians. There has been no further trace of him. Since it has been established that he was arrested, and since there is no natural explanation for the fact that he has not been heard from for seventeen years, the Commission has come to the conviction that Pedro Millalén suffered grave violations of his human rights insofar as government agents arrested him and subjected him to forced disappearance.

Then on October 2, 1973, Andrés LEVIO LLAUPE, 49, a farmer who was not known to be politically active, was arrested by police at his home on the Panco indian reservation. Three days later his family found his body eight kilometers away with a bullet wound in the back and numerous bruises. Since it is established that he was arrested by government agents and was shot, this Commission holds the conviction that Andrés Levio was executed and that his body was subsequently concealed by government agents who thus gravely violated his right to life.

On that same day, October 2, 1973, three people who had been arrested separately by police from the police headquarters in Cajón, were killed. They disappeared from the Cajón station until February 1974. At that point their relatives were summoned to the La Concepción Regiment in Lautaro and told without further explanation that all had died October 2, 1973. Their death certificates were handed over but not their bodies. Their names are:

José Enrique CONEJEROS TRONCOSO, 32, a worker at the Carillanca experimental station, who was arrested October 2;

Juan Bautista RODRIGUEZ ESCOBAR, 34, a worker at the Carillanca experimental station, who was arrested October 1; and

José Abel DIAZ TORO, 29, a farm worker and labor union leader, who was arrested September 28.

Having established that they were arrested and that they suffered a violent death that day or shortly thereafter, this Commission holds the conviction that the arrest, execution, and concealment of the bodies of José Conejeros, Juan

Rodríguez and José Díaz was the work of government agents who thus gravely violated their human rights.

A similar event was the arrest and subsequent disappearance of seven peasants from the Lautaro area. Court records indicate that most of these people had been brought before ordinary courts for common crimes:

On October 4, 1973, José André MELIQUEN AGUILERA, 45, a farm worker, was arrested on the Manuel Levinao reservation in the presence of witnesses by police from the Lautaro police station. His relatives say they were later told he was not being held prisoner.

Also on October 4, 1973, Sergio del Carmen NAVARRO SCHIFFERLI, 37, a farmer, was arrested by police from the Yuyinco checkpoint and taken to the Lautaro police station. Although his family was told that he had been released, he remains disappeared since that day.

On October 15, 1973, José Ignacio BELTRAN MELIQUEO, 46, a farmer from the Manuel Levinao community, was arrested before witnesses in the square in Lautaro by police, and was taken to the local police station. His relatives say that they were told he was not being held prisoner there, and he remains disappeared since that day.

The following day, October 16, 1973, Julio Manuel PAINE LIPIN, 27, a peasant from the Tres Luces rural cooperative in the area of Muco Bajo, was arrested by police when he voluntarily reported to the Pillanlelbún checkpoint. From there he was transferred to the Lautaro police station, and according to witnesses, he was taken away in late October. He remains disappeared since that day.

On November 8, 1973, Juan MILLA MONTUY, 40, a farmer, was arrested in Lautaro. Police told his family he was not being held prisoner. He remains disappeared to this day.

Manuel LIZAMA CARIQUEO, 29, the CUT secretary in Temuco and president of the El Cardal rural cooperative in that area was arrested that same day by police and taken to the Pillanlelbún checkpoint. He remains disappeared to this day.

Finally in November 1973, José Bernardino CUEVAS CIFUENTES, a married farmer, was arrested along with his son, by police at the Lautaro livestock fair. They were taken to the local police station. Although his son was released, José Cuevas has completely vanished since his arrest. Since it has been established that these people were arrested, and since none of them has had further contact with his family nor conducted any official business with the Chilean government, the Commission has come to the conviction that José Andrés Meliquén, José Ignacio Beltrán, Juan Milla, Julio Paine, Manuel Lizama, Sergio Navarro and José Cuevas suffered grave violations of their human rights, since they were arrested and subjected to forced disappearance at the hands of government agents.

Galvarino

On October 3, 1973, Segundo Osvaldo MOREIRA BUSTOS, 22, a farmer, was shot and killed in the street by government agents. Moreira's body was left on the road and picked up by a local ambulance. The morgue handed it over to his relatives. The evidence gathered by the Commission does not enable it to formulate a completely clear idea of the circumstances under which government agents fired their weapons, but it has come to the conviction that those shots killed Segundo Osvaldo Moreira and that he died as a result of the violence existing at that time.

On October 8, 1973, also in Galvarino, five persons were killed by a patrol made up of soldiers and police from Lautaro who were accompanied by a local civilian. They were killed at their homes and were buried by their relatives. In most of these cases no death certificate was issued.

Julio Augusto ÑIRIPIL PAILLAO, 16, a farmer from the community of Huincaleo. At 3:00 a.m. the patrol came to his house and executed him in his yard. His mother picked up his body and buried it.

Juan Segundo NAHUEL HUAIQUIMIL, a small farmer and a member of the local Council for Supplies and Prices, was executed at 2:00 a.m. at his home.

Segundo LEPIN ANTILAF, 30, a small farmer, who was

tied up, beaten, and executed near his home. His family picked up his body and buried it.

Heriberto COLLIO NAIN, 63, a farmer who was beaten by patrol members with the bar lock on his door and then left him seriously injured. He died in his house at about 8:00 a.m.

Victor LLANQUIEN, a farmer who lived in the community of Huincaleo. Witnesses observed the patrol beat him and leave him gravely injured. He died a few hours later.

The available evidence on how these events took place enable this Commission to come to the conviction that Julio Ñiripil, Juan Nahuel, Segundo Lepín, Heriberto Collío and Víctor Llanquien suffered a grave human rights violation at the hands of government agents who executed them without any due process of law.

In that same area, on November 17, 1973, Gregoria CARILAF HUENCHUPAN, 73, was killed. On September 15, police who were looking for her son burst violently into her house; when they saw that her son was not at home, they beat her head and her whole body. This Commission holds the conviction that Gregoria Carilaf died as a result of the beating given her by the government agents who raided her house thereby gravely violating her human rights.

Carahue and Puerto Saavedra

In October 1973, four persons who had been arrested in Puerto Saavedra, were killed. Three of them were killed on the night a contingent of troops arrived in the area. The bullet ridden bodies of all four were dumped in the Imperial River or left along the beach where their relatives later found them. Francisco Segundo CURAMIL CASTILLO, 18, a farmer, and his uncle Mauricio HUENUCOI ANTIL, also a farmer, and Bernardo NAHUELCOI CHIHUAICURA, 32, who was active in the Socialist party, were arrested together with a large group of small farmers by troops from Temuco. Francisco Pascual PORMA CHEUQUECOY, 42, an active Socialist, was arrested by police at his home in Puerto Saavedra and taken to the local police headquarters.

Bernardo Nahuelcoi's family says that the police told

them that he had been taken to Temuco, when actually his body was thrown into the ocean. His widow found it with the face utterly destroyed by a bullet wound and with the teeth missing. Mauricio Huenucoi's body, also bearing bullet wounds, was found four days after his arrest in the area of Nahuentué, at the mouth of the Imperial River. The body of Francisco Segundo Curamil was found in a similar fashion. The body of Francisco Pascual Porma, whose skull was crushed, was found lying along the beach. Having examined the facts in these cases, this Commission holds the conviction that Francisco Curamil, Mauricio Huenucoi, Bernardo Nahuelcoi and Francisco Porma were arrested and tortured by government agents, who after executing them tried to conceal their bodies. These actions gravely violated their human rights.

On October 10, 1973, Juan PALMA AREVALO, 29, a worker at the warehouse of the ECA (Company for Agricultural Trade) in Carahue, was arrested at work by police and taken to the Carahue substation. One of his relatives saw him there. His body was later found at the morgue. The death certificate states, "He was shot down by reason of martial law." This Commission holds the conviction that Juan Palma was executed without any due process by government agents, thus violating his right to life. The grounds for that position are that responsibility for his death is acknowledged on the death certificate; that his family found the body at the morgue by chance when he was supposedly under arrest at a police facility; and that no official account was ever provided nor did authorities ever furnish his relatives with any explanation of what happened.

The next day, October 11, 1973, something similar happened to Anastasio MOLINA ZAMBRANO, 39, a farmer who was active in the Socialist party. In response to a summons from the police he reported to the tribunal in Carahue. He was arrested and held prisoner at the police substation there for allegedly rustling cattle. On October 11 a number of residents in Carahue saw him running away from the police who were shooting at him. A few days later his relatives retrieved his body at the morgue. On his body they saw signs of beating and bullet wounds. The death certificate states that the cause of death was "suffocation by immersion," and that he died in the Damas River on that same date, October 11. After having investigated this case, the Commission finds that the most plausible version of

the events is that Molina was shot by police and was already dying when he was thrown into the river and drowned. Since the accounts of shooting are believable and consistent and since it is proven that he drowned to death in a manner that was common at that time and in that area, this Commission has come to the conviction that Anastasio Molina was executed by government agents in an action that violated his human rights.

Freire

On October 17, 1973, Hernaldo AGUILERA SALAS, 28, and Leomeres MONROY SEGUÉL, 25, both farmers who supported the left and were members of the board of directors of the El Robel peasant cooperative, were executed. That day a patrol made up of four policemen came to the cooperative, searched the houses, and then began to beat these two men in the presence of the other cooperative members. They were then tied to the police jeep and dragged along the road. About a kilometer away, the patrol stopped and executed them. Their bodies were taken to the morgue in Temuco.

In Military Decree No. 93 the military governor's office in Cautín reported to the public that "on October 17, officers from the police headquarters in Freire were holding in custody the political activists, Leomeres Monroy Seguel and Hernaldo Aguilera. Police were driving them back to the station so that they could be turned over to the Fourth Military Tribunal in Valdivia for being involved in a plan to attack the police barracks and kill police personnel. About four kilometers east of Freire they attempted to seize an officer's weapon and then fled. When they did not obey the order to halt, the police fired their weapons and killed them."

This Commission cannot accept that account for the following reasons:

* It is not likely that the prisoners would have tried to seize a policeman's weapon and run away since they were in poor physical condition, were tied up, and they were being dragged behind by the police vehicle.

* Even had they attempted to escape, the police who were armed and in a vehicle could have prevented it without

having to kill two unarmed people.

These considerations enable this Commission to hold the conviction that Leomerés Monroy and Hernaldo Aguilera were executed by government agents without any legal basis or justification, in an action that violated their human rights.

Pitrufoquén

During September and October 1973, nine persons were arrested by police from Pitrufoquén and under varying circumstances were subjected to forced disappearance:

On September 15, 1973, Osvaldo BURGOS LAVOZ, 43, a clerk at the Banco del Estado in Pitrufoquén who was active in the Socialist party, and

Walter Raúl STEPKE MUÑOZ, 24, a farmer who was not politically active, were arrested. Witnesses observed Burgos and Stepke being halted and arrested as they were driving a pickup truck from Catrico to Pitrufoquén. After they had been subdued and were tied up in the back of the vehicle, they were driven toward an unknown destination and remain disappeared to this day.

That same day Pedro CURIHUAL PAILLAN, 24, a union leader, was arrested in the town square in Pitrufoquén. His relatives say that police at the local station denied he was being held there even though witnesses say he was. His whereabouts remain unknown to this day.

Also on September 15, Einar Enrique TENORIO FUENTES, 42, a high school teacher in Pitrufoquén, an alderman, and general secretary of the Socialist party in the province of Cautín, was arrested at his home. After searching the house and questioning his wife and daughter they took him blindfolded to the police station. Witnesses saw him there. Despite his relatives' efforts to locate him, he remains disappeared since that day.

On September 19, 1973, Luis Caupolicán CARFURQUIR VILLALON, 49, the administrator of the hospital in Pitrufoquén who was active in the Radical party, a former alderman, and a CUT leader, disappeared in Pitrufoquén. Police had arrested him and taken him from his home in

the early morning hours of September 18. He was beaten and put into a vehicle owned by a local private citizen, and was then taken to an unknown destination. The police later denied that he had been arrested, and he remains disappeared since that day.

On September 21, 1973, Juan Héctor ÑANCUFIL REUQUE, 21, a worker who was active in the Young Socialists, was arrested when he reported to the police station after police had searched his house. His family says that the police at the station later acknowledged that he had been arrested; they were told that Ñancufil had been taken to the Temuco jail. He never arrived there, however, and to this day his whereabouts remain unknown. On October 18, 1973, Ismael Rolando BOCAZ MUÑOZ, 31, who was active in the Communist party and an official at the municipality of Pitrufuquén, was arrested in the presence of witnesses. The police later told his relatives that he had not been arrested. He remains disappeared to this day.

On October 25, 1973, Luis Anselmo FERNANDEZ BARRERA, 32, an artisan, was arrested in the presence of witnesses. He was a leftist who was independent of political parties and had taken part in the land occupations that led to the formation of peasant cooperatives in the area. At the police station his relatives were told that he was not being held under arrest. Celso AVENDAÑO ALARCON, 47, the president of the Los Boldos cooperative and a furniture maker, was likewise arrested and taken to the police station in Pitrufuquén. His family was later told that he had been transferred to the jail in Temuco, but they never found him there.

In these nine cases witnesses have testified that the arrests took place, and there has been no word of these people either within their families or through government agencies. Therefore, this Commission has come to the conviction that they underwent forced disappearance at the hands of government agents. These events are a grave violation of the human rights of these people.

Other places in this region

Toltén

On September 20, 1973, Daniel Mauricio SEPULVEDA

CONTRERAS, 23, a university student who was not politically active, was arrested by the Toltén police at the boarding house where he lived and was taken to the local police headquarters. His family says they found his name in the log books, but from that point there has been no further trace of him. Since it is established that he was arrested, this Commission holds the conviction that government agents were responsible for the disappearance of Daniel Sepúlveda and that they thereby gravely violated his human rights.

On October 27, 1973, Military Decree No.87 of the military governor's office in Cautín reported that "the political activist Guillermo HERNANDEZ ELGUETA, a former Cunco local representative, was under arrest after he had admitted being involved in a plan to attack the police barracks and kill the police there as well as their families. While he was being questioned, he took advantage of an open door and suddenly ran away. When he ignored an order to halt, the police fired their weapons and shot him down." This official account does not seem credible as it is quite unlikely that a prisoner would run away from a heavily guarded police station. Even had that been the case it is not clear that the only way to recapture him was to kill him. This Commission thus comes to the conviction that Guillermo Hernández was executed by government agents, and that he suffered a grave human rights violation.

Gorbea

On September 28, 1973, Domingo OBREQUE OBREQUE, 36, an employee at SOQUIMICH (Chilean Chemical and Mining Society) who was active in the Socialist party, was arrested by police and taken to their headquarters in Gorbea. His family was told that he had been handed over to a patrol, but he remains disappeared since that moment. Qualified witnesses have testified to this Commission that they saw Domingo Obrequé at that police headquarters from September 29 onwards and that he was tortured. They say that on November 3 he failed to respond to signs from his fellow prisoners and that the police removed his body from the cell and put it into a municipal vehicle. In view of these circumstances, this Commission holds the conviction that Domingo Obrequé was arrested by government agents, who after torturing him, subjected him to forced disappearance. That action

constituted a grave human rights violation.

On October 1973, it became known that Juan Bautista BASTIAS RIQUELME, 25, president of the San Pedro rural cooperative who was active in MAPU, had been arrested. Witnesses observed government agents seize him in Allipén. His whereabouts remain unknown to this day. Taking into account the circumstances of his arrest and the nature of his political involvement, this Commission has come to the conviction that he underwent forced disappearance at the hands of government agents in an action that violated his human rights.

On November 10, 1973, Nicanor MOYANO VALDES, 49, a merchant who was active in the Socialist party, went to the police headquarters in Gorbea in order to fulfill his weekly obligation of signing the register. He never returned home again. Later many people told Moyano's relatives that they had seen his body in the Donguil River, but his family was unable to find it. To this day he has not been found. Taking into account his political involvement, the frequency with which such occurrence took place at that time, and other aspects of his disappearance, this Commission is able to conclude that government agents were responsible.

Victoria

On October 27, 1973, in the city of Victoria two people were executed: Eliseo Segundo JARA RIOS, 38, the area head of INDAP (National Institute for Agricultural Development) who was active in the Socialist party. He was arrested and taken to jail in Victoria four times. The last time was October 16, 1973. In response to this Commission's inquiry the head of the Center for Social Rehabilitation in Victoria said that Jara left the facility "on October 27, 1973 and was en route to the prosecutor's office. He did not come back that day, nor did he return at a later date." Witnesses testified to this Commission that on October 27 soldiers took Eliseo Jara out of the jail, handcuffed and in poor physical condition, and that he said goodbye to his fellow prisoners.

Pedro MUÑOZ APABLAZA, 21, a high school graduate. He was arrested at his home by a patrol of black berets, also on October 27.

According to information gathered by this Commission, on October 27 an army black beret patrol came to Victoria in helicopters on a special mission. These commandos left that same day in a truck heading toward Curacautín and executed these two prisoners on the California estate. Their remains were turned over to their relatives. These relatives say that they were told that these two prisoners had been executed when they attempted to escape. This explanation was not issued publicly, but it contradicts consistent and credible testimony by witnesses who observed troops take one of them out of the jail in Victoria and the other from his house. This Commission holds the conviction that both of these people were executed at the hands of government agents. That action was a human rights violation.

Angol

On October 5 in the city of Angol, Military Decree No. 64 reported that "two terrorists were shot for attacking the garrison." Their names were:

Ricardo Gustavo RIOSECO MONTOYA, 22, a student at the State Technical University in Santiago who was in Angol to visit his father, the former Communist alderman who was being held in jail; and

Luis COTAL ALVAREZ, 15, a primary school student.

Neither was known to be politically active. Rioseco had been arrested at home by a military patrol. En route the troops arrested Luis Cotal, who was out in the street during the curfew period. According to eyewitness accounts received by this Commission, the two prisoners were taken to a warehouse which was under construction. There they were beaten and executed with several gunshots. Their bodies were left overnight in the warehouse and retrieved in the early morning hours by a military vehicle. They were never turned over to their relatives.

The Commission cannot regard as plausible the official account according to which the prisoners were executed for "attacking a military patrol of the Angol Regiment (Húsares)," because:

* Both of them had been arrested independently of

one another some time before the moment in which they allegedly attempted such an attack.

* It is not credible that two unarmed civilians, one of them only fifteen years old, would have tried to attack a military patrol. Even had this been the case, there was enough time between the moment of arrest and that of the execution to disarm the prisoners, as is obligatory procedure in any arrest.

* Under no circumstances whatsoever is it acceptable that their bodies should have been concealed from their family members. Their concealment confirms the abnormality of their death.

This Commission has come to the conviction that Ricardo Rioseco and Luis Cotal were executed without any due process by government agents and that their bodies were then concealed, thus gravely violating their right to life and that of their families to have them buried.

Another situation in which human rights were violated in Angol is that of Oscar Armando GUTIERREZ GUTIERREZ, 29, an agronomist and CORFO official who was a supporter of the Socialist party. He was arrested December 7, 1973, by investigative police in Traiguén and taken to the jail in Angol. At the jail his relatives were told that he had been released on December 10. He remains disappeared since that day. Since it is established that he was arrested, and taking into account his political sympathies and the general observations made concerning all cases of forced disappearance, this Commission has come to the conviction that Oscar Gutiérrez underwent forced disappearance at the hands of government agents. That action was a grave human rights violation.

Cunco

This Commission examined the situation of the following people who were arrested in Cunco by police and who subsequently disappeared:

On September 14, Osvaldo Manuel SEPULVEDA TORRES, 30, and Cardenio SEPULVEDA TORRES, 35, both of whom were farm workers, were arrested at their

home. The police took them to the Los Laureles headquarters. They were then released but obliged to return to sign the register each day. As they were fulfilling this obligation on September 20, they were arrested. The testimony it has received enables this Commission to establish that on that day the police took the prisoners to the Cunco checkpoint in a pickup that belonged to a local private citizen. The victims' whereabouts remain unknown since that moment.

On September 26, 1973, Alejandro ANCAO PAINE, 22, a farmer and a leader at the Luciano Cruz Agrarian Reform Center who was active in the Socialist party, was arrested on the premises of the Banco del Estado in Cunco by local police who later told his family that he had not been arrested. This Commission received testimony indicating that Alejandro Ancao's body was thrown into the Allipen River. Since that date his whereabouts remains unknown.

On October 11, 1973, Luciano AEDO HIDALGO, 37, a shoemaker who was president of the Center for Rural Supplies, was arrested at his home in Cunco by local police. These police later told his family that he had been taken to Temuco. They did not find him in any detention site in the city.

Having examined and analyzed the evidence, this Commission holds the conviction that Manuel Sepúlveda, Cardenio Sepúlveda, Alejandro Ancao, and Luciano Aedo were arrested and subjected to forced disappearance by government agents who thereby gravely violated their human rights.

Melipeuco

Four farm workers from Melipeuco were likewise imprisoned and underwent disappearance at the hands of the police.

On September 11, 1973, Luis Alberto SOTO CHANDIA, 25, a tractor driver, was arrested and taken from his home by police from Melipeuco. Witnesses saw them beating him near the river. His relatives say that police at the checkpoint did not acknowledge that he had been arrested. Since that day his whereabouts remain unknown.

On October 14, in the Trufultruful section of Melipeuco, José Alejandro RAMOS JARAMILLO, 46, and his two sons Gerardo Alejandro RAMOS HUINA, 21, and José Moisés RAMOS HUINA, 22, were arrested at their home by police. The relatives say that despite all their inquiries, officials never acknowledged that these people had been arrested. Credible witnesses testified before this Commission that they had seen their bodies, with their hands tied, floating in the Allipen River. The bodies have never been found.

Since it is established that these people were arrested by official forces and since neither their families nor the Chilean government has had any information on any of these people, this Commission has come to the conviction that Luis Soto, Alejandro Ramos, Gerardo Ramos, and José Ramos suffered a violation of their human rights at the hands of government agents who arrested them and subjected them to forced disappearance.

Lonquimay

Since September 27, 1973, Jorge AILLON LARA, 33, an employee of the Agricultural Trade Company who was active in the Communist Party, remains disappeared. On September 11 he had been arrested by police from Lonquimay and taken to the local substation. His relatives say they visited him there until September 13. That day he was transferred to the jail in Victoria, and he was released on September 26. On September 27 he arrived at Lonquimay by train. In the presence of many witnesses soldiers arrested him at the station and took him to Curacautín where several people saw him in very poor physical condition. Since then his whereabouts remain unknown. Since it established that he was arrested and held prisoner, and there has been no word of him (that is, he has never had contact with his family and has never had any dealings with the government, such as renewing his identification card, or registering to vote), and he is not registered as having left the country, this Commission holds the conviction that Jorge Aillon suffered a grave human rights violation at the hands of government agents who arrested him and subjected him to forced disappearance.

Llaima

Antonio ANINAO MORALES, 49, a small farmer who was active in the Communist party, was arrested September 11, 1973 by police from Llaima checkpoint. He was released on the 16th, on the condition that he come to sign the register three times a day. When he came to do so on September 24, he was arrested at the checkpoint. Witnesses saw him there, but since that day he remains disappeared. Since it is established that he was arrested and held prisoner and since there has been no further word of him for seventeen years, the Commission has come to the conviction that the arrest and disappearance of Antonio Aninao by government agents constitute a human rights violation.

Curacautín

On September 29, 1973, Julio SAN MARTIN, 39, a local representative for Lumaco and Capitín Pastene who was active in the Communist party in Curacautín, was arrested by local police while he was riding on a bus from Curacautín to Lautaro. His whereabouts remain unknown since that day. Witnesses testified before this Commission that Julio San Martín was executed and that his body was abandoned. Taking into account the fact that he was arrested, the nature of his political commitment, and the lack of any further word from Julio San Martín this Commission holds the conviction that he was arrested and forcibly made to disappear by government agents, and that his human rights were thereby gravely violated.

Villarica

This Commission examined the disappearance, on September 13, 1973, of eight active members of the Young Socialists in Villarica:

José Luis AGUAYO OLAVARRIA, 16, a student,

Juan CABRERA FIGUEROA, 20, a student,

Alejandro ESCOBAR VASQUEZ, 18, a student,

Raúl Marcial FIGUEROA BURCKHARDT, 22,

Elías Dagoberto GONZALEZ ORTEGA, 25, an employee of a beach resort owned by the Banco del Estado

in Villarica,

Hugo Armer GONZALEZ ORTEGA, 23, a student,

Carlos Schmidt Arriagada, 21, a CORVI employee, and

Ricardo Augusto SCHMIDT ARRIAGADA, 20.

Suspecting that the authorities were going to arrest them for their political involvement, this group of young people decided to leave the city. They told people that they intended to cross the Andes mountains near Curarrehue. According to the evidence gathered by this Commission, they were probably captured near Pucón. Since that date there has been no word of them. They are not registered as having left the country, they have not had any official dealings with the Chilean government, and they have not contacted their families. All members of the group are regarded as disappeared and probably killed, presumably for political reasons. There is no compelling evidence for designating particular groups of government agents or persons working for them as responsible; however, their political involvement and what has already been said about other cases of disappearance during that period, inclines the Commission to regard them as victims of human rights violations.

Héctor Erinaldo VELASQUEZ MARDONES, 29, a furniture maker who was active in the Young Communists, was arrested November 3 at home by a civilian who lived in Villarrica and two army reservists. They shot him in the foot and in that wounded condition they drove him away in the vehicle of the civilian. He has remained disappeared since that date. This Commission holds the conviction that Héctor Velásquez suffered a violation of his rights at the hands of private citizens who wounded this active Communist, and that they are responsible for his subsequent disappearance.

On November 11, 1973, Reinaldo CATRIEL CATRILEO 42, a small farmer and representative of the Ancaef indian community, was beaten and arrested at his home by soldiers. These events are the last information about his whereabouts. Since there is sufficient evidence to establish that he was arrested by military troops, and since he had no further contact with his relatives, he is not registered as

having left the country, nor does his name subsequently appear in the civil registry or election lists, this Commission has come to the conviction that Reinaldo Catriel suffered a forced disappearance at the hands of government agents in what constituted a grave human rights violation.

Curarrehue

On September 14, 1973, Alberto Segundo KRUTELER QUIJADA, 47, a farmer and a community leader who was an active Communist, disappeared from his estate in Puente Basa in the municipality of Curarrehue. That day he was staying in a hideout on his estate. Credible witnesses have testified that bursts of fire were heard near the hideout and that troops then went searching through his house. From that time on, his family had no further indication of his whereabouts until 1977 when local residents found some human remains, presumably Kruteler's, and also remnants of his clothes. Those remains were found on an adjacent piece of property. The Commission came to the conviction that Alberto Segundo Kruteler Quijada suffered a forced disappearance, that this was a violation of his human rights and that there is good reason to assume that government agents were involved.

In October 1973, Mariano LONCOPAN CANIUQUEO, 42, a farmer who was active in the Communist party, was arrested by police. His relatives saw him being held in custody near the arrest site. Since then there has been no further trace of him. Having established that he was arrested, bearing in mind his political involvement and the fact that he has not contacted his family since that moment and has not had any dealings with Chilean government agencies, this Commission has come to the conviction that Mariano Loncopan underwent forced disappearance at the hands of government agents and that he thereby suffered a grave human rights violation.

k. Tenth Region – Los Lagos # Overview

The Los Lagos region encompasses the current provinces of Valdivia, Osorno, Llanquihue, Chiloé and Palena. In 128 of the cases of human rights violations that took place in this region between September 11 and the end of 1973, the Commission

came to the conviction that the government was morally responsible by reason of actions committed by its agents or persons at their service.

On September 11, 1973, the area of the provinces of Valdivia and Osorno came under the authority of the army. In each of them an army officer was designated head of the zone under state of siege. The provinces of Llanquihue and Chiloé fell under the authority of an air force commander. Except for the cases mentioned below, civilians did not engage in armed clashes or violent resistance in response to the armed forces' assumption of power, even though at that time there was a great deal of political agitation concerning the agrarian reform process and occupation of estates, especially in the areas where there were many-small farmers.

The Neltume police checkpoint was attacked. It was located in the Panguipulli Lumber and Forestry Complex in the province of Valdivia. That complex was composed of a number of logging estates that had been expropriated or "occupied," and it was a stronghold of the more radical left movements, particularly the MCR (Revolutionary Peasant Movement). No policeman was wounded or killed, and even though the attackers were more numerous, they quickly dispersed. This incident led to the convocation of a war tribunal which sentenced twelve people to death. The mass executions of Chihuío and Liquiñe, which are recounted below and were particularly vicious, took place in this logging area. It was also the site of an attempt on the life of an armed forces officer in late October 1973 (see the report on human rights violations committed by politically motivated private citizens during this period). A third incident of this nature was an alleged attack on the Gil de Castro police headquarters. It has not been possible to determine exactly what happened, but it led to the execution of three people accused of carrying out that attack.

In the Los Lagos Region it was primarily members of the army and the police who were involved in actions that violated human rights. In the provinces that fell under army authority, police were involved in most of the deaths, except for the mass executions in the Panguipulli Lumber Complex. In some instances air force troops were involved, and in the rural areas private citizens were involved as well.

Most of the victims in this region were leaders of peasant organizations or political or social leaders. Among the zone's

authorities and leaders who were killed or disappeared at the hands of government agents we may mention a national deputy representing Puerto Montt, the governor of La Union, an alderman and two former aldermen from Entre Lagos, an alderman from Rio Negro, the president of the student center of the Liceo de Hombres [boys high school] in Osorno, and the school superintendent for the province of Osorno. In Valdivia and Osorno in particular, leaders of various peasant leagues or federations were killed or disappeared, many of them from the Panguipulli Lumber and Forestry Complex.

In Puerto Montt, in addition to the execution of political or social leaders, people who were not politically active were also killed, either for their criminal activities or out of personal revenge. In all these cases those responsible acted with the protection or impunity provided by the government.

A significant number of arrests ended in disappearance. Sixteen people disappeared as the result of a single operation in Liquiñe by police who were working together with troops, presumably from Helicopter Squadron No. 3 of the Maquehua Air Base in Temuco. Police from the Third Police Station in Rahue in the city of Osorno and other police stations in the province carried out similar actions. Hence many people disappeared after voluntarily reporting at police stations. Witnesses have declared that a number of prisoners were subsequently executed on the bridge over the Pilmaiquén River.

Two distinct situations occurred in the province of Valdivia. In the area of the Panguipulli Lumber and Forestry Complex, repression was carried out during the course of large military operations in which many people were arrested and taken to the city of Valdivia or executed in remote areas (as in the cases of Chihuío and Liquiñe). In the city of Valdivia and elsewhere, however, it was generally the police who arrested and subsequently executed people.

In the provinces of Llanquihue and Chiloé, which fell under the command of the air force, killings were officially explained as executions which occurred in response to escape attempts or attempted attacks on soldiers or police. This was the explanation given for the death of a Socialist party deputy, and a leftist peasant leader, as well as that of the head of INDAP in Quellón. In Quellón a war tribunal also sentenced six community and peasant leaders to death.

In the Tenth Region, military or police facilities were generally not used as permanent sites for imprisonment or torture, the exception being the Third police station of Rahue, in Osorno. The army and the police used their garrisons as detention sites only in particular cases. As a rule prisoners were held in the local city jail. At the Third police station in Rahue prisoners were held naked for several days and were subjected to interrogation in which electric current was applied to the testicles, mouth and arms. Sometimes dozens of prisoners, in very poor physical condition, were held there and, as has been noted, many of them remain disappeared to this day.

k.2) Cases of grave human rights violations in the Los Lagos Region

What follows is an account of the cases of human rights violation that led to the death or disappearance of prisoners. It is organized by provinces: Valdivia, Osorno, Chiloé and Llanquihue.

Valdivia

On September 18, 1973, José Segundo VELOSO ARAYA was killed by "a gunshot from a heavy calibre weapon fired at close range by a third party," according to the autopsy report.

On September 22, 1973, Benjamin BUSTOS MORALES, 24, who was unmarried and active in the Communist party, was killed. The autopsy report indicates that the cause of death was the same as that of the previous case.

Although it does not have enough evidence to determine exactly what happened in each case, taking into account the general features of this period, this Commission has come to the conviction that José Veloso and Benjamin Bustos were killed as a result of the political violence of that time.

On September 20, 1973, Roberto HUAQUI BARRIA, 17, a high school student and active Socialist whose father was president of the local peasant organization in Lago Ranco, was killed. He had left Lago Ranco on September 11, 1973, along with other persons intending to cross the Andes to Argentina. As they reached the Nilahue River, they were fired upon by a light aircraft piloted by civilians. He was killed, and one of the other persons was wounded in the back and taken to a hospital. Roberto Huaiqui's body fell into the river, was drawn under by the current

and was never recovered. It is the conviction of the Commission that this execution constituted a grave human rights violation committed by civilians who were acting under instructions from, or with the acceptance of, government agents. The following points have led to that conviction:

* Credible witnesses attest to these events.

* The people who were attacked from the plane were not armed and did not attack those who killed them.

* It is clear that at that period and under such circumstances those firing the shots could not have been doing so without the permission of, or orders from, the military authorities who had the region under their control.

That same day September 20, 1973, José Gastón BUCHHORSTS FERNANDEZ, 19, an oarsman, who was fulfilling his obligatory military service at the Cazadores Regiment in Valdivia, disappeared. He disappeared from a military facility after having been arrested for returning late from a period of leave. His family says that at the regiment they were told that he had been executed after an escape attempt. However, his remains were never turned over to them, and there is no official record of his death. The Commission came to the conviction that the disappearance of José Buchhorsts constituted a human rights violation for which government agents were responsible because it took place while he was being held prisoner at a military facility.

On October 3 and 4, 1973, the following persons, most of whom were active in MIR-MCR (MIR-Revolutionary Peasant Organization) and all of whom were accused of attacking the Neltume police checkpoint on September 12, 1973, were executed in compliance with a sentence issued by the war tribunal in Valdivia:

Pedro Purísimo BARRIA ORDOÑEZ, 22, a student;

José René BARRIENTOS WARNER, 29, a philosophy student who played in the chamber orchestra of the Universidad Austral;

Sergio Jaime BRAVO AGUILERA, 21, a logger;

Santiago Segundo GARCIA MORALES, 26, a logger;

Luis Enrique del Carmen GUZMAN SOTO, 21, a logger;

Fernando KRAUSS ITURRA, 24, a university student who was the regional MIR secretary;

José Gregorio LIENDO VERA, 28, a former agronomy student and a MIR-MCR leader at the Panguipulli Lumber and Forestry Complex who was also known as "Commander Pepe";

Luis Hernán PEZO JARA, 29, a logger,

Victor Eugenio RUDOLF REYES, 32, a logger;

Rudemir SAAVEDRA BAHAMONDES, a logger;

Victor Segundo SAAVEDRA MUÑOZ, a logger; and

Luis Mario VALENZUELA FERRADA, 20, a logger.

This war tribunal was mentioned in many newspaper accounts at that time. An official announcement of the execution notes that the victims had been accused of a number of crimes including the attack on the Neltume checkpoint. The Commission could not obtain a single piece of documentation from this trial, even though a request had been submitted to the proper military authorities. Nevertheless, it was able to come to the conviction that those who were executed suffered a human rights violation at the hands of government agents. This conviction is based on the features that were common to all the war tribunals at that time as explained in the general portion of this report. It is also based on the following specific considerations:

* It has not been possible to determine whether these people were provided with any form of legal assistance, although the families certainly never heard mention of any lawyer.

* The Commission does not know whether legal procedures were observed in the case itself, since it did not have access to the trial record.

* The mistreatment suffered by the prisoners invalidates any confession they may have given in any trial that may have taken place since such statements would thereby have been neither free nor voluntary.

* The death sentence for José Gregorio Liendo Vera was carried out on October 3, 1973, while the rest were executed October 4. This difference is highly irregular since there was only one trial and one death sentence which was issued for all those found guilty. All this took place without the knowledge of those military authorities who were connected to the case.

* The accused were subjected to a procedure and punishment for wartime, which at the time of the attack in which they were said to be involved, September 12, 1973, had not yet been promulgated. That promulgation did not take place until Decree Law No. 5, which was published September 22.

On October 5, 1973, Víctor Hugo CARREÑO ZUÑIGA, 21, a student who was regional president of the Young Socialists, was killed in Valdivia by members of the army. The newspaper reported that he was killed during the curfew period when he broke away from the military patrol that was holding him prisoner. Witnesses have testified before this Commission that he was arrested at his home on October 4, 1973 by members of the army. This Commission holds the conviction that Víctor Hugo Carreño was executed by government agents who violated his right to life. That assertion is based on the following circumstances:

* He was previously arrested at his home by military troops in the presence of witnesses.

* It is not very likely that an unarmed prisoner who was under heavy police guard would try to escape during curfew.

* Even had there been an escape attempt there is no justification for taking his life since the police had ways to recapture him besides shooting to kill.

On October 7, 1973, Andrés SILVA SILVA, 33, a logger at the Panguipulli Lumber and Forestry Complex, was executed by members of the army. He was arrested at his parents' home on October 6, 1973 by a group of soldiers who took him to an estate in the area of Nilahue. The following day those same soldiers took him to his house and searched it. He was later executed in the area known as Sichahue, and his body was left in a small stand of trees. Police from Llifén forbade that he be buried. Two months later his relatives decided to bury him despite that prohibition, because dogs had completely ravaged his body. His

remains were exhumed when the specially appointed judge was investigating the Chihuío case. Taking into account the accumulated weight of a great deal of testimony, and the personal inspection and examination by experts that was part of the case prepared by the special judge, this Commission is led to the conviction that Andrés Silva was executed by government agents who violated his right to life.

On October 9, 1973, in the area known as Baños de Chihuío, members of the army killed the following persons, most of whom were members of the Esperanza del Obrero peasant league:

Carlos Maximiliano ACUÑA INOSTROZA, 46, a logger;

José Orlando BARRIGA SOTO, 32, a blacksmith and a peasant leader;

José Rosamel CORTES DIAZ, 35, a logger and member of the Esperanza del Obrero peasant league;

Neftalí Reubén DURAN ZUÑIGA, 22, a logger;

Luis Arnoldo FERRADA SANDOVAL, 42, a farm worker;

Eliecer Sigisfredo FREIRE CAAMAÑO, 20, a logger;

Narciso Segundo GARCIA CANCINO, 31, a worker and peasant leader;

Juan Walter GONZALEZ DELGADO, 31, an administrative employee and peasant leader;

Daniel MENDEZ MENDEZ, 42, a logger and peasant leader;

Fernando Adrián MORA GUTIERREZ, 17, a logger;

Sebastián MORA OSSES, 47, a logger and peasant leader;

Pedro Segundo PEDREROS FERREIRA, 48, a worker and land administrator;

Rosendo REBOLLEDO MENDEZ, 40, a union leader;

Ricardo Segundo RUIZ RODRIGUEZ, 24, a factory foreman and active Socialist;

Carlos Vicente SALINAS FLORES, 21, a radio operator;

Manuel Jesús SEPULVEDA REBOLLEDO, 28, a logger;

Rubén VARGAS QUEZADA, 56, a shingle maker and a leader in the Esperanza del Obrero labor union.

On October 9, a military convoy of several jeeps and trucks and approximately ninety troops from the Cazadores and Maturana Regiments, headquartered in the city of Valdivia, began to move toward the Southern Sector of the Panguipulli Lumber Complex. In the areas of Chabranco, Curriñe, Llifén and Futrono, the military arrested the aforementioned persons at their homes or at work or took them from the police. That same night, October 9, 1973, the prisoners were taken to an estate in the Andean area known as Baños de Chihuío, which belonged to a private citizen. At some point the prisoners were taken out of the manor house, led about five hundred meters away, and executed.

The next day, a witness recognized several of the victims and saw that most of the bodies had cuts on the hands, the fingers and the stomach, and some were even beheaded and had the testicles cut off. There were no signs of bullet wounds. The bodies of these people were left at the execution site for several days, covered only with some branches and tree trunks. About two weeks after the execution, troops buried them in different sized pits.

Probably some time in late 1978 or early 1979, people in civilian clothes arrived at the manor house at the Chihuío and demanded that the owner show them the graves. These civilians, together with other people, dug all night and took the remains to a site that could not be located when this report was prepared.

Unexplainably, there are death certificates for these executed persons, even though the bodies were not handed over and there was no burial. All the certificates indicate that the date of death was October 9, 1973, and that it took place in Liquiñe. The cause is not specified and the fact of death is attested to by two independent witnesses.

According to trial record 13094, Special Judge Nibaldo Segura Peña ordered that the traces of remains that were still buried in

Baños de Chihuío be exhumed. They were turned over to the relatives of the seventeen people, who then buried them. The facts set forth here, all properly attested to before this Commission and in the trial, make it possible to come to the conviction that these seventeen persons were executed without any previous trial, by government agents who gravely violated their right to life and then hid their bodies, thus depriving their families of their legitimate right to have the victims properly buried.

On October 10, 1973, between 9:00 p.m. and 11:00 p.m., the following persons were arrested in the area of Liquiñe within the Panguipulli Lumber and Forestry Complex:

Salvador ALAMOS RUBILAR, 45, an industrialist who was active in the Socialist party (arrested in Liquiñe);

José Héctor BORQUEZ LEVICAN, 30, a logger and a foreman at the Trafún estate who was a member of the MCR (Revolutionary Peasant Movement) (arrested in Trafún);

Daniel Antonio CASTRO LOPEZ, 68, a merchant who was active in the Socialist party, (arrested in Liquiñe);

Carlos Alberto CAYUMAN CAYUMAN, 31, a logger who was connected to the MCR, (arrested in Trafún);

Mauricio Segundo CURIÑANCO REYES, 38, a carpenter who was active in the Socialist party, (arrested in Liquiñe);

Carlos FIGUEROA ZAPATA, 46, a logger and advisor to the Esperanza del Obrero peasant league of the Panguipulli Lumber and Forestry Complex who was active in the Socialist party, (arrested in Paimún);

Isaías José FUENTEALBA CALDERON, 29, regional head of the Panguipulli Lumber and Forestry Complex on the Trafún estate who was a MCR member, (arrested in Liquiñe en route to his home);

Luis Armando LAGOS TORRES, 50, a logger at the Panguipulli Logging and Forestry Complex who was active in the Socialist party, (arrested in Carranco);

Alberto Segundo REINANTE RAIPAN, 39, a logger at the Panguipulli Lumber and Forestry Complex who was a MCR

member, (arrested in Trafún);

Ernesto Juan REINANTE RAIPAN, 29, a logger at the Panguipulli Lumber and Forestry Complex who was a MCR member, (arrested in Trafún);

Modesto REINANTE RAIPAN, 18, a logger at the Panguipulli Lumber and Forestry Complex who was a MCR member, (arrested in Trafún);

Luis RIVERA CATRICHEO, who was identified by witnesses, 54, a logger at the Panguipulli Lumber and Forestry Complex who was not known to be politically active, (arrested in Paimún);

Alejandro Antonio TRACANAO PINCHEIRA, 22, a logger at the Panguipulli Lumber and Forestry Complex who was affiliated with the MCR, (arrested in Trafún);

José Miguel TRACANAO PINCHEIRA, 25, a logger at the Panguipulli Lumber and Forestry Complex who was affiliated with the MCR, (arrested in Trafún);

Eliseo Maximiliano TRACANAO VALENZUELA, 18, a logger at the Panguipulli Lumber and Forestry Complex who was affiliated with the MCR, (arrested in Trafún).

It may also be presumed that Bernarda Rosalba VERA CONTARDO, 27, a teacher at the school in Puerto Fuy (Panguipulli Lumber and Forestry Complex) and an active MIR member, was also arrested along with this group in Trafún. According to the accounts of other witnesses, she was in hiding somewhere in the Logging Complex, because military authorities were intensively pursuing her. Her relatives were told that she had been tried and sentenced to death for allegedly participating in the attack on the Neltume checkpoint.

The Commission has been able to establish that the arrests were made by troops who were using a list of people to arrest. This list was drawn up by civilians, who were also participating in the arrests. Police assigned to the Liquiñe checkpoint were serving as guides to those doing the arresting. The troops wore combat uniforms, and they identified themselves as "military" to the relatives. They said that those arrested would be returning home as soon as they had given some statements. Testimony gathered by this Commission makes it possible to conclude that these troops were members of the air force and belonged to

Helicopter Squadron No. 3-Maquehua, which is located in the city of Temuco.

The troops were travelling in a private vehicle, a SAG (Agricultural and Livestock Service) pickup truck, a police car, and an ambulance from the Liquiñe checkpoint. They also had support from a helicopter. They were operating in two groups which came together at the Coñaripe junction, which was close to all the arrest sites. From there they followed the road toward Villarica. On the Toltén River Bridge near the entrance to the city, they killed these people and threw their bodies into the river. Local people recognized two of the bodies before they sank out of sight.

The Commission came to the conviction that these sixteen people were executed without any due process of law by government agents who violated their right to life and then concealed their bodies, thus preventing their relatives from giving them a proper burial. The grounds for this conviction are as follows:

- * Witnesses attest to the fact that these people were taken prisoner.

- * The Commission's investigation has credibly established that all these people disappeared after their arrest and that there has been no further trace of them. Moreover, it has been proven that after being arrested none of these people had further contact with his or her family, conducted any administrative business with government agencies, or is registered as having entered or left the country or having died.

- * Many testified credibly and consistently to this Commission that they heard shots on the Villarica Toltén River Bridge at about 2:00 a.m. on October 11 and that they saw blood stains there the next day.

- * Witnesses say they recognized at least two of the bodies found in Villarrica as those of the people who disappeared after being arrested in Liquiñe.

- * This Commission unsuccessfully sought to obtain official information on this case from military authorities and from officials who should have provided an explanation.

On October 12, 1973, three of the following people were

executed by police on the Pichoy Bridge in Valdivia; the fourth died of torture he had undergone:

José Manuel ARRIAGADA CORTES, 19, a news vendor who was an active Communist;

José Gabriel ARRIAGADA ZUÑIGA, 30, a surveyor who was an active Socialist;

José Manuel CARRASCO TORRES, an accountant who was active in the Socialist party;

Gilberto Antonio ORTEGA ALEGRIA, 39, an office worker and labor union leader who was an active Socialist.

All four were arrested October 10, 1973 by police from Malahue and Lanco and taken to the Malahue checkpoint. They were then taken to the police headquarters in Lanco and remained there until October 12, 1973.

Witnesses observed Gilberto Antonio Ortega Alegría die there as a result of torture. A few hours later the other three were taken out in order to be transferred to Valdivia-along with Ortega's body. José Gabriel Arriagada was tied up with José Manuel Arriagada, and Carrasco was tied to Ortega's body.

The prisoners were executed when they reached the Pichoy Bridge. Their bodies all bore many bullet wounds. They were turned over to their relatives to be buried. Police authorities told the families that the prisoners had been killed because they had attempted to escape, but no further details were provided.

The Commission has come to the conviction that Gilberto Ortega died of the torture inflicted on him by government agents; that Manuel Arriagada, Gabriel Arriagada, and Manuel Carrasco were executed without any due process of law by government agents; and that these actions violated their human rights. The grounds for that conviction are as follows:

- * Many witnesses saw them being arrested by police.

- * Eyewitnesses saw Gilberto Antonio Ortega Alegría die in the Lanco police station as a result of the torture to which he was subjected.

- * The many people who were imprisoned alongside them

before the victims died and were taken toward Valdivia, who have all testified before this Commission.

On October 16, 1973,

Cardenio ANCACURA MANQUIAN, a small farmer and active Socialist,

Teófilo GONZALEZ CALFULEF, 24, a truck driver and active Socialist,

Manuel Jesús HERNANDEZ INOSTROZA, 42, a tailor and former candidate for alderman for Lago Ranco who was active in the Socialist party, and

Arturo VEGA GONZALEZ, 20, a bakery worker who was also a Socialist,

were killed on the ship "Laja" by people working at the naval governorship in Valdivia. This ship was under the authority of the Chilean Navy. The victims' bodies were thrown into Ranco Lake. All were arrested October 16 at their homes in Lago Ranco and were taken to the local police headquarters. Their bodies were thrown into the lake and have not been recovered to this day.

This Commission holds the conviction that government agents arrested and executed Cardenio Ancacura, Teófilo González, Manuel Hernández, and Arturo Vega and made their bodies disappear, thus gravely violating their human rights. The circumstances supporting that conviction include the following:

* It has been duly established before this Commission that on the day they disappeared these people were being held prisoner at the Lago Ranco police headquarters, and likewise that all had previously been arrested at their homes.

* Their deaths are registered in court record No. 1634-37 by order of the military prosecutor's office in Valdivia. Even though the Commission sent written requests for that trial record to the Fourth Military Tribunal in Valdivia, to the military prosecutor's office and to the army judge-advocate's office, it was never provided.

* These people's deaths are recorded in death certificates. It should be noted that their deaths were registered in 1974, and hence many of their relatives did not learn about what had

happened until long after the events took place.

* An official request from the military prosecutor's office in Valdivia which was sent November 2, 1973 and sought information from the Lago Ranco police on Manuel Jesús Hernández Inostroza, who by that time had disappeared, treated his arrest as an established fact.

* None of these people has been buried since their bodies were never found. It is contradictory that death certificates have been issued for all of them, even though there is no material evidence to that effect.

On October 25, 1973, three young men, none of whom were politically active, were executed in Valdivia by members of the police and probably of the army:

Juan Bautista FIERRO PEREZ, 17,

Pedro Robinson FIERRO PEREZ, 16, and

José Víctor INOSTROZA ÑANCO, 19, an electrician. Police and soldiers arrested the Fierro Pérez brothers on October 20 at their home and took them to the Gil de Castro police headquarters. Inostroza Ñanco was arrested on October 21, 1973 at the Valdivia fairgrounds by a similar group. They were executed on October 25, 1973, under unspecified circumstances. Their death certificates state that they were killed on public thoroughfares. Their relatives were permitted to bury the bodies.

It is the Commission's conviction that the execution of these three young men by government agents entailed a violation of their human rights, by virtue of the following considerations:

* Witnesses attest that they were arrested and held at the police station;

* It is also established that these three people were killed while they were being held prisoner by the police;

* There was no explanation of the circumstances under which they died, and hence it must be concluded that they died without any due process of law.

On October 31, 1973, José MATIAS ÑANCO, 60, a fisherman

and Protestant preacher who sympathized with the left, was killed by troops in the area of Maiquillahue, San José de la Mariquina. In the course of a military operation in that area, troops arrested about thirteen people and ordered them to stand in line. José Ñanco [sic] refused to obey and spoke back to the military with harsh words. When he then tried to seize a soldier's weapon, they shot and killed him. That same soldier told the other prisoners to pick up the body, but they refused, and so the troops themselves took it to an unknown destination.

The Commission came to the conviction that in this particular case, government agents used unnecessary violence against Matías in an action that violated human rights. That conviction is based on the following circumstances:

- * Trustworthy eyewitnesses have testified to what happened.

- * It has also been established that troops arrived there in helicopters and that it was they who were involved in killing José Matías Ñanco.

- * There is no equivalence between Matías Ñanco's action and the reaction of the troops, since he was unarmed and entirely at the mercy of his captors.

On November 8, 1973, in compliance with a sentence issued by a war tribunal in Valdivia (trial record No. 1572-73), the following persons, who were accused of attacking the Gil de Castro police headquarters in Valdivia on September 13, 1973, were executed:

Cosme Ricardo CHAVEZ OYARZUN, 18, a painter,

Víctor Joel GATICA CORONADO, a street vendor, and

Víctor Enrique ROMERO CORRALES, 22, a worker.

The Commission was able to examine only a copy of the war tribunal sentence even though it had requested all the documentation from the proper military authorities. Having examined the evidence of the case, the Commission has come to the conviction that Cosme Chávez, Víctor Gatica, and Víctor Romero were executed by government agents in violation of their human rights. That conviction is supported by the general observations made on war tribunals and the following

observations in particular:

* It has not been possible to establish that any armed attack against the Gil de Castro police headquarters actually took place; what is certain is that no police officer was wounded or killed in any such attack.

* No legal assistance was provided to the defendants so that they might have an adequate defense.

* The crime for which the defendants were found guilty is that defined in Article 248, No. 2, of the Military Justice Code which assigns punishment for "one who, during war, commits an action or omission that is not contained in the preceding articles and does not constitute another crime already sanctioned by the laws, with the intention of aiding the enemy or harming Chilean troops." This crime falls under military jurisdiction only when it is committed by members of the military and "during war... with the intention of aiding the enemy or harming Chilean troops." Hence such a tribunal does not have the authority to try civilians who are not members of the armed forces and who are not involved in a situation of foreign war.

* The sentence applied six aggravating factors to the defendants: committing the crime with treachery, acting with the knowledge that the victim would be defenseless, or out of betrayal; operating with premeditation; the abuse of superior forces or weapons by a criminal; committing the crime during sedition, uprising, or popular disturbance; carrying out the crime at night or in a remote area; and carrying it out with contempt for public authority. All these aggravating factors are by their very nature inherent in this kind of crime and hence are not applicable.

* The sentence did not accept or even consider any extenuating factor in favor of the defendants, and it rejected the defense claim that their previous blameless conduct should be taken into account in their favor. The sentence expressly states that "all those involved are habitual criminals who are known as highly dangerous and antisocial individuals," without indicating the items of evidence it considered in order to reach that conclusion.

On December 23, 1973, police executed two people in the area of Molco, Choshuenco within the Panguipulli Complex:

Hugo Rivol VASQUEZ MARTINEZ, 21, a university student who was a MIR activist, and

Mario Edmundo SUPERBY JELDRES, 23.

They had gone to live in the mountains close to Choshuenco, occasionally coming down to the town for food. According to a newspaper report at that time, "Two subversives were killed at 11:45 p.m. during an operation conducted by Choshuenco police in the area of Molco. As the police were patrolling that area they came under fire from subversives, and immediately repelled the attack. During the shootout Hugo Rivol Vásquez Martínez, 21, who was carrying a Winchester repeater rifle, was killed by shots to the chest. He was with an individual nicknamed 'El Braulio,' who was wounded in the legs and died en route to the Panguipulli hospital."

The Commission came to the conviction that this reported gun battle did not take place, and that the deaths of these two people was a violation of their human rights by government agents who shot them using unnecessary or excessive force. That conviction is based on the following considerations:

* Eyewitnesses to the events whom the Commission regards as truthful claim that in this case, police had prepared an ambush for people whom they knew would be coming to a particular place for food and that they executed them at that spot.

* No police officer was wounded in this incident even though the official account says it was an armed attack.

* Finally, even had such an attack taken place, the patrol certainly had the means to capture them rather than shooting them.

Osorno

On September 13, 1973, Reinaldo Patricio ROSAS ASENJO, 17, an active Socialist who was president of the student center of the Osorno Liceo de Hombres [high school], was killed. That day he was attending a meeting in Osorno, when a military patrol broke into the house intending to capture the participants. As Reinaldo Rosas tried to run away the troops shot him and left him mortally wounded. He was taken to the hospital in Osorno and died that same day. The Commission came to the conviction that Reinaldo Rosas died as the result of the use of

excessive force by government agents and that his fundamental rights were violated in view of the following considerations:

- * It is an established fact that he was shot while trying to avoid being captured.

- * It is also established that there was no armed resistance to the action of the military.

- * The force used by the patrol members in shooting to kill at an unarmed youth does not seem to have been appropriate to the situation, and it is reasonable to think that he could have been prevented from escaping through some other means.

On September 15, 1973, two brothers, Rodolfo Iván LEVEQUE CARRASCO, 22, a student who was a Communist leader, and Raúl Vladimir LEVEQUE CARRASCO, 23, an invalid, were arrested by a patrol from the Rahue police station in Osorno. At about 10:00 a.m. that day, the patrol came to the Leveque Carrasco home in Osorno in a truck from the Third station in Rahue. About eight police officers got out of the truck, searched the house and arrested the Leveque brothers, took them out and put them into the police vehicle. According to witnesses, they were first taken to that police station, and then on that same day, September 15, they were taken toward an unknown destination.

It is the Commission's conviction that the Leveque brothers disappeared at the hands of government agents who committed a human rights violation against them. That conviction is based on these considerations:

- * It has been proven that they were arrested by police from the Rahue police station and that they were held there.

- * It has been established that since they were arrested there has been no further word on their whereabouts and ultimate fate.

- * The Commission's requests for information from police authorities and officials who should have provided an explanation went unanswered.

On September 15, 1973, police from Puerto Octay arrested the following persons in their homes:

Jorge Ladio ALTAMIRANO VARGAS, 19, secretary of the

Puerto Octay Peasant league and an active Communist, was arrested at his parents' home;

Lucio Hernán ANGULO CARRILLO, 37, president of the Libertador peasant league who was active in Worker-Peasant MAPU, was arrested at his home on the El Encino peasant cooperative in Nochaco, Puerto Octay, as several witnesses observed.

René BURDILES ALMONACID, 21, secretary of the Libertador peasant league who was active in the worker-peasant section of MAPU, voluntarily reported to the Puerto Octay police station after police from that station had searched his house the previous day.

From the Octay police station these three prisoners were taken to the Rahue police station in Osorno, along with some employees of the Puerto Octay hospital. The hospital officials who witnessed Altamirano, Angulo, and Burdiles being held at the police station were set free, but these three men remain disappeared to this day.

The Commission came to the conviction that Jorge Altamirano, Lucio Angulo, and René Burdiles underwent forced disappearance at the hands of government agents who committed grave human rights violations against them. Its conviction is based on the following:

- * the established fact that these three leaders were arrested and subsequently taken to the police station and held there;

- * the complete lack of any information on the victims' fate after they disappeared from a place that was heavily guarded by uniformed police;

- * the fact that there has been no response to the requests that the Commission submitted to the proper authorities for information on the fate of these three disappeared people.

On September 16, 1973, these three persons were arrested by police in Entre Lagos:

José Ligorio NEICUL PAISIL, 45, former alderman of Entre Lagos and a small farmer who was an active Communist;

Jesús Arturo VALDERAS ANGULO, 22, a worker and

alderman of Entre Lagos who was an active Communist, and

Flavio Heriberto VALDERAS MANSILLA, 28, a farm worker.

Jesús Valderas voluntarily turned himself in at the local police station on September 16; his brother Flavio and José Neicul were arrested in their homes that same day by the Entre Lagos police. The three disappeared from that police facility, and their fate and whereabouts remain unknown to this day. Since it has been established that they were arrested and that they disappeared from the grounds of a police station, and since requests for information on their fate have remained unanswered, this Commission came to the conviction that the disappearance of Jesús and his brother Flavio Valderas and of José Neicul was the work of government agents who violated their human rights.

In the period of September 14-17, 1973, four persons were arrested by police and taken to the police unit in San Pablo: Mario Armando OPAZO GUARDA, 20, a small farmer who was in charge of propaganda for the Young Communists in the municipality of San Pablo. He was arrested at the house of a female friend in the area of Estación Trumao on September 14.

René Nolberto SALGADO SALGADO, 27, a farm worker who was a leader in the Bernardo O'Higgins union. He was arrested at home in the presence of witnesses on September 17.

Carlos ZAPATA AGUILA, 28, a small farmer who was president of the Socialist party in the municipality of San Pablo. He was arrested September 17 before witnesses as he was arriving at the manor house of the Santa Margarita estate.

Arturo CHACON SALGADO, 40, a farmer and a leader of the Unión Campesina peasant league who was an active Socialist. He reported voluntarily to that police station after police had gone to his house to look for him.

These prisoners were seen at the San Pablo police unit. However, there was no official acknowledgment that they were held there, and they all remain disappeared to this day. Since it is established that they were arrested by police and were held at a police facility, and in view of the fact that there has been no further word about any of them, the Commission came to the conviction that Mario Opazo, René Salgado, Carlos Zapata and Arturo Chacón underwent forced disappearance at the hands of

government agents who violated their human rights.

On September 17, 1973, Guillermo Ernesto PETERS CASAS, 19, the driver for a Communist deputy who was himself active in the party, was arrested by a police patrol from the Rahue station. At 3:00 p.m. that day, the police came to Peters' home. A relative told them that he was at his sister's house at the El Cobre estate in Chahuilco. The patrol arrested him there and took him in a SAG (Agriculture and Livestock Service) truck toward the Rahue police station. A policeman followed in Peters' Citroen. A few days later that car was found abandoned near a bridge on the road to Murrinumo. Since that moment there has been no further word on what happened to Peters. None of the region's detention sites acknowledge having held him prisoner.

The Commission has come to the conviction that Guillermo Peters disappeared after he had been arrested by government agents and that this action was a human rights violation. That conviction is based on:

- * the fact that there is sufficient testimony to his arrest;
- * proof that he subsequently disappeared and that nothing is known of his ultimate fate;
- * the fact that his own car, in which he had driven to the place where he was arrested, was observed being driven by a police officer, and then turned up abandoned several days later;
- * the fact that there was no response to repeated requests to police authorities for information On these events.

On September 18, 1973, four persons who until then had been held under arrest at the Entre Lagos police station were executed on the suspension bridge over the Pilmaiquén River:

Luis Sergio AROS HUICHACHAN, 24, a worker who was a Socialist;

Joel FIERRO INOSTROZA, 50, a logger and former alderman in Entre Lagos who was a Socialist;

José Ricardo HUENUMAN HUENUMAN, 30, the alderman of Entre Lagos, who was a Socialist; and

Martin NUÑEZ ROZAS, an office worker.

Police from Entre Lagos arrested them along with the woman who was mayor of the city, on September 17, 1973 and took them to the police barracks. The four men were put in one cell and the mayor in another. On September 18, 1973 at about 12:10 a.m. they were all taken from their cells and into the street where they found themselves facing a line of individuals who were dressed entirely in black civilian clothes and wore vampire masks to cover their faces. The prisoners were put into a vehicle that belonged to a local private citizen and were driven toward the Pilmaiquén River, near Osorno. There they were forced to get off the truck and to walk out onto the bridge, with the mayor in the lead. As they were on their knees facing the river, an individual shot them one by one from behind, and they fell into the water. The mayor managed to escape alive because her wound was not fatal. She was able to swim down the river until she came to a place that was not under guard. The bodies of the other four were never found.

It is the conviction of the Commission that the killing of Luis Aros, Joel Fierro, José Huenumán and Martín Nuñez constituted a grave human rights violation committed by government agents or by private citizens who were acting under the protection or orders of government agents, and who executed these people in total disregard for the law. That conviction is supported by the following:

- * testimony from the woman who survived the execution;
- * other witnesses' statements which confirm that these people were arrested and were held at the Entre Lagos police barracks;
- * the fact that police authorities have provided no explanation for these events and that these authorities did not offer any real cooperation to the specially appointed judge who came to investigate the matter.

On September 19, 1973, Santiago Domingo AGUILAR DUHAU, 41, the governor of La Unión and an accountant who was an active Communist, disappeared from the Third police station of Rahue in Osorno. On September 17, he had gone to that police station in the company of another person in order to obtain permission to remove his belongings from his house. Many fellow prisoners testified that Santiago Aguilar remained at the Rahue police station until September 19. At 2:00 a.m. he

was taken from his cell and put onto a truck. Since then there has been no further word about him, and it has not been possible to determine his destiny and fate.

The Commission came to the conviction that Santiago Aguilar's disappearance constituted a violation of his human rights committed by government agents in view of the following considerations:

- * His arrest, his presence at the police station and his departure on September 19 have all been attested.

- * It is established that there has been no further word on him since these events.

- * Police officials from that period provided no assistance to the Commission in its efforts to obtain information on Santiago Aguilar's case.

On September 19, 1973, Raúl SANTANA ALARCON, 29, a substitute professor at the Osorno campus of the University of Chile and a neighborhood leader who was the president of the neighborhood committee of the homeless and active in the Socialist party, and José Mateo VIDAL PANGUILEF, 26, a worker who was an active Socialist, were executed on the Pilmaiquén River Bridge by police from the Rahue police station in Osorno. On September 16, 1973, they were summoned to report to the new authorities by means of a military decree broadcast over the radio. The next day some hours after their houses had been searched, they decided to present themselves. Accompanied by Santana's wife, they went to the house of an officer from the Third police station in Rahue, Osorno. He left them in his house on Calle Manuel Rodríguez in Osorno. They were then taken to the Third police station where witnesses observed them between September 17-19, 1973. On the 19th, they were taken out and driven to the Pilmaiquén River Bridge where police made them run and then shot them down. The bodies of Santana and Vidal were found in the Pilmaiquén River in January 1974.

The Commission came to the conviction that José Vidal and Raúl Santana were executed without due process of law by government agents and that this action constituted a grave violation of their fundamental rights. That conviction is based on the following considerations:

* It is sufficiently established that they were arrested and were held at that police station.

* That they were executed is established by witnesses as well as other evidence.

* Months later their bodies appeared in the Pilmaiquén River; Santana's death certificate states that his death took place in "September 1973."

On September 24, 1973, Humberto SALAS SALAS, 32, a lumber merchant, voluntarily presented himself at the Rahue police station. His house in Bahía Mansa had been searched several times, and so when he was in Osorno he decided to report to the police station. Accompanied by his wife, he presented himself at the Third police station in Rahue on September 24, 1973 at 2:00 p.m. and was arrested and held there. Since that date his whereabouts and fate remain unknown.

The Commission came to the conviction that government agents were responsible for the disappearance of Humberto Salas after his arrest at that police station and that they thereby committed a human rights violation. That conviction is based on the following facts:

* It is sufficiently established that he was arrested.

* There has been no further word on his whereabouts since his arrest, and he disappeared while in police custody.

* The inquiries the Commission made with police authorities were frustrated by unsatisfactory answers.

On September 27, 1973, César Osvaldo del Carmen AVILA LARA, 36, the provincial superintendent of education who was active in the Socialist party, was arrested by police from the Rahue police station as he was leaving the Osorno Penitentiary where he had gone to visit his wife who was imprisoned there. After police officers arrested him, he was put onto a police truck and taken to the police station. Several witnesses attest that he was held prisoner. Nevertheless, at the police barracks it was denied that he had been arrested, and to this day his whereabouts and ultimate destiny remain unknown. On the basis of testimony provided by one witness, it can be assumed that his body was thrown into the Pilmaiquén River.

The Commission came to the conviction that in this case government agents were responsible for the disappearance, and probably for the death, of César Avila and that this was a grave human rights violation, in view of the following considerations:

- * It is sufficiently established that he was held under arrest at that police station.

- * It is also established that he disappeared completely while he was in police custody and that there has been no word of him since his arrest.

- * Credible testimony indicates that third parties saw his dead body in the Pilmaiquén River.

On September 28, 1973, Mario FERNANDEZ ACUM, 20, was arrested by a police patrol from the Rahue station. That day the police patrol came to his house but did not find him. They then went to a friend's house and found him there. The police arrested him and took him toward an unknown destination. Since then there have been no further traces of Fernández.

It is the Commission's conviction that government agents were responsible for his disappearance and his final fate and that they were thereby guilty of violating human rights. The grounds for that conviction are that:

- * It is established that police from the Rahue station arrested him.

- * There has been no further word about his whereabouts and fate.

- * All requests for information from this Commission to police authorities have been in vain.

On September 29, 1973, Gustavo Bernardo IGOR SPORMAN, 22, a student who was an active Communist, was arrested along with his brother at their house in Osorno. Police from the Third station in Rahue arrested him and gave him a thorough beating as they were doing so. He was unconscious as they were taking him to the police barracks. When they arrived the two brothers were separated and never saw each other again. Some months later, on January 14, 1974, Gustavo Igor's dead

body appeared in the morgue. His family, who had heard from the police report that he had been found in the Pilmaiquén River, was able to identify the body.

The Commission came to the conviction that his execution was the work of government agents and constituted a human rights violation in view of the following considerations:

- * Witnesses have testified that he was arrested and held prisoner at that police station.

- * From the day he was arrested there was no further information on his fate until his body appeared in the Pilmaiquén River.

- * After executions the bodies were very often thrown into that river.

- * This Commission repeatedly sought from police authorities information on these events and also tried to interview those who had been assigned to the Rahue police station at that time. It was unable to obtain any results, for reasons beyond its control.

On October 4, 1973, the following five prisoners who were being held at the Pilmaiquén police unit were killed:

Valentín CARDENAS ARRIAGADA, 29, a farm worker and labor union leader who was an active Communist;

Juan Segundo MANCILLA DELGADO, 49, a driver;

Alfredo Segundo PACHECO MOLINA, 24, a driver who was a leftist sympathizer;

Eduardo PACHECO MOLINA, 29, a farm worker who was a leftist sympathizer; and

Teobaldo José PAILLACHEO CATALAN, 57, a farm worker who was an active Communist.

At about 7:00 a.m. October 3, 1973, Pilmaiquén police driving an ENDESA (National Electricity Company) pickup came to the house of Alfredo Segundo Pacheco Molina and his brother Eduardo in Mantilhue. They arrested them along with their stepbrother, Juan Mancilla Delgado, in the presence of their

family. Teobaldo Paillacheo Catalán was arrested along with another peasant at 10:00 a.m. that same day at the Chiscaihue rural cooperative, also in the presence of witnesses. They were taken to the police facility in Pilmaiquén, then taken to Entre Lagos, and later brought back to Pilmaiquén. At around 9:30 p.m. they were taken away from the checkpoint and were never heard from again. Evidence gathered suggests that they were probably executed on the banks of the Pilmaiquén River. Although no bodies were found, some articles of Mancilla's clothing were found. Nevertheless by order of the military prosecutor's office death certificates were issued for some of these people.

The Commission was led to the conviction that government agents were responsible for the execution and concealment of the bodies of these five people and that their fundamental rights were thus violated by virtue of the following circumstances:

- * Witnesses observed all of them being arrested; moreover hearsay witnesses have testified on the time at which the prisoners were taken from the police unit at Pilmaiquén.

- * Some death certificates were issued and indicate that Pilmaiquén was the place of death and that the date was October 9. Moreover, their deaths were recorded "by order of the military prosecutor's office issued November 22, 1973." As was the case elsewhere in the region, these certificates were issued even though there were no bodies. Such procedure is quite abnormal.

- * Testimony indicates that remains of Mancilla's clothes were found in the river and were turned over to the police.

- * A woman who worked at the Fourth Military Tribunal located in Valdivia told the family members that these people were killed because they had tried to escape.

- * Even though formal requests for information on these events were submitted to the Fourth Military Tribunal in Valdivia and to the Chilean police, the Commission did not receive a satisfactory explanation.

- * The proper civil court declared that Cárdenas Arriagada was to be presumed dead.

On October 5, 1973 the following people were killed by police:

Jorge Ricardo AGUILAR CUBILLOS, 28, CORA (Agrarian Reform Corporation) area supervisor for Puerto Octay and president of the Popular Unity provincial committee who was active in the Radical party;

Maria Ester BUSTAMANTE LLANCAMIL, 28, a secretary who was an active Socialist, and

Edgard Eugenio CARDENAS GOMEZ, 24, a radio technician who was an active Socialist.

After the events of September 11, these three people were hiding out in a fisherman's hut in Bahía Mansa. On October 5, 1973, police from the Third station in Rahue and from the Bahia Mansa checkpoint charged into the hut and killed them on the spot. The official report states that "three subversives were killed when a group carried out a terrorist action against the checkpoint in Bahía Mansa, a port in the province of Osorno 65 kilometers from the city of Osorno. In the gun battle which took place Friday night Jorge Ricardo Aguilar, the CORA supervisor for Puerto Octay, Edgardo Cárdenas Gómez, 24, whose occupation is undetermined, and a third unidentified person, approximately 17, were killed. The commander of the zone under state of siege had ordered that they be found, since they were involved in a subversive plot against the armed forces. An enormous supply of weapons and explosives was found in their possession."

The Commission came to the conviction that no such gun battle took place, but rather that these persons were killed as described, and thus their human rights were gravely violated when they were executed without any due process of law. That conviction is based on the following considerations:

* Testimony received indicates that they were in the hut when they were killed.

* It is unlikely that on that date the police station would have been attacked, since by then the area was fully under the control of police and military forces.

* All the alleged attackers were killed and no police were as much as wounded, even though the official report stated that the attackers were carrying a large amount of weapons and explosives.

* When requested by the Commission, police officials from that time and place were not willing to provide their explanations of what happened.

On October 5, 1973 Marcelo del Carmen GUTIERREZ GOMEZ, 17, a worker and stepbrother of Edgar Eugenio Cárdenas Gómez, who was executed in Bahía Mansa, disappeared. There has been no trace of him since he went there with food for his brother and his companions, whose deaths are described above. In view of what happened to the other three, it can be assumed that Marcelo Gutiérrez was arrested by Rahue police somewhere between Osorno and Bahía Mansa. There has been no word on him since that period.

The Commission came to the conviction that government agents were responsible for his disappearance by virtue of the following considerations:

* He was related to one of those who were executed extrajudicially in Bahía Blanca.

* He disappeared the very day Cárdenas, Aguilar, and Ester Bustamente were killed.

* There has been no further information on his whereabouts since that day.

* The inquiries that the Commission submitted on this matter to the proper authorities were not answered satisfactorily.

On October 6, 1973, Reinaldo Segundo HUENTEQUEO ALMONACID, 30, the secretary of the Small Farmers Committee, was arrested by police from the Carimallín checkpoint in the area of Mantilhue. After his arrest he was taken to the Rio Bueno police station. He was then taken out along with others and transported to the suspension bridge over the Pilmaiquén River where they were shot. Huentequeo was able to jump into the water seconds before he was to be shot but the police shot at him in the river and hit his left leg. He nevertheless managed to get out of the water and to take refuge at the house of local small farmers. From there he sent a message to his parents to tell them where he was. When the family arrived, they were told that the previous night Río Bueno police had arrested him again in the presence of witnesses. Subsequently there has been no further word on him, and he remains disappeared to this day.

Church workers in the area made a complaint to the military authorities at that time.

It is the conviction of the Commission that Reinaldo Huentequeo disappeared at the hands of government agents who thereby violated his human rights. The following circumstances provide the basis for that conviction:

- * There is sufficient proof of both his first arrest and his second, which occurred after he escaped from the first firing squad.

- * In 1974 area church workers first made a formal complaint on this matter to the authorities at that time.

- * Police authorities made no response to the Commission's requests for information on this event.

On October 7, 1973, Mario SANDOVAL VASQUEZ, 35, a Río Negro alderman and an office worker who was active in the Communist party, disappeared from the Río Negro police station. Mario Sandoval had been arrested September 17, 1973 at his father-in-law's house in Río Negro and taken to the police station. That same day he was transferred to the Arauco Regiment in Osorno, then to the city jail, and finally to the Estadio Español [stadium]. Government agents took him and other prisoners away on October 7, 1973, and since then there has been no trace of him. The family says that the military prosecutor's office in Osorno told them that he had been released September 28, 1973 because the case against him (trial record No. 1436-73) had been suspended. However, according to his file it was suspended only on October 15, 1973.

The Commission came to the conviction that the disappearance of Mario Sandoval was the work of government agents who seized him as he was leaving his detention site and subjected him to forced disappearance in violation of his fundamental rights. That conviction is based on these facts:

- * It has been properly demonstrated that he was arrested and placed on trial.

- * Credible witnesses have testified that Rio Negro police took Sandoval away from the site where he was being held prisoner.

* Police authorities have not responded to the Commission's requests for an explanation of this event.

On October 8, 1973, Venancio Bernabé GARCIA OVANDO, 25, a farmer, was arrested by police in the presence of witnesses at the Osorno fairgrounds. After his arrest he was seen at the police station in Rahue. He disappeared from that site, and his relatives have never seen him again. The Commission holds the conviction that government agents were responsible for the disappearance of Venancio García in view of the following considerations:

* Credible witnesses have testified that he was arrested and was held prisoner in the Rahue police station.

* Since his arrest there has been no further information on him, and there is no record of his conducting any legal business that would indicate he is still alive, such as obtaining an identification card, registering to vote, or leaving the country.

* Authorities have not answered the Commission's requests for information on García's situation.

On October 9, 1973, José Rosario Segundo PANGUINAMUN AILEF, 31, a neighborhood leader and former candidate for alderman who was an active Socialist, was arrested on a public thoroughfare. He had been summoned by a military decree, and in October he reported to the military prosecutor's office and was allowed to go free. Some days later, on October 9, he was arrested at Lynch Junction in Osorno by a retired police officer. He was taken to the Third station in Rahue in a private company's pickup truck. A co-worker who saw the arrest informed his relatives of what had happened. Other witnesses saw him at that police station between October 9-11 in very poor physical condition. Since then there has been no trace of him.

The Commission came to the conviction that human rights were violated in this case, since government agents were responsible for the disappearance of José Panguinamún. The following considerations are the basis for that conviction:

* Credible witnesses testify that he was apprehended and taken to that police station.

* They likewise attest that he disappeared from that site while in police custody, and there is no evidence on what

happened to him.

* Despite repeated attempts, the inquiries the Commission submitted to the proper authorities went unanswered.

On October 16, 1973, a police patrol from Río Negro arrested Guido Ricardo BARRIA BASSAY, 19, a farm worker who was an active Socialist, and his brother Héctor Alejandro BARRIA BASSAY, 27, a substitute teacher at School No. 2 in Río Negro and a representative to the Union of Education Workers who was an active Socialist. Both were arrested while at work. That day a police patrol from Río Negro, numbering about ten police officers, came to the sawmill where they were working, arrested them in the presence of a number of witnesses and took them away in a pickup truck. Since that moment there has been no further word on the whereabouts or fate of these prisoners. It is the Commission's conviction that the Barria brothers disappeared at the hands of government agents who were guilty of violating human rights. The following circumstances lead to that conviction:

* The fact of their arrest has been attested by witnesses.

* In a court trial a police official acknowledged that the Barria brothers had been arrested and stated that they were taken to the police unit in Río Negro.

* There has been no further word on them since they disappeared.

* Police authorities have not responded to the Commission's formal requests in a timely or specific manner.

Chiloé

On September 16, 1973, Héctor Arturo SANTANA GOMEZ, 24, area supervisor for INDAP (Institute for Agricultural and Livestock Development) who was an active Communist, was killed by police at the police station in Quellón. The official account states that he was killed by police when he tried to assault an officer in the Quellón police station with a pistol he had in his possession at the time of his arrest. However, credible and consistent witnesses have testified that he voluntarily reported to the police station when he learned that his wife had been arrested because they were looking for him. Witnesses likewise indicate that when he went to the police station he was beaten and

executed.

The Commission came to the conviction that Héctor Santana was executed by government agents in violation of his human rights in total disregard for the law, by virtue of the following considerations:

* It is unlikely that he would have been armed when he went to the police station, especially since his wife was being held there.

* Even had there been some aggression against police officers, they are trained to deal with such a situation without having to kill people.

* The death certificate notes that he died of bullet wounds.

On October 5, 1973, José Esaú VELASQUEZ VELASQUEZ, 52, a farmer, was killed by police in the area of Lago Yunge, Alto Palena, in the province of Chiloé. The official report depicted Velásquez Velásquez as a subversive who "was sowing terror throughout the area of Chiloé Continental, and who was shot dead when he tried to assault a police sergeant who was arresting him in the heavily forested area of El Tranquilo, sixty kilometers from Palena.... Police located this subversive in a forest between El Tranquilo and Lago Yunge where he was trying to escape. When they tried to arrest him, Velásquez Velásquez responded to being caught by assaulting a police sergeant with a machete. To repel the imminent attack the sergeant drew his weapon and shot him. The subversive died of the bullet wound." However, an eyewitness to the events rejects that account and says that Velásquez was killed without having provoked or attacked the police officers.

That same day, October 5, 1973, his son, Rubén Alejandro VELASQUEZ VARGAS, 28, a farmer, was arrested at his home in the presence of witnesses. Police officers from Alto Palena fired their automatic weapons at his house and therefore Rubén Velásquez surrendered to them. He was beaten and arrested in the presence of his wife. He was then handcuffed and taken across the Palena River, about five hundred meters away, to the house of a private citizen. From that point on, there has been no further trace of him.

Finally, on October 9, 1973, José Raúl VELASQUEZ VARGAS, 24, a public roads department employee who was the son of

José Velásquez and brother of Rubén Velásquez, was arrested by the Alto Palena police at his home there. He was taken to the Alto Palena checkpoint, where his mother says police acknowledged his arrest. Nevertheless, he then disappeared from that site.

The Commission came to the conviction that the killing of José Velásquez Velásquez and the disappearance of his two sons constituted human rights violations for which government agents were responsible in view of the following considerations:

- * Accounts by witnesses refute the official account of the father's death, and other testimony confirms that the sons were arrested.

- * The nature of the alleged attack by José Velásquez, who is said to have challenged an armed patrol with a machete, is implausible.

- * The father and his two sons suffered three separate repressive actions, each different in nature, and yet an official explanation has been provided for only one of them.

- * The police who were involved in this situation did not respond to the Commission's invitation to offer their testimony.

On October 8, 1973, Nelson Nolberto LLANQUILEF VELASQUEZ, 25, a public works emergency plan employee in Puerto Ramírez who was a leader of the Socialist party, was arrested by police from Futalefú. As he was being taken toward the Futalefú checkpoint, he was executed by his captors and his body was thrown into the waters of Lake Yelcho. The Commission came to the conviction that the death of Nelson Llanquilef was a human rights violation committed by government agents. This conviction is based on the testimony it received establishing that he was arrested and that he was killed in the manner described.

On October 9, 1973, Juan LLEUCUN LLEUCUN, 56, who had been appointed district inspector by the Popular Unity government and who was active in the Radical party, was arrested by police officers. The arrest took place at his home on Meulín Island, Chiloé. Due to the mistreatment to which he had been subjected, he was already unconscious as he was being taken to the Quenac checkpoint, and he died there October 10, 1973. The Commission came to the conviction that the death of

Juan Lleucún constituted a human rights violation committed by government agents on the basis of the testimony it received which establishes that he was arrested and mistreated and that he died inside the Quenac checkpoint.

Llanquihue

On October 18, 1973 the following people, none of them politically active, were killed on the road between Puerto Montt and Pelluco:

José René ARGEL MARILICAN, 33,

Adolfo Omar ARISMENDI PEREZ, 19, a student,

Dagoberto Segundo CARCAMO NAVARRO, 20, a worker,

Carlos MANSILLA COÑUECAR, 20, a boxer,

Jorge MELIPILLAN AROS, 40, and

José Armando ÑANCUMAN MALDONADO, 20, a worker.

According to the official account from the commander of the zone under state of siege in the province of Llanquihue and Chiloe, found in Military Decree No. 46, a police patrol apprehended six individuals along the road between Puerto Montt and the beach resort at Pelluco. "When informed that they were being arrested they did not obey the order but in fact tried to attack the police officers and insulted and threatened them. Therefore, in accordance with current regulations, those individuals, whose names have been published, were killed on the spot. Subsequently it was established that all of them were habitual criminals and had extensive criminal records."

Although their deaths were presented as having been the outcome of an attack against police forces, the Commission came to the conviction that in this instance government agents committed a human rights violation by executing these people without any due process of law. It came to that conviction by reason of these circumstances:

* It has been possible to determine that several of them were previously being held at the Antonio Varas police headquarters in Puerto Montt, and hence it is not likely that they would have been wandering the streets during curfew.

* All were killed immediately while unarmed and under heavy military guard during curfew.

* Some witnesses have testified that this was not an attack against police officers but rather an execution.

* Evidence gathered from police officers themselves leads to the conviction that this was an execution.

On October 19, 1973, the following people, who were accused of attempting to attack the police headquarters in Fresia and of attacking the Neltume police checkpoint on September 12, were executed in accordance with the sentence of a war tribunal (trial record No. 11-73) of the military prosecutor's office in wartime:

Oscar ARISMENDI MEDINA, 46, a farm worker and a leader of the peasant league at the El Toro rural cooperative who was an active Socialist;

Francisco del Carmen AVENDAÑO BORQUEZ, 20, a professor at the teacher training school and a MIR activist;

José Antonio BARRIA BARRIA, 23, a farm worker and a MIR activist;

José Mario CARCAMO GARAY, 26, an agronomist and a MIR activist;

José Luis FELMER KLENNER, 20, an office worker and agronomy student who was a MIR activist; and

Mario César TORRES VELASQUEZ, 32, a linotypist.

This Commission obtained the trial record by requesting it from the proper air force authorities. It also obtained from another source a copy of the sentence from that war tribunal. In its considerations and in the decision, the sentence offers a summary of the trial. After examining the trial record together with other items of evidence and testimony it received, the Commission has come to the conviction that these people suffered a human rights violation which was committed by government agents. Specifically, their rights to life and to a fair trial were violated.

That conviction is supported by the circumstances

surrounding all war tribunals at that time, as explained in the overview in this report, as well as the following specific considerations:

* The defense lawyer for the accused testified that he did not believe that he was able to develop an adequate defense since he did not have enough time nor was he permitted to meet with the accused.

* The crime for which these people were condemned to death is that defined in Article 248 No. 2, of the Military Justice Code, which assigns the punishment to "one who during war commits an action or omission that is not contained in the preceding articles and does not constitute another crime already sanctioned by the laws with the intention of aiding the enemy or harming Chilean troops." This crime falls under military jurisdiction and can be committed only by members of the military and during a foreign war and is when it is committed "with the intention of aiding the enemy or harming Chilean troops." Hence such a tribunal does not have the authority to try civilians who are not members of the armed forces and who are not acting in a situation of foreign war.

* An examination of the trial record indicates that some of the accused were not aware of the alleged unlawful activities of which they were being accused. Moreover, during the trial they said they had been there for reasons of personal security due to their political activity.

* Besides the defendants' confessions, the sentence the Commission has in its possession does not refer to any other means of proof, such as simultaneous questioning, expert testimony, and documents. Some of these were obtained but they were not taken into account.

* Two aggravating circumstances were applied to the accused, namely that they had committed the crime during a popular disturbance, which was established in the trial "in view of the situation the country was experiencing, as was well known," and that they had executed the crime with contempt for, or in offense to, public authority, "since disregard for the military junta decrees and the office of the commander of the zone under the state of emergency in Llanquihue and Chiloé of its very nature entails repeated contempt and mockery and disdain for the authorities who issued those decrees." However, no consideration was given to any extenuating factors presented on

behalf of the accused. The defense claim that their previous blameless conduct should be considered in their favor was rejected in the sentence. That sentence states that "it is not established in documents, and moreover the very context of the defense for the accused indicates that they had been organizing an armed group from June 1973 until the date of their arrest, as was acknowledged by the defense, and therefore they were repeatedly engaged in criminal activity, thus nullifying any previous good behavior."

* Those sentenced were held in solitary confinement and were not able to meet with their lawyer.

* Finally, the mistreatment to which the prisoners were subjected invalidates any confession they might have offered.

On December 2, 1973, in the area of Frutillar, Luis Uberlindo ESPINOZA VILLALOBOS, 33, a farmer and a former national deputy for Puerto Montt who was active in the Socialist party, and Abraham OLIVA ESPINOZA, a peasant leader who was an active Socialist, were killed by members of the police and the air force. The official account provided by the commander of the zone under state of siege in the province of Llanquihue and Chiloé, which was published in a decree, states that at about 3:20 a.m. on December 2, 1973, on Highway 5 north of Frutillar, "a military vehicle carrying out its mission of transferring prisoners to the Valdivia jail was fired upon. As the patrol was fending off the attack, a prisoner tried to take advantage of the confusion and darkness to escape. The patrol fired its weapons and Luis Espinosa Villalobos and one of the attackers who was identified as Abraham Oliva were killed on the spot. In response to the patrol's action, the other attackers fled into the darkness."

Prior to September 11, 1973 the former national deputy Espinoza had been tried in the ordinary courts for the crime of disrespect for authority. On September 26 or 27 by order of the military he was transferred to the Puerto Montt Regiment and was put in solitary confinement. Abraham Oliva Espinoza had been arrested and released with orders to sign the registry at the Fresia police station every day.

The Commission came to the conviction that the killing of these two people had nothing to do with an escape attempt, but rather it was an execution of two prisoners, and was hence a human rights violation. It came to this conviction in view of the following circumstances:

* The prisoner Luis Espinoza Villalobos was killed when he was unarmed and under heavy military guard.

* One of the persons who allegedly attacked the patrol was Abraham Oliva Espinosa, a Socialist peasant leader, who was killed in that alleged action. This individual was obliged to sign the registry at the Fresia police headquarters every day, and he did so the day of these events. The Commission received credible testimony from witnesses to the effect that he was held there until the beginning of the curfew period.

* Oliva is not likely to have been able to organize the alleged rescue, given the limitations imposed on him by his obligation to register at the police headquarters, and since he had been in jail until very recently. Moreover, it is not clear how Oliva could have known the day, time, and place when the former deputy Espinoza was to be transferred.

* It has been established that Espinoza's autopsy was not carried out by the doctor who should have done so. His death certificate states that the cause of death was, "Many very serious injuries, complex injuries to the skull, torso, and abdomen." Both bodies were handed over to the families in sealed coffins.

* Even if Oliva was not arrested and executed, it is impossible to believe that the only persons wounded should be the two who were killed, and that no member of the patrol transporting Espinoza and none of the other alleged attackers were even injured.

I. Eleventh Region – Aysén del General Carlos Ibáñez del Campo

1. Overview

This section deals with ten cases of human rights violations which occurred in the Aysén del General Carlos Ibáñez del Campo Region between September 11 and the end of 1973. All ended in death or disappearance, and in all of these cases the Commission came to the conviction that the government was responsible for actions of its agents or persons working for them.

On September 11, 1973, members of the army and the police took control of the Eleventh Region, which today includes the provinces of Aysén, Coyhaique, General Carrera, and

Capitán Prat. The army assumed control over the cities of Coyhaique and Cochrane, while the police were more active in smaller areas such as Puyuhuapi, Chile Chico, Puerto Cisnes and others.

Repression was generally concentrated in rural areas and in the mountainous areas near the border with Argentina. Although the number of people whom the military and police authorities arrested was high in comparison to the region's sparse population, few were killed or disappeared. Most of those killed were active in left parties or supported them.

The main detention sites in the region were:

- * Las Bandurrias, now the Bulnes Regiment, which was under army command. Testimony the Commission has received indicates that, besides being the main detention site in the area, it was an interrogation and torture center.

- * The gymnasium of the Aysén Regiment, which was in army hands, and was also said to be a torture center.

- * The jail in Coyhaique, which was in the hands of the prison service.

The cases of people who were killed or disappeared which the Commission examined will now be presented in chronological order. In four instances people disappeared after being arrested; in two cases people were killed as the result of armed clashes; one person was shot while trying to escape; one person was sentenced to death by a war tribunal; and there are two instances of other kinds of execution for which government agents were responsible.

2. Cases of grave human rights violations in the Aysén del General Carlos Ibáñez del Campo Region

On September 12, 1973, Herminio SOTO GATICA, 44, the Caleta Tortel local representative, disappeared after being arrested by soldiers from the Coyhaique Regiment. He had reported to the military base voluntarily after hearing on the radio a summons for officials of the previous government to report to the military command posts. His whereabouts remain unknown since then. His wife says she has received no information on him from members of the regiment to which he reported and none from the police and investigative police. The Commission

came to the conviction that government agents from the Coyhaique Regiment were responsible for the disappearance of Herminio Soto. That conviction is based particularly on the fact that he reported to the regiment and was arrested there, and that his disappearance dates from the day of his arrest.

On October 2, 1973, Sergio Osvaldo ALVARADO VARGAS, 30, and Julio Antonio CARCAMO RODRIGUEZ, 37, neither of whom was politically active, were killed at the police station in Puerto Aysén. According to testimony the Commission received, these people had previously insulted and attacked a policeman, and hence they were arrested at their homes and taken to the Aysén police station. Witnesses saw them executed, apparently by soldiers. According to the official account, which was reported in several newspapers, Alvarado and Cárcamo attacked a police patrol and then a military patrol. The official in charge of the military patrol was forced to use his weapon. Some of these news reports called them subversives and others called them criminals. Their death certificates state that in both cases the cause of death was, "acute loss of blood, bullet wound."

The Commission came to the conviction that the killing of these two people constituted a grave human rights violation because,

- * Solid witnesses have testified that these people were being held under arrest at the Puerto Aysén police station and that they were killed there without any due process of law;

- * The implausibility of the official account, which speaks of two successive attacks on patrols, was evident in the way the newspaper referred to it at the time: "two criminals who astonishingly attempted to attack a military patrol."

On October 8, 1973, Jorge Orlando VILUGRON REYES, 27, a teacher who sympathized with the left, was executed by firing squad in Puerto Cisnes by soldiers and police. A patrol of police and soldiers had come to La Junta on September 31 and arrested all the adult men in the village. Most of them were subsequently released, but Vilugrón and three others remained under arrest and were taken in a small boat to Puerto Cisnes. When they arrived Vilugrón was kept in the boat while the other three were taken to the police headquarters. The official in charge of the operation, who was from Puerto Aysén, told government officials there that two people were going to be shot to death. On October 8 a platoon tied Jorge Vilugrón to an

electrical post near the dock and shot him. After the execution his body was put into a coffin and dropped into the ocean. The Commission heard testimony from many witnesses on what happened. The death certificate states that the cause of death was: "shot [by firing squad]." The death certificate indicates that the cause of death was a firing squad and adds that "he is to be buried in the ocean."

In October 1973, El Mercurio reported that at 7:00 a.m. October 8, at the police headquarters in Puerto Cisnes, Jorge Vilugrón Reyes, "an active subversive", was shot by firing squad; the news story repeated the account given by the provincial government press office. The sentence was said to have been issued by a war tribunal. This Commission has repeatedly but unsuccessfully requested the legal record in which that war tribunal should appear.

The Commission came to the conviction that a grave violation of fundamental rights took place in the execution of Jorge Vilugrón in view of the following considerations:

- * There is no evidence proving that the war tribunal mentioned in the official report actually took place.

- * If such a war tribunal indeed took place, the accused did not enjoy the right to a defense.

- * The victim's body was cast into the ocean, thus further aggravating the unlawfulness of the conduct of government officials.

On October 10, 1973, Juan Bautista VERA CARCAMO, 23, a CORA (Agrarian Reform Corporation) official who supported the Socialist party, was killed by soldiers in Valle Simpson. After September 11 he was working on a piece of property he owned in the area of Valle Simpson. On October 10 a patrol composed of soldiers and civilians went there and killed him. Juan Bautista Vera's family learned he had been killed over the radio, and they found his body in the morgue in Coyhaique. The body bore several bullet wounds, and the death certificate stated that his death had been "ordered by military authority, bullet wound." The person listed as having requested the certificate was an army officer, and the certifying doctor was an army employee. The official account, which appeared in the El Llanquihue newspaper for October 20, states that "en route from his house to the vehicle that was going to take him to Coyhaique, the

prisoner, Vera, seized an axe in order to attack the patrol members. They fired their weapons, and he died immediately."

It is the Commission's conviction that a grave violation of fundamental rights was committed in the killing of Juan Vera since it was an execution which took place without any due process of law. It is hardly credible that he would have picked up an axe to attack his captors once he was under arrest since the police and military in making an arrest routinely assure that the person is truly apprehended even by using violence. Moreover, even in the improbable event that the alleged attack actually took place, police and soldiers are generally in a position to prevent such actions through appropriate means and do not need to kill their prisoners.

On October 12, 1973, Elvin Hipóulito Alfonso ALTAMIRANO MONJE, 34, a farmer and alderman in Puerto Cisnes who was an active Socialist, was killed by police. He had been arrested by police from Puerto Cisnes along with three other people in Puyuhuapi. They were all taken to the Puerto Aysén police station and held there. According to testimony received by the Commission, Altamirano was subjected to various forms of torture and mistreatment at the police station. The other prisoners were gradually released until the only one still under arrest was Elvin Altamirano. A few days later the newspapers printed the official report that he had been killed as he was being driven along the road from Puerto Aysén to Coyhaique, and he took advantage of a mechanical problem to make an escape attempt. His death certificate says that the cause of death was "acute loss of blood, bullet wound."

The Commission came to the conviction that the death of Elvin Altamirano constituted a grave violation of his fundamental rights, since he was executed without any due process of law. That conviction is based on the following considerations:

* That he should have tried to escape is not very plausible in view of his physical condition after a month of imprisonment during which he was subjected to very serious torture, according to testimony from reliable witnesses taken by the Commission; moreover, the heavy security measures used for transferring prisoners should be kept in mind.

* Even had an escape attempt taken place, the police forces had the ability to handle such situations and had no need to kill the prisoners in their custody.

* The victim's body was buried without a coffin in the Aysén cemetery, and his relatives were not informed.

On October 21, 1973, Moisés AYANAO MONTOYA, 19, a worker who was not known to be politically active, was killed by a military patrol on the road between Coyhaique and Puerto Aysén. Through the various forms of evidence it was able to examine, this Commission established that he was killed by soldiers without any provocation on his part. His death certificate indicates that his death was "ordered by military authorities, bullet wound." The person requesting that it be registered was an army officer, and the doctor who certified his death was employed by the army. The body was buried in the El Claro cemetery in Coyhaique, and the relatives of the adolescent Ayanao were not informed.

The Commission came to the conviction that his death constituted a grave human rights violation since it was an execution carried out in total disregard for the law. That conviction was based on the following considerations:

* The Commission has received certificates that make it clear that he was killed and identify the responsible parties.

* It is inexcusable that there should be no explanation for the events that led to his death since those responsible were agents endowed with government authority. The Commission furthermore notes the abnormality of this execution in the obvious disproportion of forces between the adolescent Ayanao and a military patrol under the command of an officer.

* The fact that his body was buried in an irregular manner leads to the presumption that the intention was to conceal something.

On October 27, 1973,

Néstor Hernán CASTILLO SEPULVEDA, 23, the regional secretary of the Young Communists;

José Rosendo PEREZ RIOS, 24, an office worker who was active in MAPU; and

Juan VERA OYARZUN, 53, a worker who was regional secretary of the Communist party, a union leader and a former

alderman in Punta Arenas, were arrested in Río Mayo near the border with Argentina. On September 20 a group of four people including Juan Vera crossed over the border into Argentina in order to seek political asylum. Two days later a local estate owner turned them over to the Argentinean police. They were taken to Aldea Veleiros [sic] and then to Río Mayo, where they were held in the custody of Squadron No. 38 of the Argentinean police. Meanwhile, in an unrelated incident, José Rosendo Pérez and Néstor Castillo, who had come from Chile a few days previously, were arrested at a boarding house in Río Mayo. All six were held under arrest for about two weeks in police custody for having entered Argentina illegally. They were then separated into two groups and were forced to do different kinds of work. The group composed of Juan Vera, Néstor Castillo and José Rosendo Pérez was working in the municipality of Río Mayo. They spent each night at the facilities of Squadron 38, while the other three people slept at their work site, a house that was under construction.

On October 27, the Argentinean police turned Juan Vera, Néstor Castillo, and José Rosendo Pérez over to a group of Chilean military and police who were driving an ambulance from the Coyhaique hospital. Witnesses have provided a good deal of detailed and consistent testimony on these events. This was the last information on the whereabouts and fate of these people who disappeared. Chilean authorities offered no official explanation for these events, and the national press only reported that the six people had requested asylum. However, the Argentinean press at that time reported that these people were turned over to Chilean officials. Members of the Argentinean parliament investigated the case and came to the same conclusion, namely that "these three people were indeed arrested by Chilean police and taken to Chile."

The Commission came to the conviction that Chilean government agents were responsible for the disappearance of these three people in view of the following considerations:

- * their political background and the fact that they sought asylum in Argentina;

- * the fact that they were held under arrest in Argentina for more than a month, and that numerous witnesses have given similar testimony on the way in which they were turned over to agents of the Chilean government;

* investigations made by members of the Argentinean parliament, complaints by union leaders in that country, and newspaper reports on the case;

* the fact, criticized at that time, that Chilean military and police were able to operate on Argentinean territory with the approval of the police of that country; and

* the fact that there has been no information on the whereabouts of these people since that time.

m. Twelfth Region – Magallanes and Antártica Chilena
Overview

This section deals with five cases of human rights violations which occurred in the Magallanes and the Antártica Chilena Region between September 11 and the end of 1973. All of these cases ended in death, and in all of them the Commission came to the conviction that the government was responsible due to the actions of its agents or persons at their service.

All branches of the armed forces jointly assumed maximum authority over the Twelfth Region, which currently encompasses the provinces of Ultima Esperanza, Magallanes, Tierra del Fuego, and Antártica Chilena. They were subordinated to a military structure unique in the country, called the Southern Military Region; its command structure was identical to that of the Fifth Army Division. On September 11 a region-wide Provincial Military Junta, including the army, navy, and air force representatives, was established. The police were included in this structure. This provincial junta was terminated September 20, 1973 by means of Decree No. 42, issued by the junta itself. The intelligence services in the region were also coordinated under a single structure called SIRMA (Intelligence Service of the Southern Military Region).

All killings were explained as resulting from attacks on official troops or from escape attempts. Some of the victims were members of left political parties, while others were not known to be politically active.

The main detention sites in the region were:

* The former naval hospital in Punta Arenas, known as the "Palace of Smiles." The military intelligence service operated here, interrogating prisoners brought in after being arrested

elsewhere.

* Motorized Infantry Regiment No. 10-Pudeto, in Punta Arenas. According to International Red Cross Reports, on September 28, 1973 there were 119 prisoners at this location. The prisoners were housed in the gymnasium, which measures 25 by 40 meters and is four meters high, and they had to sleep on the steps which were only 80 cm. [31 inches] wide. There was not enough heat, and prisoners each had two blankets. Hygienic conditions were acceptable, and the treatment of prisoners and prison discipline were normal. At the time of the report five prisoners were being held in solitary confinement.

* Dawson Island, one hundred kilometers south of Punta Arenas, on the other side of the straits of Magellan. The prison camp was located between the airfield and Puerto Harris navy base, and had been prepared a few days before September 11, 1973. This camp was divided into two sections, Compingin, which operated from September 11-December 20, 1973, and Río Chico which was used from September 21, 1973-December 30, 1974. According to the International Red Cross report, 99 people were being held prisoner on September 29, 1973, all for political reasons. The four barracks reserved for prisoners were separated from the rest of the camp by barbed wire. Prisoners from Santiago, all of whom were prominent figures from the deposed government, were held in Section S, which was separated from other sections by sheets of metal and wire fencing. Prisoners from Magallanes were held in Sections A, E and F. Heating and ventilation were insufficient. Each prisoner had only two blankets. Medical attention was inadequate. Prisoners were forced to work in the fields. On Dawson Island cells were divided into three levels of punishment: prisoners on level one were allowed clothing and blankets; on level two they had no blankets, and on level three they had neither clothing nor blankets.

* Armored Battalion No. 5-General René Schneider (now Armored Battalion No. 6-Dragones). On September 30, five people, four women and one man, were being held prisoner here. More prisoners, primarily women, arrived later. According to the Red Cross, conditions at this facility were good.

* Marine Detachment No. 4-Cochrane. On December 13 there were 85 prisoners at this site, including 20 who were minors. They were housed in a barracks that measured 25 by 15 meters and was four meters high. They had 42 bunk beds (84 beds)

and little defense against the cold. Inside the barracks there was a barrel for urinating; the latrines were outside. This place was wet and cold. The food was good and sufficient, but prisoners had to eat while standing. As elsewhere, the prisoners complained of mistreatment, and the evidence of such mistreatment was evident to the eye, according to competent witnesses. People were treated roughly while they were under interrogation. Members of the military intelligence service conducted the interrogation.

* The Punta Arenas stadium, which was run by the air force. On December 13 there were 38 prisoners who were housed in a pavilion near the back gate. There were four rooms of four and a half by five meters. The International Red Cross regarded the general conditions as good.

* Bahía Catalina, which was also run by the air force, held only a few prisoners, those regarded as most dangerous.

In the Magallanes Region the use of torture was routine. It is estimated that in 1973 around one thousand persons were imprisoned and subjected to such treatment. In some places prisoners had to pay for their food.

Cases of grave human rights violations in the Region of Magallanes and Antártica Chilena

On September 30, 1973, José Orlando ALVAREZ BARRIA, 28, a worker who was not known to be politically active, was killed in Punta Arenas. The previous day close to the curfew hour he left his house to go to the store. Witnesses observed him being halted in the street by an army patrol. Shortly afterward a shot was heard. The next day the body of José Alvarez was found in the local morgue. The death certificate says that the place of death was the armed forces hospital, and as the cause of death it lists: acute loss of blood, irreversible shock; bleeding peritoneum; ruptured colon and bladder; penetrating abdominal bullet wound with complications. The official report says he was shot when he offered resistance to a military patrol and physically attacked an officer; it states that he was participating in an underground meeting with six other people who were also arrested

Since it is unlikely that José Alvarez, alone, unarmed and in the custody of an armed patrol, would have made such an attack; since there is no proof that there was any such alleged meeting,

or that any other people were arrested with him; and since shortly before the fatal shot was fired he was seen against a wall with his hands in the air, this Commission has come to the conviction that he was executed by the government agents who arrested him.

On October 24, 1973, Jorge Manuel PARRA ALARCON, 38, the foreman of the repair shop of the National Petroleum Company in Cerro Sombrero who was active in the Socialist party, died of bullet wounds. Soldiers had come to arrest him at work on October 15 and had taken him to a house that the army had prepared to serve as a detention and interrogation center in Cerro Sombrero. At that house his captors continually mistreated and humiliated him. According to credible testimony, on October 24, as an official was abusing him, Jorge Parra tried to defend himself by hitting back. The officer shot him and left him very seriously wounded. He was taken to Porvenir, but was dead upon arrival. The death certificate states that the cause of death was shock due to hemorrhage and penetrating bullet wounds damaging vital organs. His body was never turned over to his family. Military Decree No. 24 issued by the joint military command stated that he had been killed for attacking an officer while he was undergoing interrogation.

It is this Commission's conviction that Jorge Parra suffered a grave assault against his human rights, and specifically his right to life insofar as the officer's action was unjustified, given the obvious lack of proportion between the action of an unarmed prisoner whose physical capacities had been lessened by mistreatment and the reaction of the government agent who shot at him. There are more rational and appropriate means for subduing an unarmed prisoner than shooting him to death. Finally, the Commission is aware that his remains were not returned to his relatives for burial, suggesting that the aim was to conceal matters.

On October 30, 1973,

Carlos Raúñl BAIGORRI HERNANDEZ, 31, a teacher at the local school who was an active Communist,

Germán Simón CARCAMO CARRASCO, 24, a Socoagro employee who was an active Socialist, and

Ramón Domingo GONZALEZ ORTEGA, 37, an employee of the income tax service who was not known to be politically active,

were executed at the Caupolicán Regiment in Porvenir. These three people were arrested separately at their homes on previous days and after being taken to other prison sites were brought to the Caupolicán Regiment in Porvenir. Early on the morning of October 30 they were taken from the place where they slept and led by some junior officers to the artillery range. There they were forced to run and were then shot down and killed. According to reliable testimony, presented before this Commission, they were shot on the artillery range at 4:00 a.m. October 30, in order to make an object lesson of them.

The official account of the event published in the October 31 edition of La Prensa Austral claimed that the prisoners had escaped at midnight on October 29, and that the patrols that went out pursuing them found them about twenty kilometers from Porvenir. It went on to say that when the prisoners failed to heed the order to halt, the soldiers shot and killed them. The bodies were returned to the relatives several days after these events.

The Commission came to the conviction that the deaths of Baigorri, Cárcamo and González were actually extrajudicial executions and constituted grave human rights violations. That conviction was supported by the following considerations:

- * Reliable witnesses have given testimony on these events; specifically they have testified that three junior officers took the prisoners from the barracks.

- * It is unlikely that in such a short time and under such conditions those who had escaped could have gone twenty kilometers.

- * It is not very plausible that prisoners could escape from a facility like a regiment which is normally well guarded, and even more so when prisoners are under arrest there.

- * Trustworthy testimony taken by the Commission indicates that these people had been told they were going to be released the following day, thus making an escape attempt even more unlikely.

- * Under no circumstances does it seem that in order to recapture unarmed fugitives it should be necessary to kill them.

B. Human rights violations committed by private citizens for political reasons

1. Overview

In this section the Commission will deal with human rights violations committed by private citizens for political reasons, as well as deaths occurring as a result of political violence. Those killed were primarily government forces. These deaths were the result of armed clashes which occurred during the first few days after the military intervention and also of attacks perpetrated in that context of violence.

As was explained in the overview to the previous section, the country witnessed numerous armed clashes at the outset of this period. A state of war was in effect of course. La Moneda Palace was now in the hands of the armed forces, and it was being fired upon from neighboring public buildings. While shooting was taking place around La Moneda, the new order was already becoming installed everywhere, and all those persons who had been part of the previous government or had supported it were being brought under control.

According to information gathered by the Commission, the armed forces and security forces faced no organized rebel troops. Nevertheless, as has been mentioned, there was some armed resistance from groups who supported the previous government. Snipers were operating near La Moneda. In ordinary neighborhoods there were only isolated responses as any sites of military significance were being occupied. None of this resistance lasted very long.

This climate of violent confrontation should be understood in light of the legitimacy that each side was claiming as its own. Without taking a stand on this matter, this report views each side's defenders from that standpoint from which each believed it was operating: obeying either the established government or what had been the established government within the previous legal framework. Hence, whatever their position in the struggle, the report regards them as having been killed in armed clashes or as victims of the situation of political violence.

Thirty members of the armed forces and security forces were killed during the period in question. Fifteen belonged to the armed forces, fourteen to the police, and one to the investigative police. Most of the victims were killed on September 11 and immediately thereafter. Twenty-four were killed in the Metropolitan Region, three in Tarapacá, one in Maule, one in Bío Bío, and one in Los Lagos. We should note that most of these victims were young; their average age was only 26.

Many were killed by shots by unknown persons shooting at official forces on guard duty or protecting public property; others died from shots fired

by other official forces in the confusion of this atmosphere of confrontation. In a single isolated instance, two officers were shot and killed by one of their subordinates who was opposed to the military seizure of power. The rest were killed in armed clashes with armed civilians. Most of the deaths in these armed clashes took place on September 11 itself in the Metropolitan Region: four soldiers were killed in the siege on La Moneda Palace; six police officers were killed in La Legua shantytown, and three police were killed in a raid on the Indumet factory.

The institutions in which these men served honor their memory. We hope that our whole society will remember them among the victims of a painful situation that we must not repeat.

2. Cases

On September 11, 1973, there were a number of armed clashes and incidents of political violence in which members of the armed forces and security forces were killed. We will examine each case, organizing them around the place where the events took place.

La Moneda Palace

This report has already described events inside La Moneda palace and its environs. In any case, it should be borne in mind that military forces stationed around the seat of government and snipers in nearby buildings who were loyal to the previous regime were shooting at each other. Several army members were killed in this intense exchange of fire.

The following members of the army were killed at La Moneda Palace and the surrounding area on September 11, 1973.

Luis CASTILLO ASTORGA, 20, soldier first class. Luis Castillo was in the area around La Moneda, taking part in the siege, when he was hit in the torso by two bullets fired by unknown persons. He was taken to the Military Hospital in grave condition and died there early on the morning of September 12, 1973. The evidence examined makes it possible to conclude that:

* He died of a bullet wound while on duty.

* The situation on September 11 was one of widespread conflict.

On these grounds, this Commission has come to the conviction that soldier first class Luis Castillo died a victim of the situation of political violence.

Agustín Patricio LUNA BARRIOS, 22, second corporal. As Corporal Luna's company was moving toward La Moneda Palace, snipers shot and hit him in the neck. This took place at about 5:30 p.m.. The evidence indicates that he died as the result of a bullet wound received while on active duty and that on that day the situation around La Moneda Palace was one of general confrontation. Hence this Commission came to the conviction that Second Corporal Agustín Luna died as a result of the situation of political violence.

Ramón Segundo TORO IBAÑEZ, 37, first sergeant. On September 11, Sergeant Ramón Toro was taking part in the siege around La Moneda Palace when a bullet fired by an unknown person hit him in the left parietal lobe. The evidence provided indicates that he died as a member of military units that were participating in the siege of the presidential palace and that a heavy exchange of fire took place between military units and supporters of the overthrown government. In view of this evidence, the Commission came to the conviction that the death of First Sergeant Ramón Toro was the result of the situation of political violence.

Waldo NEEIL MORALES, 44, first sergeant. On September 11 Waldo Neel was with a unit participating in the siege of La Moneda Palace. He was killed at the corner of Calle Nataniel and Calle Alonso Ovalle. The evidence it gathered enabled the Commission to conclude that he died while a member of the army forces that were laying siege to La Moneda and that violent confrontations were taking place there on that day. Hence, this Commission came to the conviction that First Sergeant Waldo Neel died as a result of the situation of political violence.

Likewise on September 11, 1973, a number of armed clashes between supporters of the previous government and members of the armed forces and security forces took place in different locations in Santiago.

Indumet factory

The following members of the police were killed in the raid on the Indumet factory on September 11, 1973:

Esteban Manuel CIFUENTES CIFUENTES, 26, policeman,

Fabriciano Nolberto GONZALEZ URZUA, 27, policeman,

Raúl Arturo LUCERO AYALA, 20, policeman.

Workers were inside the factory September 11, 1973. During the day people came to the factory, distributing weapons. The workers organized

themselves in groups of ten to twelve and prepared to defend the factory. It was under those circumstances that the police arrived to conduct the raid.

Fabriciano González, Raúl Lucero and Esteban Cifuentes were part of the squad from the Police Subofficials School who arrived at the Indumet factory that day. There was a sharp exchange of fire between the police and those inside. The policeman Raul Lucero was killed immediately and another policeman was wounded. When Fabriciano González attempted to rescue him, he was hit by a sniper from inside the factory. Gravely wounded, he was taken to the police hospital. On September 14, he died in the hospital of the very serious bullet wounds he received in the gun battle. Esteban Cifuentes was also very seriously wounded in the exchange of fire. He was close to death as he was taken to the police hospital and despite numerous attempts to save his life, he died from the wounds he had sustained on September 14, 1973.

The evidence that the Commission gathered indicated that there was heavy fighting between police and supporters of the previous government and that three policemen died of bullet wounds while carrying out an operation in that factory. Hence, the Commission came to the conviction that police officers Fabriciano González, Raúl Lucero and Esteban Cifuentes died as a result of the situation of political violence.

La Legua shantytown

There were a number of armed clashes between police and residents of La Legua shantytown on September 11, 1973, and as a result the following policemen were killed:

Juan Leopoldo HERRERA URRUTIA, 24, policeman,

José Artidoro APABLAZA BREVIS, 30, policeman,

José MALDONADO INOSTROZA, 25, policeman, and

José Humberto WETLING WETLING, 46, a subofficer who was a medical assistant.

Police officers Juan Herrera, José Apablaza and José Maldonado, all from the northern precinct of Santiago, were part of a group that went to La Legua September 11, 1973 in order to put down the skirmishes taking place between residents and police. Inside the shantytown they were hit by shots from supporters of the previous government. At that moment there was heavy fighting. These police died while they were being rushed to the police hospital. Wetling, the medical assistant and

subofficer, arrived in a police ambulance in order to aid those who had been wounded inside La Legua and were being transported in an ambulance. While he was carrying out his work, he was hit by a bullet and died on the spot.

In view of the evidence gathered, the Commission concluded that the police officers died of the bullet wounds they received while taking part in an operation in La Legua shantytown and that there were armed clashes between police and supporters of the overthrown government in that neighborhood. Hence, the Commission has come to the conviction that the police officers Juan Herrera, José Apablaza, José Wetling and José Maldonado were killed September 11, 1973 as a result of the situation of political violence. In none of these cases could those who fired the shots be identified.

Also on September 11, officials at the Pedro Aguirre Cerda precinct were informed that armed clashes were taking place in La Legua and that they should come to the aid of the policemen who were there. Two police officers from that precinct were killed in that situation:

Martín Segundo VEGA ANTIQUERA, 24, a policeman,

Ramón Angel JIMENEZ CADIEUX 26, a lieutenant.

At noon a busload of police set out under the command of Lieutenant Jiménez Cadieux. One of those on board was Vega Antiquera. En route to the shantytown an unidentified person shot at the bus and hit Lieutenant Jiménez in the head, killing him immediately. He was taken to the police hospital where he was pronounced dead on arrival. The squadron continued toward the shantytown where a gun battle took place between the police and supporters of the previous government. Officer Vega was killed in the shooting. He was taken to the police hospital where he was dead on arrival.

Since these police officers died of bullet wounds, and since armed clashes were taking place in La Legua between police and supporters of the previous government, the Commission came to the conclusion that police officer Martín Vega and Lieutenant Ramón Jiménez died as a result of the situation of political violence.

Area around the Central Railroad Station

Police officer Pedro Angel CARIAGA MATELUNA, 23, was killed in the Estación Central sector of Santiago. He was on guard duty at the Eleventh police station in Santiago, which is part of the southern precinct (now the Twenty-first station) when it was attacked from the Escuela de

Artes y Oficios and a shootout took place. One of the shots from the attackers hit Pedro Cariaga, and thus he died as a result of the situation of political violence.

Downtown Santiago

Police officer Mario BARRIGA ARRIAGADA, 24, was killed in downtown Santiago. As he was directing traffic at the corner of Calle Ahumada and Calle Alameda at about 11:30 a.m., snipers firing from buildings near La Moneda Palace shot and killed him. The evidence makes it possible to conclude that he was carrying out his duty, that armed clashes were taking place in that area when he was killed, and that he died of gunshot wounds. This Commission therefore holds the conviction that police officer Barriga was killed as a result of political violence.

Other confrontations elsewhere in the country on September 11 also led to casualties.

Area of Paso Nevado-Maule Region

At the Paso Nevado checkpoint in the province of Talca there was a shootout between police and a group of officials from the previous government who were trying to reach the Andes in several government vehicles. In this process Orlando ESPINOZA FAUNDEZ, 32, a policeman, was gravely wounded and subsequently died. A group of civilians, including the ex-governor of Talca, was heading toward the Andes. When they arrived at the Paso Nevado checkpoint, two policeman who were on duty there halted the group. In response they were attacked, and police officer Espinosa was fatally wounded.

The civilians brought the police under control, took away their weapons and abducted the other policeman. They continued on their way until they came to the area of La Mina in the foothills, where they were halted by police and soldiers. One member of the group was killed at this point. The rest of the group was taken back to the city of Talca.

The evidence gathered reveals that Espinosa died of a bullet wound and that a shootout took place there between police and a group of supporters of the previous government. On these grounds, this Commission came to the conviction that police officer Orlando Espinoza died as a result of the situation of political violence.

Antofagasta

Finally on September 11 two policemen died in the city of Antofagasta:

Oswaldo Mario MUÑOZ CARRASCO, 53, a police major and superintendent of the Fourth station in Antofagasta, and

José Héctor DAVILA RODRIGUEZ, 38, a captain and assistant superintendent in Antofagasta.

They were taken prisoner that day by an on duty policeman from that same unit. Since the policeman supported the Socialist party, he was opposed to the military uprising, and therefore he shot his superiors with his weapon. On the basis of the evidence gathered, it may be concluded that these officers were killed by a policeman who was holding them under his control. This Commission has therefore come to the conviction that Major Oswaldo Muñoz and Captain José Dávila suffered a violation of their human rights.

A number of people were also killed in armed clashes that took place after September 11, 1973.

On September 12, Julio Hernán ANTILEF GAEZ, 19, a soldier who was fulfilling his obligation of military service, was killed. He was guarding the property of the National Telecommunications Company at Galería España when unknown persons shot and killed him. This Commission has not been able to determine the details. However, since he was attacked while he was guarding public property and in the overall context of the country at that time, this Commission holds the conviction that the soldier Julio Antilef died as a result of political violence.

On September 12, José Misael CASTRO NIETO, 33, army second sergeant, was killed when he was hit by a gunfire from unknown persons. That day he was on guard duty outside the army auditing department building at Calle Carmen No. 339 in Santiago. Suddenly shots were fired at this building from a building nearby. The major told Second Sergeant Castro to go up to the roof of the building to locate the source of the shooting and to fire back with his own weapon. In doing so he was hit by a shot to the head fired by an unknown person. He was rushed to the police hospital but died there a few minutes after being admitted. These facts indicate that he died while protecting a military institution in the context of the country that has already been described. The foregoing led the Commission to the conviction that the death of Sergeant José Castro was the result of political violence.

On September 13, 1973, two soldiers, David DIAZ QUEZADA, 19, and Carlos ACEVEDO ISAMIT, 19, both of whom had been drafted and who were guarding the Maipo Bridge in San Bernardo, were killed. They were guarding the bridge when they halted a passer-by who looked suspicious. They searched him and found a pistol which they took away.

He had another revolver hidden in his clothes, however, and he shot and wounded both of them. They were rushed to the army hospital and died there the following day of the serious wounds they had received. The death certificate says they died September 14, 1973 at 9:30 a.m., and that the place of death was the Maipo Bridge, San Bernardo. In view of the fact that these soldiers were guarding public property and taking into account the overall circumstances of violence affecting the country at that time, this Commission holds the conviction that the two soldiers, David Díaz and Carlos Acevedo, died as a result of the political violence the country was experiencing in the days following September 11, 1973.

On September 14, 1973, Jorge Patricio VENEGAS LABRA, 21, army second corporal, was killed. While he was patrolling the Maipo bridge in a privately owned truck, members of the Chilean Air Force mistook him for someone who was attacking them and shot and killed him. He was taken to the army hospital but was pronounced dead on arrival. The death certificate states that he died September 14, at 9:30 a.m. and that the place of death was the Maipo bridge near San Bemardo. Since he was killed in the line of duty, and taking into account the overall situation of the country, this Commission has come to the conviction that Corporal Jorge Patricio Venegas died as a result of the political violence then taking place.

On September 13, 1973, Juan Carlos MESIAS CARVALLO, 19, who was serving his obligatory military service, was killed. That day at the corner of Highway 5 and Ochagavía he was serving as part of the bodyguard for the head of the Catholic University of Chile television network, when unknown people shot and killed him. His body bore numerous bullet wounds. The evidence gathered makes it possible to state that he was on duty as a bodyguard when he came under a surprise attack. Therefore this Commission has come to the conviction that the soldier Juan Mesías was killed by politically motivated private citizens who killed him in an action that was a violation of human rights.

On September 14, 1973, Juan Ramón ORDENES TORRES, 19, who had been drafted and belonged to the Third Company of the Cazadores Regiment, was killed. He died of shots fired by snipers that day while he was providing security for a military vehicle protecting a civilian truck which was picking up bread at Molino San Cristobal on Calle Exposición in Santiago. This soldier was in front of his vehicle, and the shots came from a factory across the street from Molino San Cristobal. Since Ordenes was guarding a vehicle that was being used to transport basic goods when he came under surprise attack, this Commission has come to the conviction that Juan Ramón Ordenes suffered a violation of his human rights at the hands of private citizens who were operating with political motivations.

On September 15, 1973, Hugo Fernando YAÑEZ DURAN, 22, army second corporal and squad commander, was killed. An army patrol carried out a search of the University of Chile residence halls. In that action Yáñez was killed by a shot accidentally fired from a rifle. The cause of death was a "bullet wound to the neck and head region." Thus it is established that he was killed while engaged in military operations. Since the Commission does not have the evidence that would enable it to know the exact circumstances under which he was killed, it has come to the conviction that Second Corporal Hugo Yáñez was killed as a result of the situation of political violence.

On September 29, 1973, police detective Nelson Mario BUSTOS FARIAS, 24, was killed in the city of Concepción. In the course of an operation carried out by the investigative police, a soldier mistakenly shot at the detective, and he died on the spot. The evidence gathered indicates that he was performing his agency's normal work when he was mistakenly perceived by a member of the military. Therefore this Commission has come to the conviction that the police detective Nelson Bustos was killed as a result of the situation of political violence in the country.

On October 23, 1973, Benjamín Alfredo JARAMILLO RUZ, 23, army second corporal, squad commander and a member of the Cazadores Regiment, was killed. The killing occurred during a shootout with an armed group in the mountain area of Las Vainas, in the municipality of Alquihue, province of Valdivia. In view of the fact that he was carrying out the normal duties of the armed forces, that while he was doing so there was a confrontation with an armed group and that he died as a result of the state of violence then existing, this Commission came to the conviction that Second Corporal Benjamín Alfredo Jaramillo was killed in an armed confrontation and was a victim of the situation of political violence.

On October 1, 1973, Pedro Rolando PRADO ORTIZ, 19, who was serving his obligatory military service in Regiment No. 6-Tarapacá, was killed. While on guard duty that day at the Iquique cemetery gate he was hit under the left collarbone by a shot from an unknown sniper who took him by surprise and killed him while he was defenseless. In view of the fact that he was protecting public property and that he was killed by a surprise attack against which he had no defense, this Commission came to the conviction that soldier Pedro Prado died of an attack by private citizens who were operating for political reasons and thus violated his human rights.

Finally on November 5, 1973, Hugo Enrique MORA NARVAEZ, 22,

army second corporal, died at the Parral hospital, after being wounded by unknown snipers while he was on duty along the Southern Highway. The cause of death was a "perforating wound to the head." The evidence gathered indicates that at the moment when he was killed he was engaged in normal armed services duties and that he was hit by a gunshot without any chance to defend himself. Hence this Commission came to the conviction that Second Corporal Hugo Enrique Mora died of a shot fired by private citizens who were acting for political reasons and in violation of his human rights.

C. Reactions of major sectors of society to the human rights violations that occurred in the immediate aftermath of September 11, 1973.

1. The attitude of Chilean society

From the beginning and throughout this whole period, the September 11 military coup gave rise to a situation of ongoing violation of the essential human rights of many people, who were-or were assumed to be-members or supporters of the previous government. These were primarily the rights to personal freedom, to a fair trial, to physical integrity and to life. Initially this situation prompted almost no public reaction, except from the churches, primarily the Catholic church.

Some of the decisive reasons for the lack of reaction from society as a whole were fear of being branded an enemy of the new regime, with all the potential consequences, astonishment at the dizzying pace of events, and ignorance of what was happening. Another factor was that our national culture was deficient in the area of human rights.

As people became aware of what was happening, major sectors of public opinion allowed, tolerated, supported, and even concealed the violation of the human rights of people accused of belonging to, or sympathizing with, the Popular Unity. Such attitudes were justified on the basis of actions that these people had committed or were going to commit. It became common to allege that such people were planning to kill their opponents, and thus explanations for repression were based not so much on what the victims had done but rather on what they were said to be planning to do.

The deep conviction that every person's human rights must be respected, and especially the most essential of those rights, no matter what the accusations against such persons might be or the harm they are alleged to have caused, did not win the day in our country. It is not our role to take a position on the moral responsibility that may fall to society as a whole as a result of its failure to react in a timely and vigorous fashion to what was happening. Nevertheless we believe that

what happened should lead all Chileans to reflect on the grave omission that was ours.

2. The attitude of those making up the new regime

Within the new regime there emerged no self-criticism that might guide the behavior of the new authorities so as to assure respect for the human rights of those who had been defeated. Nevertheless, when they became aware that the methods of repression were assaulting essential human values, some people raised their voice to protest that these methods were wrong. In the course of its investigation, this Commission noted that some members of the armed forces and security forces drew the attention of their superiors to the seriousness of what was happening. Likewise, the Commission heard of at least one instance in which a soldier was executed by firing squad for having told his superiors that he was unwilling to take part in executions.

Such attitudes, however, found little echo, because people readily accepted the prevailing current of opinion, or they acquiesced to a poorly understood principle of due obedience, or they believed it was necessary to maintain silence about what was happening so as to better defend the honor of their institutions, or they feared the consequences that a critical attitude might unleash. This matter is examined in greater detail in Chapter One of Part Two.

3. The reaction of the churches

The only really significant reaction to this pattern of human rights violations came from the churches, since they had the means and the willingness to react. In this regard we should emphasize the work of numerous priests and ministers in protecting many people who were being pursued. A number of them were arrested or had to leave the country for such efforts. The Catholic church's reaction was twofold: 1) in its teaching activity directed toward the whole community and, 2) in the concrete action of aid and protection to the victims of human rights violations. A number of religious groups were involved in this latter work.

a. Teaching activity of the churches, especially the Catholic church

It was the Catholic church that did the most in this area. Starting in September 1973, it issued a series of statements and documents that reflected its stance of searching for ways in which Chileans could draw together and urging the necessity of true respect for human rights. We now quote passages from some of the bishops' statements issued during this period to exemplify the position taken by the Catholic church on these issues:

* Paragraph 3 of the Statement by the Bishops Permanent Committee on the situation of the country, September 13, 1973

expressly states, "we ask for moderation toward those who have been defeated (...) may there be no unnecessary reprisals."

* Bishops' statement on reconciliation in Chile, April 24, 1974 (point No. 4) reads: "the basic condition for a peaceful common life is the full observance of the state of law, in which the constitution and the law serve as a safeguard for all our rulers [sic]. As pastors, however, we see objective obstacles to reconciliation among Chileans. Such situations can be overcome only through unlimited respect for those human rights that have been formulated by the United Nations and Vatican II, and which the [military government's] Declaration of Principles have correctly called 'natural, prior to, and higher than the state.' Respect for human dignity is not real without respect for those rights. Our first concern is the climate of insecurity and fear, whose source we believe can be seen in public statements, false rumors and the lack of participation and information. Finally we are concerned in some instances over the lack of effective legal safeguards for personal security, which is being translated into imprisoning people arbitrarily or for excessive periods when neither they nor their relatives know the specific accusations for which they are being held; into interrogations with physical or moral torture; into constricting the possibility for legal defense; into different sentences for the same causes in different places; into restrictions placed on the normal use of the right of appeal."

Another testimony to the Catholic church's peacemaking activity was the celebration of the ecumenical Te Deum on September 18, 1973 in the Church of National Gratitude. Cardinal Raúl Silva Henríquez presided over that ceremony, and the members of the military junta and former presidents Gabriel González Videla, Jorge Alessandri Rodríguez, and Eduardo Frei Montalva were also in attendance.

- b. Specific action by the churches to aid and protect the victims of human rights violations
 - 1) Committee of Cooperation for Peace in Chile

On October 6, 1973, through archdiocesan decree No. 158-73 the archbishop of Santiago, Cardinal Raúl Silva Henríquez, created a Special Commission to aid the needy in order to "take care of Chileans who may be in grave economic or personal necessity as a result of recent political events." It was noted that the commission "will seek to give legal, economic, technical and spiritual assistance." Likewise the archdiocesan decree stated that the commission should establish relationships with different

religious organizations so as to mutually and ecumenically develop programs to serve those being persecuted or who had been harmed by recent events.

Such was the origins of the Committee of Cooperation for Peace in Chile (also known as the Committee for Peace or COPACHI) which was composed of the Catholic, Evangelical Lutheran, Evangelical Methodist, Orthodox, and Pentecostal churches, and the Chilean Jewish community.

During this period the Committee for Peace was the only institution carrying out the important function of aiding the victims, with the risks and limitations deriving from the situation at that time. Soon the structure of the Committee for Peace was being gradually strengthened and broadened as a growing number of people came to work within it, and as it extended its activities to different parts of the country with the cooperation of bishops of other dioceses.

2) National Commission for Refugees

Almost simultaneously with the creation of the Committee for Peace, its member churches created another body, likewise ecumenical, called the National Committee for Refugees (CONAR). The purpose of this institution was to aid refugees, and Protestant churches took charge of it. CONAR was able to resettle about five thousand people in other countries. The government was largely willing to accept its activity because it recognized that CONAR was helping resolve a difficult political problem.

4. The attitude of the media

One of the first measures adopted by the government of the armed forces and security forces was to establish absolute control over the media, which were closed, dismantled or placed under rigorous prior censorship. As of September 11 newspapers like El Siglo, Clarin, Ultima Hora, Puro Chile, and magazines like Ahora, Ramona, Punto Final, Mayoría, Paloma, Hechos Mundiales, Onda and others, disappeared. The news agencies Prensa Latina (Cuban), CTK (Czechoslovakian), and many radio stations throughout the country such as Magallanes, Corporación, and Luis Emilio Recabarren, were closed. The media that were allowed to continue to operate were subjected to prior censorship, which was applied systematically and across the board until approximately December 1973.

The few remaining media generally supported the new regime. They were therefore willing, especially at the beginning, to publish and

broadcast whatever information the new government asked them to present about people who had been part of the previous government. Such reporting had a serious impact on their human rights. The media did so without making efforts to verify the truth of such information. In many instances what they reported was not true, as has been proven subsequently. We should especially note the publication of unverified reports of alleged escape attempts or armed confrontations that served to justify in public opinion the killing of many people, and likewise affected their good name and dignity. Disinformation provided to public opinion in these matters undoubtedly furthered human rights violations in our country.

5. The attitude of political parties

There is no evidence that political parties or civilian groups were involved in organizing the military operation that overthrew President Allende. The left political parties constituting the political base of the Popular Unity government that was overthrown September 11, 1973 were completely dismantled. Arguing that "it is the task of the new government to eradicate Marxism from Chile," Decree Law No. 77 of 1973 prohibited "as illicit associations, the Communist, Socialist, and Radical parties, the Popular Socialist Union, MAPU, Christian Left, Independent Popular Action, and all entities, groups, factions, or movements that advocate Marxist teaching, or by their aims or the behavior of their supporters are in substantial agreement with the principles and objectives of such teaching." With the exception of the Popular Socialist Union, these groups were all part of the Popular Unity Coalition that composed President Allende's government. Their offices and property were confiscated and their active members and supporters were often persecuted.

These political parties were consequently prevented from reacting to what was happening in any coherent manner. Nor could their representatives do so as individuals, although some of them who happened to be outside the country denounced the human rights violations that began to occur in Chile.

The new government immediately proposed to abolish all party activity. Decree Law No. 77, which made leftist political parties illegal associations, was followed by Decree Law No. 78 (also 1973), which declared all the remaining political parties to be in recess. As a result political parties were prevented from reacting in a coherent or institutional manner to what was happening. Representatives of these parties were limited to making personal statements, which, however, probably reflected the positions of their particular organizations.

We should nevertheless single out certain very early statements by

some representatives of the Christian Democrat party who expressed their concern for the human rights violations. Later in February 1974, in what was an exception to the silence imposed on political parties, the Christian Democrat party issued a statement in which the human rights violations then occurring were among the issues raised. That statement was published outside the country. On the other hand, prominent party representatives initially made other statements in support of the military junta and claimed that the action that took place September 11, 1973 had prevented the establishment of a communist dictatorship.

Representatives of right-wing political parties made similar kinds of statements, and unanimously supported the September 11 military intervention for the same reasons. During this period representatives of right wing parties took no public position on the human rights violations then taking place. That does not mean that some of them might not have made private efforts on behalf of those affected.

This question is also discussed in Chapter One of Part Two of this report, which discusses the political framework.

6. The attitude of professional people and their associations
In the realm of human rights many professional people did not live up to the ethical standards of their various professions. Such is the case, for example, of doctors who took part in torture sessions or did not denounce such sessions when they were brought to their attention, who wrote death certificates or autopsy reports that did not indicate the true cause of death, or who did not provide information on what had been done with people's bodies even when they knew. That is also the case of lawyers who were willing to participate as prosecutors or judge advocates in war tribunals that did not observe the rules for due process, thereby permitting people whose guilt was not legally established to be found guilty and sentenced. Likewise it may be assumed that out of inadvertence or for other reasons, some lawyers provided help in drawing up certain decree laws without pointing out that they might lead to actions violating human rights.

In addition to the individual behavior of such professionals, it may be added that their various associations failed to play their normal role of maintaining a degree of ethical oversight over their members, either because the circumstances made it impossible, or perhaps out of an unwillingness to do so.

In any case, counterbalancing such attitudes, a number of professional people as individuals began to react to events in a positive manner and took a firm position in defense of human rights, by exercising their right to petition the new authorities, representing the victims in the courts,

using their personal influence within the regime, or joining organizations to defend human rights.

7. The reaction of the victims and their relatives and of human rights organizations
 - a. Organizations of victims and victims' relatives
Many factors prevented the relatives of victims of human rights violations from becoming organized and coordinating their efforts on behalf of their loved ones. They included Chile's lack of any experience in dealing with situations in which the Constitution could not be invoked and human rights were being violated systematically, as well as fear of reprisals. Relatives made their efforts individually, often seeking help from members of the armed forces and security forces with whom they had family ties or social connections.
 - b. Human rights organizations
The human rights organizations that played some public role during this period were the Committee for Peace and the National Commission for Refugees, which have been discussed above.
8. The attitude of other mediating institutions
The legal framework and the de facto situation in Chile in the aftermath of September 11, 1973 prevented mediating institutions from adopting any kind of critical reaction to what the military were doing-and specifically from raising the issue of human rights. Among the measures taken against such institutions we may mention the canceling of the legal status of the CUT labor federation September 17, 1973; the prohibition of elections in unions, community organizations, and professional associations; and the persecution of the leaders of unions, student organizations, neighborhood associations and other institutions that had supported the previous government.
9. The reaction of the international community
Many countries in the international community were displeased with the military intervention that ended President Allende's government by rupturing the existing institutional order framework. They believed that a constitutionally elected democratic president had been deposed. Relations with a number of countries consequently deteriorated as a result of the military intervention and the human rights situation. The most serious of these effects were perhaps the breaking of diplomatic ties with a number of these countries, such as Mexico, and the withdrawal of the Italian ambassador. There were also serious problems with Colombia, Venezuela, West Germany, Belgium, France,

Sweden and other countries.

We should highlight the active participation of a number of nations in aiding the departure of people who had taken asylum in various embassies in our country, as well as their role in obtaining from the Chilean government permission for political prisoners to leave, and their granting of asylum to people who feared they were going to be arrested.

International organizations worked intensely on human rights violations in Chile starting in 1973. The "Chilean case" occupied an important place on their agenda throughout the period of military rule and began to decline only toward the end of that period. In these organizations (United Nations, Organization of American States) many countries offered their support by voting to condemn the Chilean government. Such actions had a number of repercussions in our nation in the realms of politics, economics, foreign investment, and so forth. Hence the military government was often forced to take measures aimed at avoiding the consequences of such pressures.

During this period the Interamerican Human Rights Commission of the Organization of American States played the major role. Starting in 1973 it made inquiries to the Chilean government on particular situations and made observations and recommendations related to respect for human rights in Chile. Among its activities during this period we should especially note the visit to the country by the executive secretary of the commission in October 1973 and the report he prepared as a result. The activity of the United Nations High Commissioner on behalf of refugees and by the International Red Cross on behalf of political prisoners deserves special mention.

We should also mention visits by representatives of international non-governmental institutions such as Amnesty International and the International Commission of Jurists which gathered complaints about human rights violations and made efforts to limit their effects. To that end some of them met with administrative officials and members of the Supreme Court. The presentation made by Amnesty International and the International Commission of Jurists on September 15, 1973 requesting the United Nations to intervene in view of the threats to life in Chile should be singled out as an important and immediate reaction by international non-governmental human rights organizations.

Chapter Two: 1974 through August 1977

A. Human rights violations committed by government agents or persons working for them

1. Overview

a. Periods and significant dates

The study carried out by this Commission makes it clear that 1974-1977 stands apart as a distinct period. During those years, the DINA (National Intelligence Directorate) was responsible for most of the political repression, although the other intelligence services were also at work. It was during this period that most of the forced disappearances took place, and the DINA was the main agency that used such a method to eliminate people. Certainly many disappearances took place in the latter months of 1973, but for the most part these were efforts to evade responsibility for murder by hiding the bodies. By contrast, the instances of disappearance after arrest in the 1974-1977 period reflect a pattern of prior planning and centralized coordination. These features indicate that the intention was to eliminate particular categories of people, namely those who were regarded as politically very dangerous.

As was indicated earlier, by late 1973, after it had fully taken power, the military government began to consider implementing profound changes. The junta accordingly concluded that a state intelligence agency had to be created to aid it in this process and to combat what were perceived to be obstacles. The main obstacle seemed to be the existence of political forces that had been defeated but which had the potential to reorganize both underground and outside Chile. Such was the origin of the DINA.

Although it cannot be said that the DINA was created expressly for unlawful repression, in practice it was an unlawful organization. Amidst its broader intelligence functions, the DINA engaged in repression against those whom it perceived as political enemies. This portion of the report deals with the very grave consequences of its activity. It is due to those consequences and the unprecedented characteristics of this security agency that the Commission must explain in detail how repression was carried out during the 1974-1977 period. Knowing the truth about what happened in this regard is not simply a moral duty; it is an absolutely necessary step toward preventing such atrocities from ever being committed again.

The years 1974-1977 should not be understood as a rigidly defined period. During the first few months of 1974 and even later in both Santiago and the regions there were human rights violations that followed the patterns of repression of late 1973. Transgressions of that nature that took place in 1974 and even later are included in this part of the report.

In order to better understand the chronology of the period about to be examined it is also important to note the following:

* As was already mentioned in Part Two, Chapter Two and will be further explained in this chapter, the DINA was formally created in June 1974. However, the beginnings of the organization can be traced back to November 1973 or even earlier. The DINA was dissolved in August 1977 and replaced by the National Center for Information (CNI).

* The so-called Joint Command operated from approximately late 1975 until late 1976, mainly in the city of Santiago. This group, in which the air force played the major role, coordinated intelligence activities and political repression. The Joint Command was responsible for many forced disappearances.

* During this period the intelligence services of the various armed forces and the police were also at work. Before the appearance of the Joint Command in 1974 and for part of 1975, the SIFA (Air Force Intelligence Service), which was later known as DIFA (Air Force Intelligence Directorate), was operating parallel to the DINA, and to some extent, in competition with it. This organization is not regarded as having carried out forced disappearances in 1974. Some of its members, however, belonged to the Joint Command. The SICAR (Police Intelligence Service) was also at work during this period but it was more under the control of the DINA. Later some members of the police became part of the so-called Joint Command. The activities of the SIN (Naval Intelligence Service) took place mainly in Valparaíso and Concepción, as will be explained below.

* In 1974 the MIR bore the brunt of the disappearances resulting from repressive activity by intelligence services, primarily the DINA. In 1975 many of the disappeared belonged to the MIR and the Socialist party. Starting in late 1975 and in 1976 most of those who disappeared were from the Communist party.

* Starting in 1974 (and perhaps even in late 1973) the DINA

began to work in Argentina, and later in other Latin American countries, the United States, and Europe. In 1976 or perhaps earlier, a coordination network was set up between the intelligence services of the Southern Cone (including such services from Chile, Argentina, Uruguay and Paraguay) at the initiative of the DINA and apparently under its coordination. As a result it was possible to carry out joint activities through operational plans code-named "Condor." These plans included eliminating political opponents.

b. The DINA: the main intelligence service engaged in political repression in 1974–1977

The Commission examined a great deal of information on the DINA: copies of testimony given in court cases in Chile and elsewhere; other official documents, both Chilean and foreign; private documents from a number of sources; studies prepared by experts in the field, some of them at the specific request of the Commission; statements from individuals who were personally familiar with the DINA because they had worked in it or with it, or for other reasons; newspaper archives; and much testimony given to this Commission by people who had suffered the DINA's repression. Those statements were checked against each other and against the rest of the information gathered. By taking all this information into account, and by paying attention to the quality of the sources and the consistency and harmony between the various sources of information, it was possible to clearly establish certain facts. Many other points could not be established with complete certitude, however, even though they seemed plausible, and hence they have been omitted from this report.

The Commission believes it must outline those aspects of the organization on which it gathered accurate information and which help explain the origins, nature, operating procedure and activity of an organization that was unprecedented in the history of our country and was so destructive of human rights. In this chapter and in the subsequent case material, the DINA is said to have been responsible for the disappearance of hundreds of people after their arrest, for other executions, and for running a number of secret detention sites where torture was practiced systematically. The DINA carried out many unlawful activities, but to examine them case by case would be beyond the assigned task of this Commission. Nevertheless, the nature and extent of these activities can be deduced from the background material provided here.

1. Origins, creation, and main institutional features of the DINA

For a long time the various branches of the armed forces had carried out intelligence activities with the aid of specialized units or services. During the period leading up to September 11, 1973, the kind of intelligence activities that became increasingly significant were those having to do with political parties, especially those on the left, which the prevailing current of thought in the armed forces regarded as more or less internal enemies. After the armed forces and police took power on September 11, gathering information and carrying out political repression became even more important within the various intelligence services.

Shortly afterward, however, as was explained in Part Two, Chapter One, the notion of security held by a particular group of officers, mainly in the army, gradually gained ground. The military government accepted this group's idea that there should be a centralized agency under the direct authority of the government itself, for carrying out intelligence functions in this new phase. One of the most important roles of this new body was the repression of those who were regarded as its real or potential internal enemies.

On November 12, 1973, an army official who was later to be the head of the DINA throughout its whole existence presented the top government and armed forces leaders a complete plan for setting up the National Intelligence Directorate (DINA). Each branch of the armed forces gave its approval to the plan, and the police sent personnel to this new service. During the first few months it is calculated that it had approximately 400-500 members. The DINA was organized rapidly, and some of its first repressive actions took place in late 1973.

As explained in Part Two, Chapter Two, the DINA was created by means of Decree Law No. 521 issued in June 1974. One of the three secret articles of this decree law notes that the DINA is to be the continuation of the commission bearing those same initials that was organized in November 1973. Decree Law No. 521 described the DINA as a "military body of a technical and professional nature, under the direct command of the junta. Its mission is to be that of gathering all information from around the nation and from different fields of activity in order to produce the intelligence needed for policy formulation and planning and for the adoption of those measures required for the protection of national security and the development of the country." By virtue of one of its secret articles the DINA was given certain powers to carry out raids and arrests.

We should note, however, that the DINA cannot be understood simply on the basis of the legal regulations guiding it. Those regulations should be seen in conjunction with other legal provisions for states of exception, which are also noted in Part Two, Chapter Two. Moreover, in practice the DINA and other agencies went beyond that body of regulations, which already gave the security forces an extraordinary latitude to act. The legal framework did not hold the DINA accountable to the law; indeed, in some respects it facilitated the action of a body that in practice was above the law.

Hence the DINA should be seen as an agency that enjoyed practically unlimited power. The upshot was that it could infringe on basic personal rights and use its power to conceal its actions and assure its impunity. These powers, taken in conjunction with the DINA's notions of internal security, the nature and level of danger facing Chile, and the irredeemable character that it attributed to some left activists, led to the most grave practice of forced disappearance of persons. This part of the report presents a detailed account of this practice.

The following more specific features of the DINA contributed to this process:

- * It was an intelligence service of the government, as opposed to others of its kind, which were intelligence services of the armed forces and police. Hence it had a greater capacity for centralized action and could utilize the resources and means of the state.

- * In practice the functioning of this agency was secret and above the law, as has been noted. Its internal organization, composition, resources, personnel, and activity were unknown to the public and were not held accountable to the law. In fact, the DINA was shielded from any control: certainly from the judiciary, but also from other sections of the executive branch, from high level officials of the armed forces, and even from the junta. Although the DINA was formally under the authority of the junta, in practice it reported only to the president of the junta and later the president of the republic.

- * The mission of this agency, which was in practice secret and hence free of outside control and interference, was to gather and assess information which would then be used for important government decisions. The DINA extended its task to investigating

even government officials and members of the armed forces.

* The DINA was a national agency, covering all of Chile (although its structure was not necessarily nationwide), and it carried out operations outside the country as well.

2. Functions of the DINA

It is impossible to provide an exact account of the functions of an agency that operated in secret like the DINA. It unquestionably had very broad functions, and as time went on it usurped others. Decree Law 521 indicated that the DINA had three tasks: a) to gather from throughout the country all information that the government might need for designing its policies; b) to take measures to protect national security; and c) to take measures to promote the development of the country.

Very broad tasks were thus assigned to the DINA. Notions such as "national security" or the "development of the country" may have different meanings. Phrases such as "to gather from throughout the country all information" and "to take measures to protect national security" seem deliberately ambiguous. In practice the DINA had also usurped extremely broad intelligence and security functions in Chile and outside the country. It gathered information, analyzed it, and on the basis of that information, it proposed government policy in the most diverse areas, both domestic and international.

The DINA also had an operational side, that is, it carried out specific actions to achieve its security objectives, as it understood them. The cases attributable to the DINA described further on in this chapter are the most extreme examples of the impact of these operational functions on the basic rights of persons. A large number of this agency's other operations transgressed those rights even though they did not end in the victim's death.

The DINA developed a whole array of activities and programs to serve its main functions. These included controlling public records; establishing a network of collaborators and informers in government agencies; supervising, approving, and vetoing appointments and the granting of certain government benefits; establishing relationships of coordination with other intelligence services outside the country as well as with terrorist groups; and various activities for raising funds, such as establishing different kinds of associations with individuals or companies, or setting up its own companies. Some of these functions are discussed

further on in this chapter.

3. DINA structure, personnel, and command structure

The DINA's structure became especially complex, thus reflecting the variety and extension of its functions, which, as noted, went far beyond political repression. The large number of people working in this agency, estimated to have been several thousand people, reinforces the assumption that its internal structure was complex.

The levels seem to have been as follows: a general command headed by the national director who was served by offices that provided various support services and were under his direct command; departments or sections; brigades; and squadrons. It is also known that there were teams of advisors. The exact number of these hierarchical levels and their interrelationship is not entirely clear. It has been possible to establish that besides the structure dealing with domestic affairs there was a foreign bureau or foreign department (to be discussed in the next section which deals with repressive actions outside Chile). It has also been determined that there were units on one level or another to handle the following functions: operations, government services, telecommunications or electronic intelligence, finance, propaganda or psychological warfare, economic research, and counterintelligence. There is also information on a National Intelligence School. Finally, it is known that professional people provided the DINA with advice on legal, medical, and other matters, even though it is not clear how such advisory services were organized.

The functions of the domestic bureau included all operations; in Santiago its operational branch was the BIM (Metropolitan Intelligence Brigade). There was also a Regional Intelligence Brigade which dealt with DINA units or contacts in the regions. Over time the BIM became better organized and more efficient. Initially the BIM was located in La Rinconada in Maipú, but was then transferred to Villa Grimaldi where it remained. At Villa Grimaldi (the Terranova station as it was known within the DINA) the BIM had a director or chief who had a general staff to handle general intelligence work. It also had a logistics section. However, it was the BIM's operational groups that were most directly involved in political repression.

Initially operations were rather disorganized and unplanned. There were various groups or units with names like "Caupolicán,"

"Lautaro," and "Purén." After the BIM moved to Villa Grimaldi there were just two large groups, "Caupolicán," whose primary task was to pursue the MIR, and "Purén," which was responsible for surveillance, detection, and apprehension of the other parties. Each of these two groups was subdivided into five units of twenty or thirty agents, who were most directly involved in repression. Each unit had its own vehicles (whose license plates were false or simply said "DINAR"), weapons and ammunition, offices and other places to work, and housing and benefits for the staff.

At its high point DINA undoubtedly employed thousands of people in different capacities and with different degrees of affiliation. Some were actual DINA agents, whether they had been contracted by the DINA or sent to work in it by a branch of the armed forces or by the police. There were also paid advisors, more or less permanent collaborators or contacts in various government agencies or in private companies, and finally there were other informers.

Although all the DINA's functions taken together meant that a sizeable civilian staff was needed, those persons in charge and most of the personnel in the operational teams came from the armed forces and the police. Army officers filled the highest command positions, although there was an occasional navy or air force officer. Operational command positions were mainly filled by officers from the army and the police. The staff for operations is known to have included members of the army and police as well as an occasional member of the air force or investigative police. The civilians involved included people from nationalistic and far right groups as well as others.

People working in government agencies and companies offered the DINA a great deal of help in various respects. The DINA found agencies such as the Civil Registry, and transportation and telecommunications companies (LAN Chile, the railroad company, the government shipping company, the telephone company, and Entel [National Telecommunications Company]) especially useful.

Among the professional people working with the DINA were a number of doctors who provided their professional services to the organization and sometimes took care of sick or wounded prisoners. There is proof that some of these doctors were present at torture sessions in order to assess the ability of the prisoner to withstand suffering. The DINA also had many contacts and collaborators in the media, both in Chile and among the press

attaches in Chilean embassies in other countries.

Sometimes through torture or other means, the DINA was able not only to bring the prisoner to make a confession or provide immediate collaboration, but even to become a more or less permanent collaborator or even a DINA employee. Such persons lived alongside the other employees in DINA facilities and continued to carry out intelligence functions and repression.

Finally, the DINA established collaborative relationships with political groups of different nationalities, including Cuban exiles in the United States, Argentineans and Italians. Many of these people were terrorists. We will deal with collaboration between the DINA and the so-called Colonia Dignidad in the section on DINA facilities.

As has been noted previously, formally the DINA was under the authority of the junta, but in fact it reported to the president of the junta and the army commander-in-chief. The DINA put itself directly under the supreme authority in this fashion so as to be protected from investigation or interference.

4. Resources

For its financing, in addition to its budget which was classified, and other government resources that were assigned to it, the DINA set out to generate its own income. To that end it set up some firms, went into partnership with others, and developed many complex business operations in Chile and elsewhere. A number of companies likewise donated money to the DINA. It is also known that the DINA often seized vehicles and other property from people arrested and used false identification and endorsements to cash their checks and other forms of money that they had in hand when they were arrested.

- c. DINA's foreign section and political repression outside of Chile
During this period actions of political repression committed outside of Chile against Chileans or people connected to Chileans fell into the hands of the DINA and specifically its foreign section.

1. Origin and formation of DINA's foreign section

The origins of the DINA's foreign structure seems to date back to April or May of 1974. By that time the government, at the urging of the DINA, seems to have decided that actions being taken

against the Chilean government in other countries required some kind of neutralization or counterattack. Such a response entailed not simply intelligence and counter-propaganda but meeting the so-called Chilean enemy living outside the country with actions like those being conducted against underground party activists. The fact that the DINA by this point had already demonstrated an aggressiveness and operational capability that had produced some results within Chile made it easier for it to take on this new role.

Consequently, the foreign department was created and placed directly under the control of the DINA's national director. Officers with experience and training in intelligence from the three branches of the military were assigned to this department. Most of them were already DINA members and were working with a general command, which supported the national director. There is no information to indicate that police served in this department. However, from the beginning civilians from nationalistic groups or from the far right were involved in it.

From 1974 onward the DINA increasingly developed a "foreign capability" which included having operational forces in various countries. They had their own staff, and in some countries its power was augmented by the collaboration of other services and organizations. This department was also able to set up a network for internal and international communications using radio, telex, and computer systems.

2. Functions of the foreign department

One of the main functions of the foreign department seems to have been that of gathering strategic intelligence and counterintelligence. Another was to maintain a degree of surveillance over the official foreign network: the Foreign Ministry, embassies, consulates, and military attaché offices. The DINA was quick to place its staff in sections of the foreign service in order to have access to a flow of direct information, and also to keep watch over the state bureaucracy, which was largely composed of civilians. There was considerable rivalry between the strictly diplomatic staff and those who were working in security.

Although these observations provide important background information, for the purposes of this report it is more important to focus on the DINA's operational capacity outside Chile, that is, how it engaged in political repression through "operations" and

missions conducted outside the country, and how it worked with foreign agencies and groups for that purpose. We have in mind what the foreign department did independently and with others especially (but not exclusively) in Argentina, as it engaged in the investigation, surveillance, apprehension, and even elimination of opposition Chileans who had taken refuge or were living outside the country and were engaged in activities that the military government regarded as dangerous.

From the outset the work in Argentina constituted a special challenge to Chilean intelligence, not only because that country shares with Chile a very long border with many mountain passes, but because the largest number of exiles was concentrated there. Even General Carlos Prats (ret.), the former commander-in-chief of the army, was living there. The murder of Prats and his wife is discussed below. To make matters worse, between 1973 and March 1976, when the military took power, Argentina was in a period of considerable internal strife, much of which was generated by strong and active guerrilla movements, which had ties to parties on the Chilean far left. Hence the DINA decided to take action against those persons who were defined as enemies or as dangerous to national security.

DINA foreign operations, which were initially concentrated in Argentina, were later extended elsewhere. Some of these actions, which were organized as intelligence operations, led to very serious violations of the human rights of many people, most of whom had the status of refugees or political exiles in those countries where the DINA caught up with them. In examining these events the Commission consulted many sources, including judicial investigations carried out in the countries where these serious attacks took place. The Commission also corroborated that information with documentation and testimony that it gathered and took directly.

3. Coordination with foreign security services and political groups

The DINA also sought and established forms of coordination with other agencies and groups outside the country, both with groups that had similar functions of internal security in their own countries, and with political groups that could be useful to it in general or for specific operations. Such coordination was certainly related to operational matters but it was also in keeping with the nature of the enemy as it had been defined: the enemy was Marxist subversion, which, although its expression was national,

reflected a movement that was international in nature and made subversive regional and international alliances.

c.3.1) Relations with like-minded foreign institutions

Apparently it was in Argentina that the DINA was first able to establish or strengthen agreements with like-minded bodies, particularly the SIDE [Argentinean Intelligence Service] and the federal police. This collaboration even enabled the DINA to secretly transport prisoners from Argentina to Chile. After the March 1974 [sic] coup in Argentina relationships were closer and thus the DINA could carry out its own operations in conjunction with the Argentinean security services.

In order to engage in the same kind of political repression in other countries, the DINA took the first steps toward coordinating intelligence services in the Southern Cone, including besides Chile the security services or similar groups in Argentina, Uruguay, Paraguay and Brazil. The group that emerged, which was apparently coordinated by the DINA, came to be called "Condor," although some think that name referred not to the group or community itself but rather to a series of coordinated operations they undertook. The DINA also maintained bilateral relations with various foreign intelligence services, including the CIA.

c.3.2) Relations with foreign political groups

The DINA provided refuge and support to a number of agents and leaders of these foreign extremist political groups. Many of them supported or had been directly involved in terrorist actions. Members of Cuban nationalist groups, including some who were wanted for crimes in various countries, came to Chile to visit or to hide, and received help from the DINA. The DINA used some of them in its foreign operations in Mexico and the United States. One example of such cooperation was the murder of Orlando Letelier and Ronnie Moffit in Washington D.C., which is described later in this report. The DINA also had relationships with various nationalistic Argentinean organizations, and with people connected to what was called the Argentinean Anticommunist Alliance (the "Triple A").

The DINA gave at least some of these groups money, weapons, and other advantages such as the opportunity to take refuge in Chile. In return they helped carry out some criminal attacks committed in other countries and were involved in

planning for others that were not carried out.

4. Means and resources that facilitated the work of the foreign department

The DINA's foreign department was able to keep under surveillance all persons entering and leaving Chile, including foreigners and those who had contact with them. It also had its own personnel in the main airports in Chile and in the United States, and had informers in important airports in Europe and Latin America.

It has already been noted that the DINA had staff members or collaborators in the Chilean diplomatic service. Outside the country it had members in key positions or had collaborators in offices of the Banco del Estado and LAN Chile in South America, the United States, and Europe. Some LAN Chile pilots are known to have carried out assignments for the DINA.

- d. The Joint Command and other agencies for political repression during the 1974–1977 period
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The so-called Joint Command was an intelligence group that operated approximately between late 1975 and late 1976, and whose main purpose was to suppress the Communist party. It has been established that it was responsible for the disappearance of about thirty people during this period. The Joint Command was also probably responsible for some other incidents in which the Commission has not been able to fully determine the institution or group to which the government agents who arrested the person belonged.

The Joint Command was not formalized in any institution but operated de facto. It was composed primarily of DIFA (Air Force Intelligence Directorate) agents; later on members of DICAR (Police Intelligence Directorate) played a significant role. To a lesser extent agents from SIN (Naval Intelligence Service) and DINE (Army Intelligence Directorate) were also involved. Finally members of the Chilean investigative police and civilians who belonged to nationalistic or far right groups were also involved.

Our concern at this point in the report is to provide

information on how forced disappearances were carried out, and hence we must take note of the Joint Command. However, this information must first be rounded out with a quick look at the action of other intelligence services and the relations some of them had with the Joint Command.

1. Various intelligence services

During 1974 and 1975, before the creation of the so-called Joint Command, each intelligence service carried out repression independently, although of course the DINA's actions were the most significant.

d.1.1) Air force intelligence agencies

During 1974 the SIFA (Air Force Intelligence Service), which later became the DIFA, played a significant role in repression. The SIFA fell under the command of the office of operations of the air force general staff. It engaged in activities traditionally regarded as those of professional intelligence, but a special operational group was involved in political intelligence and repression. The primary target of this group's repression was the MIR. It operated in the Air War Academy and worked very closely with the air force prosecutor's office. It was staffed by air force personnel and some members of the investigative police.

In 1974 there was serious friction and rivalry between the SIFA and the DINA over repression against the MIR. The two agencies often argued over who would arrest major MIR figures, and consequently they sometimes raided the house of the same person simultaneously or one after the other. Although the SIFA was guilty of serious abuses, such as the practice of torture, it did not practice forced disappearance as a matter of policy.

In early 1975 the DIFA replaced the SIFA. The change was not in name alone, but reflected a new necessity as understood by the top Chilean Air Force officers: to broaden the scope of intelligence services, to better guard against possible infiltration, and to be more effectively involved in neutralizing the internal enemy, and especially the Communist party. The DIFA fell under the air force high command, but often provided information and received instructions directly from the air force commander-in-chief. Structurally the DIFA was composed of two areas or departments, each of which was divided into six or seven sections. One of these sections was called "Special Operations,"

and it operated in the so-called Joint Command.

The Chilean Air Force contracted civilians to work in its intelligence service. Many of them had been active in nationalistic or far-right groups. They now began to work as agents and were given a rank. Some of them were among the most notorious members of the Joint Command. Moreover, some members of the investigative police who had been involved since the period of the SIFA and the Air War Academy were part of the Joint Command. These officials later went back to the investigative police.

d.1.2) Intelligence agencies of the police

The police initially had what it called SICAR (Police Intelligence Service) whose offices were located on one of the floors of the building at Avenida Bulnes No. 80 in Santiago. SICAR's largest division was that of "operations." The head of SICAR was directly under the authority of the national chief of the police. DICAR (Police Intelligence Directorate) was set up to replace SICAR after mid-1974. Its director likewise reported directly to the head of the police. In the provinces certain services still operated under the name SICAR. The DICAR was headed by a chief and an assistant. Together they oversaw five departments, covering a range of functions, including intelligence, counterintelligence, information analysis, and protection of certain public services.

Although apparently none of the DICAR staff actually belonged to the DINA, many police officers worked in the DINA by being assigned to it starting in 1973, but they continued to be paid through the police. Nevertheless, the DINA and the DICAR worked closely together through an official liaison. Moreover, the heads of both agencies were in direct communication from the outset.

Due to this collaboration, the police usually handed over to the DINA those people whom they arrested who had political connections that might be of interest to the DINA. To do so they communicated in code with the DINA through the patrol car radio center, broadcasting over a secret frequency. There was never any formal record of people who were turned over to the DINA.

The operations section of the DICAR was responsible for carrying out arrests. It was located at a building on

Calle Dieciocho No. 229, at the former site of the El Clarín newspaper. Its equipment for surveillance and detection was very up to date.

d.1.3) SIN and DINE: Navy and army services

During the period of greatest persecution against the MIR in late 1974 and early 1975, the SIN (Naval Intelligence Service) took on this task in the area of Valparaíso. It carried out arrests, and used the Almirante Silva Palma garrison in Valparaíso as a center for jailing and torturing people. The connection between naval intelligence and the DINA is unclear. The DINA carried out most of the repression against MIR in Valparaíso when it moved to the Maipo Regiment in the summer of 1975. The SIN seems to have recognized that the task fell to DINA, since there is evidence that it worked with the DINA in that operation, and it later handed over the prisoners it was holding to the DINA.

In Santiago, one naval officer or another was involved in running the DINA, and SIN agents seem to have come into the Joint Command in February or March 1976 and to have been a part of it until it was disbanded at the end of the year. Some members of the DINE (Army Intelligence Directorate) were also involved in the Joint Command, but apparently only for a brief period.

d.1.4) Regional Intelligence Service in Concepción

During the period when the MIR was under the heaviest persecution, the SIRE (Regional Intelligence Service) whose members came from various units in the area of Concepción-where the MIR began-took on the task of combatting it. Army and navy officers were part of SIRE's leadership, while the lower ranks were made up primarily of navy personnel, along with significant numbers of police and investigative police.

This agency arrested people, held them at different sites, and tortured them. It was responsible for some of the killings described further on. There is evidence that some friction arose between the two agencies when the DINA carried out operations in Concepción. However, in general the SIRE seems to have acknowledged the DINA's right to operate, since on a number of occasions it turned over its own prisoners to the DINA.

d.1.5) The so-called "intelligence community"

The creation of the so-called intelligence community signalled the beginning of more regular connections between the various intelligence services of the various branches of the armed force and the police. Starting in 1975, the DINE, SIN, DIFA, and DICAR [intelligence services of the army, navy, air force and police] operated out of the same building in Santiago (Calle Juan Antonio Ríos No. 6). The purpose of working in a single building seems to have been to centralize some administrative aspects of intelligence work, but it did not mean carrying out joint operations, at least not initially.

Each week the heads of the various intelligence services met at the building to exchange pertinent information. The head of the DINA was present at these meetings. From the time the intelligence community began to operate until the end of August 1975, despite the connections we have noted between the DICAR and the DINA noted above, each intelligence bureau or service operated independently in carrying out repression. They did collaborate, however, in the areas of administration and staff training.

2. Creation and functioning of the Joint Command

Various ideas about the Joint Command and particularly its relations with the DINA have been proposed on the basis of one aspect or another of the vast amount of information that has been gathered. Although many aspects of this operation remain obscure, we here present what seems to be the most plausible account on the basis of available evidence.

The DINA's rapid rise, the broad scope of its activity, and the fact that it was closed to the oversight of even the highest ranking officers of the armed forces, aroused fear and concern among many in the military and even in intelligence agencies. These reservations seem to have increased after a September 1975 confidential written order from the president was sent to the commanders-in-chief through official documents from the Ministries of Interior and Defense. In that document the president ordered that only the DINA was to arrest people who violated the prohibition of political activity. The DINA was also to be notified if leftists were discovered to be infiltrating the branches of the armed forces.

The DIFA argued against this instruction on legal

and other grounds, but it was not changed. The air force seems to have decided to go ahead with the operations in which the DIFA was already engaged, particularly against the Communist party. When the "Joint Command" is mentioned in the latter months of 1975 the references is probably this activity by the DIFA carried out by a special squad or brigade in which civilians from nationalistic or far right groups were also involved. Toward the end of the year members of other services became involved, and one could indeed speak of a Joint Command, although the air force always played the predominant role.

In practice the Joint Command was often in open competition with the DINA. Nevertheless, it is not clear whether the creation of the Joint Command was in direct disobedience to the instruction. There may also have been something of a compromise by which other intelligence services were formally offered the opportunity to take part in repressive actions under the overall tutelage of the DINA. In practice that compromise and tutelage may have tended to turn into parallel efforts and competition between the Joint Command and the DINA, perhaps continuing to express the rivalry existing between the SIFA and the DINA since 1974.

After a successful operation by the police in December 1975, the DICAR was brought into the Joint Command, along with some members of the investigative police and civilians from nationalistic and far right groups. Some agents from the SIN and the DINE were also admitted, but they soon withdrew.

In early 1976 tensions between the DIFA, which played a central role in the Joint Command, and the DINA prompted the air force commander-in-chief to withdraw those air force members who had been assigned to the DINA. Friction between the Joint Command and the DINA sometimes went to criminal extremes. Three members of the Joint Command who were suspected of having leaked information to the DINA were arrested. One of them was discharged, and the other two were executed. Their bodies were found in the Cajón del Maipo area (their cases are described in this chapter).

As noted above, the primary aim of the Joint Command was to suppress the Communist party. To that end one of the heads of the Joint Command was given the mission of obtaining information on the party's activities in Santiago's southern sector, which was militarily under the responsibility of the air force. The arrest of some Communist activists in the area who agreed to

collaborate with the Joint Command enabled the group to gather detailed information on the structure and membership of the Communist party, which when combined with what the various intelligence services already knew, was of great help in achieving that objective.

The Joint Command operated in the city of Santiago. During this period there was also a certain Joint Intelligence Unit, but not much is known about it. Aside from a few indications, there is no concrete evidence that the Joint Command carried out operations outside the country.

- e. Detention and torture sites and other places used by the agencies for political repression during the 1974–1977 period
This section will describe torture practices in some detail in presenting how prisoners were treated at particular sites. The following section (f) will then deal with torture in more general terms.

1. Kinds of sites

We are here dealing with facilities used by the DINA, the Joint Command, and other agencies for political repression during the 1974-1977 period. Of course there were a number of places that the various agencies used as offices. These will simply be noted in passing. The sites where people were held under arrest as a result of political repression fit into the following categories:

* Secret detention and torture sites. Some of the prisoners brought to these sites were released after a period of confinement and torture. Others were taken out and killed, and continue to be "disappeared after arrest," except for a few exceptional cases in which the body was discovered. Others were transferred to facilities where torture was not practiced but where they were unable to receive visitors. They then either went to facilities where visitors were permitted, or were released, or returned to secret detention and torture sites from which some were released and others "disappeared."

* Detention sites where torture was not practiced but where visitors were not allowed and no one but members of the intelligence agencies were admitted.

* Prison camps, like Tres Alamos or Ritoque, where people were held under arrest by order of the executive branch. The prisoners' relatives and others were allowed to visit. These sites

were not administered directly by the DINA or other intelligence services. This report does not deal with such sites.

* Jails and prisons holding people whose cases were being processed or who had been sentenced. These sites are also largely ignored in this report.

2. DINA facilities

Tejas Verdes

Used primarily in DINA's early phase in late 1973 and early 1974, the secret detention and torture facility at Tejas Verdes has been described in some detail in the previous chapter, which covered the later months of 1973.

Cuatro Alamos

No one outside the DINA had access to the prison site of Cuatro Alamos, except occasionally members of other intelligence services. It underwent little change throughout the whole period in which the DINA was actively at work.

The DINA administered Cuatro Alamos directly. It consisted of a series of twelve small cells, one large cell, and offices. Together they made up a complex that was inside the Tres Alamos prison camp (located on Avenida Departmental near Avenida Vicuña Mackenna in Santiago). Cuatro Alamos was set apart from the rest of this camp which was run by the police.

Some prisoners were brought to Cuatro Alamos immediately after arrest, but most were sent there after being held at some secret detention and torture site. There was usually no official acknowledgement of the arrest of people who were held at Cuatro Alamos. People were not tortured there, and life was relatively easier than it was at other detention sites.

Prisoners at Cuatro Alamos could be taken back to secret detention and torture sites or they might be taken out to accompany DINA agents as they were making arrests, if circumstances so warranted. These prisoners might spend a great deal of time in this situation of waiting or being "available." The prisoner might also be removed from Cuatro Alamos and "disappear." In such cases the arrest was never acknowledged, even though many people might have seen the prisoner. Those who were no longer needed for interrogation or for making arrests

and who had recuperated from the treatment they had received elsewhere were usually transferred to Tres Alamos or some other officially acknowledged detention site. From that moment on, they could receive visitors and were included on the official prisoner lists.

Initially efforts were made to keep Cuatro Alamos a secret detention site. No one was to know about its existence and location. In order to keep it secret, prisoners were blindfolded when they were brought in, and when it came time to release them, they were blindfolded and taken out and left on a public thoroughfare. As time went on, it became impossible to maintain it a secret, and government officials occasionally, if hesitantly, acknowledged the existence of Cuatro Alamos as the solitary confinement building at Tres Alamos.

Strictly speaking, the prisoners were not allowed to communicate with anyone outside, but they did maintain contact with their fellow prisoners (from two to six or even more in the small cells and from twenty to fifty or more in the large cell). The food and other conditions were poor but better than they were at other detention sites, and hence the prisoners, who usually arrived in very poor shape were able to recuperate to some degree. The staff at Cuatro Alamos were under DINA authority, but were not involved in operations. These were guards and staff who were apparently under the command of an officer from the national prison service who had been admitted to the DINA.

Londres No. 38

This secret detention site was located in downtown Santiago as the address indicates. DINA members operated here from late 1973 until approximately the end of September 1974. This and other DINA sites were previously owned by leftists or left organizations and had been taken or confiscated from them. Londres No. 38 had been the Socialist party office for the district of Santiago.

The treatment of people at this location exhibits the features typical of DINA's first phase, many of which continued: immediate questioning and unlimited torture, continual humiliating treatment, a large number of prisoners, and working under pressure in which excesses and mistakes did not seem to matter. During this first period not enough information had been gathered on the underground political activity to be stamped out, the methods of repression had not been refined, and the DINA did not have all the

resources it would later have at its disposal.

The site itself was a relatively spacious older house but it was too small to house the swollen number of prisoners it eventually held and still carry out its other functions. Up to sixty prisoners were held blindfolded in a large living room. Chairs were put out during the day and mattresses came out at night. Prisoners were continually being taken out of this common living room to other rooms for questioning and torture, or they were taken out to make further arrests. Food was also distributed in this room, although at irregular intervals, and it was unsatisfactory in both amount and quality.

The preferred torture method was to apply electricity or the "grill." Probably the most characteristic form of torture here—one made easier by the greater confusion of the initial phase of the DINA in which it was not only the suspect who was arrested but also his or her relatives and associates—was that of putting pressure on prisoners by arresting and torturing their close relatives. These family members were even abused sexually in their presence. Although the prisoners were treated harshly, the crowding and confusion characteristic of this initial period allowed the prisoners to have a good deal of contact with one another and to share information very quickly.

José Domingo Cañas

This was a house in Santiago at the corner of Calle José Domingo Cañas and República de Israel, which operated as a secret DINA detention and torture site from August to November 1974. It was used during the transition between the closing of Londres No. 38 and the beginning of operations at Villa Grimaldi. The number of prisoners varied, and they were interrogated under torture in ways very similar to those used elsewhere.

Prisoners were kept in a relatively large common room like that at Londres No. 38 and in a place called "the hole" which was rather like a pantry, with neither windows nor fresh air. Sometimes as many as ten prisoners were packed into this space, measuring approximately one meter by two, and there was little air. Lumi Videla died at this site during a torture session, as will be described in this chapter.

Villa Grimaldi

Located in Santiago in the 8200 block of Avenida José Arrieta

in the La Reina district, Villa Grimaldi was the DINA's most important secret detention and torture site. DINA agents called it the Terranova barracks, and it was already operating in 1974 as the headquarters of the Metropolitan Intelligence Brigade (BIM).

More and more units were gradually transferred to this area. Villa Grimaldi includes a large amount of land, and additions were made to its buildings (now demolished) to accommodate the various functions that were gradually added. The first prisoners apparently arrived in mid-1974 although they began to arrive in greater numbers only toward the end of that year. In early 1975 Villa Grimaldi became the center of operations for the BIM, which carried out repression in Santiago itself. The operational teams had their headquarters in Villa Grimaldi. They took prisoners there for initial interrogation after arrest. They had places and equipment especially prepared for the various kinds of torture. They also held prisoners who were no longer being tortured, sometimes for long periods, while they awaited further possible interrogation or a decision on what was to happen to them.

As the number of prisoners expanded, new places were reconditioned to hold them. These places differed from one another, apparently in accordance with the situation of the prisoner and the effects they were expected to produce. Although the main buildings had been demolished when the Commission visited the area, by observing the layout of the foundations and ruins it was possible to confirm the following description.

The most characteristic places where prisoners were held at Villa Grimaldi were:

* "The tower." This was in fact built like a tower with a water tank on top. Inside it there were ten tight spaces for holding prisoners, about 70 by 70 centimeters [two feet square] and two meters high with a tiny door at the bottom which one had to enter on one's knees. There was also a torture chamber in the tower. One or two prisoners were held in each of these cells completely isolated. When there were two prisoners in one cell it was very difficult for them to fit together, and it was especially difficult to sleep. Apparently those who were taken to the tower were prisoners of some importance whose period of intensive interrogation was over. Many of those held in the tower were never seen again. For example, Ariel Mancilla, one of the main leaders of the Socialist party, was taken to the tower after he had been tortured. He then disappeared, as did many others.

* "Chile houses." These were wooden structures intended to hold individual prisoners in isolation. They consisted of vertical sections like closets where the prisoner had to remain standing in darkness for several days.

* "Corvi [acronym of government housing agency] houses." These were small wooden rooms built inside a larger room. Inside each was a two level bunk bed. Apparently this was the place for holding prisoners who were being subjected to more intensive interrogation and torture.

While at Villa Grimaldi prisoners generally were not allowed to wash themselves or change clothing, and they could go to the bathroom only at certain times, with no exceptions. Food was very poor and quite insufficient. These conditions, compounded by torture, led to a notable worsening of the prisoners' health.

There were a number of rooms in Villa Grimaldi especially set up for torture. Some agents applied the various kinds of torture, and others, usually officers, conducted the interrogations, although the officers also sometimes handled the torture instruments themselves. During the interrogation, with or without torture, one of them sometimes took notes on a typewriter.

The most common form of torture was the "grill," which was a set of bedsprings to which the prisoner, naked, was tied and then given electrical shocks on various parts of the body, especially the more sensitive parts such as the lips or the genitals, or on wounds or artificial metal limbs. A particularly cruel variation of this method was to use a metal bunk bed; the person being interrogated was put on the bottom bunk, and on the top bunk a relative or friend was tortured in order to increase the pressure even more.

Another frequently used torture method was suspension or hangings. The person was hung from a bar, either by the wrists or by the wrists and knees. Either way the pain produced by the pull of the body's weight over a long period of time was augmented by the electric current, beating, cuts, and insults.

At Villa Grimaldi people's heads were often submerged in a container of usually filthy water or some other liquid, and were held down to near suffocation. A similar effect was produced through what was called the "dry submarine," which consisted of placing a plastic bag on the person's head to cut off air, also to the point of suffocation.

In addition to these methods, people were tortured and mistreated by being beaten in all kinds of ways, ranging from violent beatings that left serious injuries, to being hit without warning many times while blindfolded. Drugs were used at Villa Grimaldi to get people to talk. At one time there were efforts to hypnotize prisoners, but that procedure does not seem to have produced any results.

Besides these widely practiced kinds of torture, agents sometimes used other methods. Witnesses have consistently testified that at one point boiling water or some other liquid was poured over the Gallardo family (whose case is described below) as a way of punishing them, and as an anticipation of their death. This was a way of getting even for the fact that one of them had been directly involved in an act of terrorism: a sneak attack in which a soldier was killed.

Villa Grimaldi was continually in operation, almost around the clock. The operational teams were entering and leaving twenty-four hours a day, and prisoners were brought in at any moment and tortured at all hours. The atmosphere inside Villa Grimaldi was one of general degradation. Besides torture during interrogation, the officers and other agents and some of the guards were always beating and insulting the prisoners.

As the general headquarters for the BIM, Villa Grimaldi housed a team of agents who were involved in various kinds of administrative and logistical support.

The Discotheque or La Venda Sexy

This was the last of the main secret detention and torture sites run by the DINA. Together with Londres No. 38, José Domingo Cañas, and Villa Grimaldi, the Discotheque was one of the places where many of those who would later be the DINA's "disappeared prisoners" were held during this period. For example, Mario Fernando Peña Solari and his sister Nilda Patricia Peña Solari, both of whom were MIR activists, were seen there before they disappeared (as were many others).

La Venda Sexy was a house located at Calle Irán No. 3037 near the corner of Calle Los Plátanos in the Quilín district of Santiago. It served as a detention site in early 1975 and until mid-year, parallel to Villa Grimaldi, which was the headquarters for repression.

Apparently the team that used this house was different from those operating at Villa Grimaldi, since they operated in different ways. Evidence on the names of individual agents confirms that they were different. The prisoners were kept blindfolded, several in a single room, but men and women were held separately. The food was considerably better than it was at the other detention sites, and as a rule people were treated less brutally.

The agents followed a schedule similar to a normal work day, and when they ended their day the prisoners were left in the hands of their guards. Prisoners were not tortured outside that schedule, and the normally strict rules might be relaxed if the guards chose. There was continual background music, and hence this place was called the Discotheque.

Torture methods were different from those elsewhere since the emphasis was on sexual humiliation. Rape and other sexual abuses by the guards and agents were common practice. The male prisoners were also subject to such abuses. The grill and the use of electrical current were common practice at this site. Periods of torture were often alternated with periods of relaxation, when the agents even acted friendly in order to obtain the information they wanted.

Implacate

Through testimony provided by DINA agents it has been possible to establish that at the far eastern end of Calle Bilbao there was a house for detention and torture that was called the Cuartel Bilbao. In front of this house was a neon sign that said "Implacate." It has not been possible to uncover much about this clandestine center, but there is information on some of the prisoners who passed through. Security measures are known to have been more strict than at other detention sites.

Cuartel Venecia

Located in the 1700 block of Calle Venecia, between Calles Freirina and Quezada Acharán in Santiago, the Cuartel Venecia was initially a private house that served as a hideout for high level members of the MIR. It was taken over in late 1974. The house was offered to a unit of the Caupolicán DINA group. This Commission has taken testimony confirming that this secret barracks was used to hold prisoners and for torture.

Other DINA facilities

General Headquarters on Calle Belgrano No. 11

The DINA had its headquarters at this address located near downtown Santiago. The offices of the head of the DINA were located at this site, as was the foreign department mentioned earlier. There is no evidence that prisoners were held at this location.

Rinconada de Maipú

As the result of an agreement with the Ministry of Education, the DINA (and later the CNI) was able to use a part of the rural property owned by the University of Chile located in an area called Ovejería near Santiago. In practice DINA agents continually used the whole property. Apparently it was used as a training center, and the DINA seems to have run an intelligence school there. There is no clear evidence that it was used for holding prisoners, but it is known that in November 1975 the DINA executed a group of people at this site.

DINA Clinics

The DINA had its own clinic on Calle Santa Lucia No. 120 in downtown Santiago. It was used mainly for DINA personnel and their families. However, on a number of occasions people who were being held by the DINA, including some who later disappeared, were taken to this clinic to be treated for serious ailments or for the results of the torture they had undergone. Ida Vera Almarza was last seen at this clinic. When the clinic on Calle Santa Lucia was closed, the Clinica London on Calle Almirante Barroso served as a clandestine clinic. It served the same purposes as the previous one, but it was better equipped and had a greater capacity. This Commission has testimony from people who were treated there and from people who worked there.

Some sites with DINA connections in the regions

Colonia Dignidad

The Commission examined a vast amount of information on the alleged use of the El Lavadero estate, which belongs to the Sociedad Benefactora y Educacional Dignidad [Dignity Welfare and Educational Association], for holding and torturing prisoners during the period covered in this chapter. This estate, which is

usually called Colonia Dignidad, is located in a rather remote area of the province of Parral, on the banks of the Perquilauquén River and the El Lavadero estuary near Catillo.

Several hundred people, most of them of German nationality, live at Colonia Dignidad. The Sociedad Benefactora y Educacional Dignidad is engaged in a number of farming, commercial, and philanthropic activities, including running a hospital and a school, which also receive government aid. Over the years there have been numerous incidents and public accusations about Colonia Dignidad, its activities, and its internal life. These accusations have given rise to numerous journalistic accounts, public debates, parliamentary investigations, and legal actions of various kinds. As this report was being concluded, the government's decision to withdraw the legal status of the association was made public.

It is not the Commission's role to take a stand on issues or controversies outside its mandate. However, it must examine and publish its conclusions on the accusations about Colonia Dignidad, namely that its leaders had some kind of agreement with the DINA allowing it to hold and torture prisoners there, and especially the claim that all trace was lost of some of these prisoners after their time at Colonia Dignidad. To examine this matter and draw conclusions falls within the Commission's mandate to provide information not only on the most serious human rights violations committed during this period but on the surrounding circumstances.

In examining this matter, the Commission had available the numerous personal testimonies it took, the testimonies and other proofs found in court records in Chile and the Federal Republic of Germany, other documentary information, and a vast amount of circumstantial evidence and background information. The Commission wrote to Colonia Dignidad requesting permission to visit, but its leaders wrote back refusing that request.

Having considered all the information in hand, the Commission has come to the following conclusions:

* It has been proven that there were various ties between the DINA and Colonia Dignidad. It is a fact that from the time the DINA began to exist as the DINA Commission in November 1973, its agents used properties like Colonia Dignidad's El Lavadero estate and the properties resulting from the division of what used to be the San Manuel estate in the hinterland of Parral for DINA

business, such as training its agents or for other institutional purposes. It is also a fact that the Dignidad association bought a house at Calle Ignacio Carrera Pinto (formerly Calle Unión) No. 262, which was known to have been used as a DINA facility, particularly for training a regional intelligence brigade (transaction recorded on May 24, 1974, property put in the association's name the following year, and sold in 1986). It is also known that the head of the DINA and other DINA agents visited Colonia Dignidad and seem to have had cordial relations with its leaders.

* The Commission received a large number of statements from people who were arrested by the DINA in Santiago and who say they were taken to Colonia Dignidad at some point and held there blindfolded, and also subjected to torture. It also took testimony from people who were arrested in the area of Parral or in nearby cities and taken to Colonia Dignidad where they received similar treatment. A significant number of these statements substantiate their assertions so well and are so detailed and consistent, that when taken with other evidence, including statements by former DINA agents and even former members of Colonia Dignidad, they cannot honestly be doubted. Hence the Commission must at least conclude that a certain number of people apprehended by the DINA were really taken to Colonia Dignidad, held prisoner there for some time, and that some of them were subjected to torture, and that besides DINA agents, some of the residents there were involved in these actions.

* The Commission likewise received specific accusations concerning prisoners who disappeared, about whom the last information is that they were being held at Colonia Dignidad (aside from those who were held there only for a brief period). Although the Commission in fact considers some of these persons to be disappeared and believes that there are indications that they may have been taken to Colonia Dignidad after their arrest, the only prisoner about whom it can in conscience affirm that he disappeared after being transferred to Colonia Dignidad is Alvaro Vallejos Villagrán.

* The Commission has also taken into account that other sources, some of them foreign, have likewise concluded that Colonia Dignidad was at least used as a detention center for political prisoners. Among such sources are spokespersons for the government of the Federal Republic of Germany and the United Nations Ad Hoc Working Group on the Forced Disappearance of Persons. Nevertheless, the Commission has

based its own conclusions on the evidence it was able to examine directly.

The house in Parral

The DINA Regional Intelligence Brigade operated out of Calle Ignacio Carrera Pinto No. 262 in the city of Parral. Its operational or perhaps support responsibilities apparently went beyond this zone. People were also held prisoner there, but none of them are known to have been killed.

Other sites used by the DINA

Military Hospital

A certain number of prisoners who were being held by the DINA, some of whom later disappeared by its actions, were taken to the military hospital in Santiago for medical attention. The hospital did not register patients who were being held by the DINA, and when the courts inquired, it said that they had not been held there. Accounts by witnesses indicate that in general the prisoners at the military hospital were treated well and professionally, and sometimes they were given an especially kind and considerate treatment, within the limits of the situation and pressure from DINA agents. For example it is known that Gonzalo Marcial Toro Garland, a MIR activist who disappeared after arrest, was seen by witnesses at the hospital where he was being treated for a wound he received April 4, 1974, when he was arrested.

Other sites of the armed forces and security forces used by the DINA

On a number of occasions the DINA operated out of facilities that were not its own but were provided by units from other agencies, usually the army and the police. DINA agents conducted their repressive activities at these sites, however, and the only role of the unit at the time was to provide the facilities. One example of this kind of collaboration was the DINA's use of the Maipo Regiment in Valparaíso in early 1975. The DINA's operations there resulted in the execution of one person and the disappearance of eight others, as is recounted below. However, it was more common that prisoners arrested by other intelligence services and various branches of the armed forces, the police, and the investigative police were taken from their facilities and handed over to the DINA.

3. SIFA and Joint Command facilities

Air Force Academy (AGA)

This imprisonment and torture site was in operation from late 1973 to late 1974. Formally it fell under the authority of the air force prosecutor's office which itself in practice worked in close collaboration with the SIFA (Air Force Intelligence Service). Prisoners were held in the basement of the Air Force Academy where classrooms and bathrooms had been turned into cells. During 1974 an average of seventy or eighty prisoners were held here, most of them MIR activists.

At this site the prisoners were tortured on the second floor or in the chapel. Those tortures included all kinds of beatings, sticking sharp objects in their nails, suspending them from the so-called pau de arará, and keeping them hooded for a long period of time. They were also subjected to other mistreatment. For example, many of them had signs around their necks with instructions for their guards such as, "No food or water for forty-eight hours," "One meal a day," or "To be kept standing until further notice."

General Bachelet, whose case is described below, was held at this facility and tortured in 1973. José Luis Baeza Cruces, a member of the Communist party central committee, who is disappeared, was also held there. Some of the prisoners who were in poor health as a result of torture and mistreatment received medical care at the air force hospital.

The primary aim of the interrogation conducted by the SIFA and the air force prosecutor's office was to gather all possible information on the military and intelligence apparatus of the parties who were deemed to pose a potential threat. Hence in 1974 repression was focused on the MIR (in addition to the arrest and torture of representatives of the Socialist party and those of its members who had been in the armed forces or police, who had been apprehended in 1973). Repression was later focussed on the Communist party. The information was subsequently used by the Joint Command, a group in which agents of the air force security service played the major role. Some of those arrested and tortured at this site crossed over to become permanent collaborators with the SIFA and later with the Joint Command.

House in Apoquindo

Around the beginning of January 1975, when the SIFA left its facility at the Air Force Academy, it transferred those prisoners it was still holding to a house in Santiago in the Apoquindo neighborhood, just two blocks from the municipal building in Las Condes. That building was used as a secret detention site until March 1975. It was run by agents of the newly created DIFA, which replaced the SIFA. The DIFA offices were then transferred to Juan Antonio Ríos No. 6, but the prisoners still being held seem to have been taken either to the Antiaircraft Artillery Regiment in Colina or to the hangar in Cerrillos.

Hangar in Cerrillos

In late March or early April 1975 this facility began to be used as a secret detention and torture site. DIFA agents and civilians from nationalist or ultraright groups were active at the Cerrillos hangar. Witnesses have testified that torture was practiced there at all hours: beating, electricity, withholding food, and suspending people.

Nido 20

This is the name given to a secret detention and torture site located on Calle Santa Teresa No. 037 near bus stop #20 on the Gran Avenida in Santiago. In 1975 DINA agents were in charge of this place, and they were assisted by nationalist and ultraright groups. Students from the Air Force Special Training School were responsible for guarding the outside of the building. Torture was practiced there. This Commission has stated its conviction that at this location Alonso Gahona Chávez was tortured to death, and Humberto Castro Hurtado was beaten to death.

Nido 18

This was a secret facility that seems to have been used exclusively for torture. It was located at Calle Peru No. 9053 in the La Florida district of Santiago. Members of DIFA, DICAR, and civilians from nationalistic or ultraright groups, all of whom were operational agents of the Joint Command, carried out actions at Nido 18. The Commission examined the case of Arsenio Leal Pereira, who committed suicide under the strain of the torture to which he was being subjected. An air force doctor visited Nido 18 several times to take care of a prisoner who had cut wounds from a frustrated suicide attempt.

Remo Cero: Antiaircraft Artillery Regiment at Colina

Even in 1974 the SIFA was using some cells inside this base as a detention site. Some buildings erected later were used by the so-called Joint Command. Besides DIFA agents, naval intelligence agents and some from the army (DINA) also used this site. The latter soon withdrew. The group from police intelligence was larger. Civilians from nationalist or ultraright groups who were part of the Joint Command also operated out of this facility.

Several prisoners, including Humberto Fuentes Rodríguez and Luis Moraga Cruz, were taken out by helicopter and dropped into the ocean. There are also reasons for believing that Ricardo Weibel Navarrete, Ignacio González Espinoza, Miguel Rodríguez Gallardo, and Nicomedes Toro Bravo were also taken out and murdered and were then buried on military property in Peldehue. DINA collaborators Guillermo Bratti Cornejo and Carlos Flores were taken out and killed in the Cajón del Maipo. Some prisoners at this site, including José Sagredo Pacheco, died as a result of torture. A doctor visited this site frequently and took care of a number of prisoners.

La Firma ["The Company"]

This facility was located across the street from Calle Dieciocho No. 229. It had been occupied by the offices of the newspaper El Clarín and was now taken over by the police. The Police Intelligence School was set up there. Some of its instructors belonged not only to DICAR but also to the Joint Command. This building was directly connected to the one next door, where the Joint Command had its headquarters in the rear. Various Communist party prisoners, were secretly held at this second building. They included Carlos Contreras Maluje, Juan René Orellana, Luis Emilio Maturana, and Juan Antonio Gianelli. The Commission believes that they were taken out and killed and then secretly buried on the Barriga upgrade. José Weibel Navarrete was held there and later murdered in the Cajón del Maipo district.

Other properties used by the SIFA or the Joint Command

When a United Nations delegation arrived, certain people were held temporarily in a building in the Bellavista neighborhood of Santiago, which housed unmarried members of the Joint Command, and at the Las Tranqueras police headquarters in Santiago, to prevent the delegation from locating those prisoners in the most frequently mentioned detention sites. Moreover, in

1974 the SIFA used a building at Calle Maruri No. 245 in Santiago to hold people temporarily. Their relatives were even able to visit them there. Later the house was used to house single members of the Joint Command.

4. Facilities of the Naval Intelligence Service (SIN)

For its repressive actions against the MIR in Valparaíso between late 1974 and early 1975, the SIN used the Almirante Silva Palma barracks in Valparaíso as a detention and torture site. The Commission has declared some of the people who passed through that site to be disappeared, as is noted below.

5. The SIRE in Concepción

The main site utilized by the SIRE was the Talcahuana naval base, where a significant number of prisoners was held in the gymnasium and in other buildings. The El Morro stadium and the facilities of the police and investigative police were also used.

- f. Forced disappearances and other human rights violations: the victims and the motivations of the perpetrators
Description of the victims

The case-by-case accounts below will provide an account of the identity of each of the disappeared prisoners and the victims of executions and others who died of human rights violations in the 1974-1977 period. The victims during this period can be categorized in three groups:

* Victims of the use of undue force or abuses of power committed by government agents without political motivation.

* Mapuches and small farmers who were killed or who suffered forced disappearance as the result of repressive actions similar to many of those described in the period covering the final months of 1973.

* Victims with criminal records who were accused of being habitual criminals. Those responsible for these crimes seem not to have been from the DINA but rather from other government agencies, as explained in the case-by-case account. Most of the victims from this period were left activists who disappeared after their arrest. The features of this group are analyzed below. There are cases of agents who were murdered or who were forcibly disappeared by the security services themselves because they

were suspected of being "soft" or "traitors." During this period some government agents were also killed by private citizens for political reasons.

From a political standpoint, the vast majority of those persons killed or disappeared belonged to the MIR, the Revolutionary Workers Front (FTR), or the Revolutionary Students Front (FER), the student section of MIR, the Socialist party, and the Communist party, including members of the Young Communists. Some of the victims also belonged to other parties: the MAPU, the Christian Left, and the Radical Revolutionary Youth. In some cases they were in contact with or collaborated with the MIR, or such was the assumption of those who apprehended them.

In some instances it is claimed that the victim was not politically active or merely sympathized with one party or another. The Commission has presented the matter in that fashion since it had no other evidence but what was offered in each specific case. Nevertheless, taking such cases as a whole, it may be concluded that in many instances these people were indeed politically active. Either the family was unaware of that fact or felt that they should not mention it so as not to harm their relatives as they were beginning efforts to determine their whereabouts and have them released. We do not need to state that in making this observation we are not in any way implying that the seriousness of the violation of their human rights is in any way affected.

Most of the MIR members who disappeared after arrest were young and had finished high school. Many had even studied in the university. Most of them were living in Santiago, although many had arrived in the capital from various provinces after September 11, 1973. The members of the Socialist party who disappeared after being arrested in 1974 were also mostly young people. The explanation may be that after September 11, 1973 many of the top Socialist leaders were arrested, had sought diplomatic asylum, or had left the country. In those circumstances younger activists took on new and greater political responsibilities. In 1975 the top underground leaders of the Socialist party and some activists close to them were killed or disappeared.

Most of the Communist party activists who underwent forced disappearance in 1976 were members of the leadership bodies of this underground party. Their average age was higher than that of the victims from other parties. Many of them had been labor leaders or had occupied government posts or elected office. The victims also included many professional people and people in

publishing.

Many women were also among the victims in this period, although the vast majority were men, as can be seen in the statistics at the end of this report. Nine of the women imprisoned were pregnant. It has not been determined if any of their babies were born, or if so, what happened to them.

Motives of the perpetrators

f.2.1) Why forced disappearances?

It is of course very difficult to attribute motives, especially for actions like ordering, planning, and implementing a policy of forced disappearances. To do so would entail not only moving into the realm of the subjective, but trying to discern a rationality in actions that are abhorrent to conscience. The Commission nonetheless believes it must present such facts as it could establish in this regard along with what can reasonably be speculated on the basis of those facts. The Commission believes that this is an important part of the truth that it has been mandated to bring to light. An examination of those cases in which people disappeared after arrest leads to the conclusion that the practice of disappearance had a twofold objective: to kill and to conceal, in order to destroy an enemy who had to be annihilated.

As was noted in Part Two, Chapter One, matters reached a point in which it was regarded as justifiable to destroy an internal enemy who was regarded as assaulting higher and permanent values. The DINA basically defined the internal enemy as the MIR, the Communist party, and the Socialist party. They were so defined on the basis of the degree of danger seen in the ideology and international party connections of those parties, as well as the characteristics of each organization, particularly its size and discipline and its demonstrated or potential ability to draw in members or carry out specific actions, including armed opposition. Air force intelligence (the SIFA and later the DIFA) seems to have regarded the MIR and Communist party as most dangerous. The only repressive actions ending in death or disappearance attributed to naval intelligence during this period were isolated, and they were taken against the MIR in Valparaíso and Concepción.

Destroying political parties meant physically eliminating the activists who made such an organization possible. According to that logic, those who by their training and experience in the party,

their positions in the party, and their personal qualities of education, training, persistence, or physical courage were seen as dangerous and beyond redemption, and had to be physically eliminated. A prisoner's unwillingness to be forthcoming even under torture only confirmed that he or she was dangerous. This primary motivation or rationality, heavily imbued with ideology, is inherently contrary to those most basic values of justice and of respect for the rule of law from which human rights laws draw their inspiration.

Besides the primary motivation of eliminating the enemy thus defined, the use of disappearance accomplished other objectives. It intimidated other political activists, and it allowed the government and the security services to avoid having to accept responsibility for their actions. In particular it saved them from having to deal with the legal actions, and other pressures and "misunderstanding" that might have been created in Chile and elsewhere and even among the members of the armed forces themselves, if they had acknowledged having arrested and then executed so many people, rather than arresting and killing them secretly.

This notion of a task that was both necessary and not understood-and was all the more noble insofar as some would sacrifice themselves and dirty their hands in order to preserve the values that serve everyone, without receiving acknowledgement or gratitude from the rest-must be brought out into the open. That notion entails so unacceptable an effort to justify means that are intrinsically unjustifiable and such a perversion of values, that it is imperative that we be fully aware of its gravity so as to prevent its recurrence.

Within this overall picture there are also institutional or personal motivations of another kind, ranging from the prestige or leadership involved in participating and achieving results in what some regarded as war, to other lesser considerations.

f.2.2) How was the fate of prisoners decided?

The motives just listed apply to most of those who lost their lives, particularly those who disappeared after arrest during the 1974-1977 period. They are particularly valid for the arrest and subsequent disappearance of the Communist party leadership in 1976. However, there were many other situations. With regard to the Mapuche prisoners and others whose death or disappearance was not the work of the security services and not

in accord with the logic of their activity, the perpetrators had a number of motivations, such as getting even for political feuds of the recent past, or anti-Mapuche discrimination, or purely personal passions. Killing habitual criminals reflects a distorted notion of the duty to impose order. There have been even more notorious examples of this notion in other parts of the world.

There was some variation in the treatment of activists from left parties, particularly those prisoners who disappeared in 1974, who were predominantly MIR members. In early 1974 arrests were more indiscriminate, and torture was used without restraint in an effort to gather quickly as much information as possible on underground political activity. Consequently, during this period, (and also later to a lesser extent) it is very likely that prisoners disappeared not because of their political importance, which seems to have been slight, but rather because they died under torture or their state was such that the DINA decided that it was not appropriate that anyone see them later. There were some instances of mistaken identity, when the disappeared person was taken to be someone else whom they were seeking. Sometimes the only reason for the disappearance of a prisoner was that he or she had been apprehended together with the activist being pursued. Such was the case of Maria Olga Flores Barraza, who disappeared after being arrested with her husband, the Communist leader Bernardo Araya, who is also disappeared.

In some instances, relatives visiting prisoners in acknowledged detention sites were arrested for trying to pass messages during their visit and then disappeared. Likewise there were cases of staff or guards of the intelligence services who were accused of being traitors and were therefore killed by agents of the service in which they worked. On the other hand, some political prisoners agreed to collaborate and then tried to ingratiate themselves with their parties, which then killed them in punishment. Some people weakened and became ongoing collaborators and thus survived. There were also a few rare instances in which someone powerful in the government, the armed forces, or the police, prevented a prisoner from being killed. Finally there were situations in which the prisoner survived due to strange and complex relations with his or her captors, which are difficult to explain outside of the secret environment of violence and degradation existing in secret prison sites. Some people disappeared after being seized as they were trying to seek asylum in an embassy. The only apparent reason was to punish them for the attempt and to intimidate others who might have attempted to do the same.

- g. Methods of repression: arrest, torture, execution, and concealment
Arrest

Over time the methods used by the intelligence services, and especially the DINA, became more sophisticated. During the first few months of 1974, the DINA often carried out arrests in the victims' homes, with numerous witnesses present. As already noted, sometimes relatives or friends of those being sought were arrested. Once they were released, they were able to talk about what had happened. As time went on, the methods became more refined, partly as a result of the vast amount of information the DINA had already gathered. Hence the very presence of witnesses could be avoided and it became easier to conceal what had happened.

Starting in 1975 and even more in 1976, the prevailing method of work seems to have been to first locate the victim, study his or her habits, and then carefully select the manner, time, and place for the arrest. Nevertheless the Joint Command did not exercise the same kind of caution in making arrests even into 1976, and hence relatives or neighbors were often not only aware of what had happened but of the identity of those making the arrest.

In addition to information gathered through interrogating other prisoners and capturing documents, the intelligence services acquired sophisticated methods of intercepting private communications. Sometimes different agents were responsible for the various tasks of locating persons, following them, studying their habits, and seizing them. When those making the arrest identified themselves to those being arrested or their families at the moment of arrest, they often gave false names or falsely claimed to represent a particular institution. However, on some occasions they did identify themselves directly as DINA agents.

Torture

Torture and mistreatment were practiced systematically at the DINA's secret detention sites and those of other intelligence services, as we have already pointed out when mentioning some specific places. The main object of torture was to obtain information from the victims-either to bend their resistance or to assure that what they had already said was true. A second purpose was to break their resistance or their physical or moral integrity, so as to directly instill fear into others who could see or hear the torture and to intimidate other persons who might hear

about it.

Mistreatment, including beatings, humiliations, insults, degrading conditions of confinement, being held blindfolded and poorly fed for a long time, went along with torture and contributed toward the same aims. Such mistreatment, even if it did not fall directly into the category of torture, should be regarded as those other forms of cruel, inhuman, or degrading treatment that are likewise categorically prohibited by international human rights law.

Often mistreatment or torture were practiced not as part of a particular interrogation process, but were rather the expression of the cruelty or base passions of an agent or a guard. Sometimes they were deliberately used to kill or punish a prisoner.

This section deals with the torture methods used by the intelligence services. Since the DINA was responsible for most of the cases of torture during this period, this account deals primarily with its practices. Observations are made on the practices of the other intelligence services when they diverge from the general practice. The methods described below were used at all DINA facilities, with the exceptions noted in the previous remarks about each particular site.

g.2.1) Usual methods

Certain methods were routinely practiced on all prisoners held at secret facilities. These sites had permanent installations for applying such methods and personnel trained to use them. These people were not the same as the officers who took charge of the interrogation, although these officers might take part in applying torture and indeed did so directly.

Such methods were:

* The "grill," that is, applying electrical current to prisoners while they were tied to a metal bed spring. The current was applied to the most sensitive parts of the body.

* Suspension, that is, hanging the victim either by the wrists or by the wrists and knees for long periods of time. Sometimes the guards made it worse by hanging onto the victim themselves thus adding their weight. While thus suspended the person was given electric shocks, and was beaten, cut, or humiliated.

* Immersion, or the "submarine," which consisted of pushing

a person's head into a vessel of liquid, generally filthy water, and holding it there to the point of asphyxiation, and doing so over and over. One variation of this method was the so-called "dry submarine," in which a plastic bag was used to cut off a person's air supply.

* Beatings of all kinds, inflicted with fists, feet, rifle butts, and chains on different parts of the body, causing serious wounds and even killing people. Hitting people over the ears with cupped hands, or the "telephone," left some people with permanently impaired hearing.

The SIFA commonly held back food and water, a method that the Joint Command took to greater extremes. The Joint Command tended to use the "grill" and suspension. It also beat prisoners with such intensity that in at least one proven case a prisoner was beaten to death.

Other methods were also often used, but they were generally extraordinary measures taken when other methods were not producing results. The official in charge of the interrogation made the decision to use such methods. They included:

* Torture of a psychological nature, that is, abducting a relative of the prisoner who was not politically involved and torturing or sexually abusing that person in the presence of the one being interrogated, or perhaps threatening such possibilities.

* Wounds caused by bullets, cuts, or even once breaking a person's legs by running over them in a vehicle, as well as other fractures.

* Rape or other sexual assaults or the threat of them. It seems that at some places such practices were regarded as an excess and were the work of guards or lower ranking personnel without the permission of their superiors. At other sites, however, as is noted, it was common practice.

Apparently on some rare occasions officers used extreme methods, because they became carried away with anger or sadism. Among these were burning prisoner's bodies with boiling liquids and unnatural acts involving animals.

g.2.2) Other methods

The DINA is known to have used drugs (the exact kind is not

known) during interrogation, apparently to get people to talk. Hypnosis was also attempted but did not produce significant results. Sometimes torture was relieved with periods of rest between sessions, when there was even the appearance of friendly treatment. The Joint Command also sometimes used drugs and often used strong sedatives when taking prisoners to be executed. The head of air force intelligence and others in that agency fluctuated in their treatment of prisoners. They switched from mistreatment to periods of rest when they would converse about theoretical points, and even lavish favors on prisoners.

Guards and lower ranking troops in secret prison sites also humiliated and mistreated the prisoners in both word and deed, on top of their interrogation. Some of the things they did at some sites seem to have been concealed from their superiors.

Execution and disposal of the bodies

Information on this point is based on where and how certain bodies were found, autopsy reports, and statements by former security agents, insofar as the information they provided could be confirmed through comparison with the general information available.

g.3.1) Execution

It would seem that most prisoners who disappeared were taken from the secret locations where they were being held and were executed close to the place where the bodies were to be buried or thrown. Witnesses testifying on the execution of prisoners on the Barriga upgrade and on the properties in Peldehue say that the ridicule and mistreatment continued almost to the moment of execution. An automatic rifle with a silencer or knives were used for the execution itself. Witnesses have also testified to a way of executing that consisted in taking prisoners out while asleep or drowsy from heavy sedation and putting them onto a helicopter and dropping them into the ocean after first cutting their stomach open with a knife to keep the bodies from floating. The ocean washed in the body of Marta Ugarte, as is recounted further on in this chapter. In other instances the person died at the prison site, either due to direct execution, from torture, or in a few cases, by committing suicide out of desperation.

We also report on some cases during the 1974-1977 period in which people were executed in the street in an ambush or even after being arrested. Such people were sometimes made to run

and were then shot in the back. Finally some of the DINA's crimes outside the country were executions in which one or other extremist group from Argentina or the United States provided help. In the Prats and Letelier cases bombs were used to blow up the victim's car. There are some indications of a lethal gas code-named "Andrea" that the DINA is said to have made or possessed, but the Commission did not find any cases in which it could be said that such a gas was used.

g.3.2) Disposal of the body

As has been noted, the bodies of the disappeared were generally buried secretly, or thrown into the ocean or a river. In some instances the bodies of those who had been killed were left on a public thoroughfare or even taken to the Medical Legal Institute. In some cases people were buried anonymously at a cemetery. In a very few cases relatives were called, and the body was turned over to them when it was already in a coffin which was sometimes sealed. This usually happened at a hospital.

During the second half of 1976 the bodies of eighteen people murdered by the Joint Command were found in the Cajón del Maipo. Only Guillermo Bratti could be identified-on the other bodies the fingers were mutilated and the faces disfigured to prevent them from being identified. During this period bodies were also found on the banks of the Mapocho, Maipo, and Rapel rivers, or washed up by the waves on the beach at Los Lilenes on the central coast, and at the beach at Los Molles, at El Melón upgrade, and on the La Laguna del Maipo estate. On March 21, 1990, the remains of three people were found on lands in Peldehue near Santiago. Two of them could be identified as Eduardo Canteros Prado and Vicente Atencio Cortés, both of them prisoners who had disappeared, but the third person remained unidentified. There is reason to believe that other bodies were buried on these lands as well as at the Barriga upgrade.

The DINA sent some bodies of those who disappeared after arrest to the Medical Legal Institute and even inexplicably had them turned over to their relatives. It can be conjectured that perhaps killing these persons had not been part of the original intention; or perhaps presenting a certain number of those who had been officially executed as killed in shootouts was useful for maintaining a public image that a subversive threat still existed. It might also serve to send a clear message to leftist groups. The latter is obviously the case of the Gallardo family, described

below. In that instance, very soon after a subversive action, the security forces made known the names of those involved and claimed that they had been killed in a clash with those arresting them. Actually the DINA had captured and killed a number of people, some of whom were involved in that action while others were not. Another incident that seems to have been intended to send a macabre message was the killing of Lumi Videla, whose body was thrown into the patio garden of the Italian embassy, where many people had taken political asylum.

Concealing what had happened

An examination of the cases reported in this chapter indicates that the security services and government authorities used a variety of methods to conceal what had happened.

g.4.1) Concealing matters from the prisoners' families

At the moment of arrest, DINA agents often gave false identities, claiming to be members of police intelligence or the investigative police. Later the DINA strove to arrest people out in the streets in such a way that relatives or acquaintances of the victims would not be present. After the arrest was made, government authorities systematically refused to acknowledge it to the families or gave false information. The fact that there were no lists of prisoners made matters all the worse. Consequently, for many years, as is noted further on in the chapter on the harm done to families, the relatives of disappeared prisoners went from one office to another attempting to discover what had actually happened.

g.4.2) Concealing matters from various Chilean and foreign officials

When appeals for protection or other measures were attempted, the courts often asked government officials, and particularly those in the Interior Ministry, about what had happened to the person in question. In some cases the arrest was acknowledged but it was claimed that the person had been released subsequently. In most cases, however, the very fact of arrest was denied with answers which came to have standard content: it was either stated that the Interior Ministry had not ordered that the person be arrested, or that the ministry's files contained no information concerning such an event. The courts always interpreted the tenor of these responses to mean that the government was denying that the person was being held under arrest. No doubt that was the interpretation the government

wanted, although the text of the response did not expressly say that the person was not being held prisoner by the DINA or some other intelligence service.

The government also made denials about arrest or provided patently false accounts to United Nations agencies and to the Interamerican Human Rights Commission. Such widely varying replies included claims that the victim did not legally exist, had left the country, had been shot by snipers, or simply had never been arrested. The DINA denied or concealed the fact of arrest whenever various officials of the government or armed forces or people close to the government made unofficial inquiries about what had happened to one prisoner or another.

Various methods of concealment included transferring prisoners from one facility to another to prevent them from being traced, temporarily transferring them to prevent foreign delegations from finding them in a particular detention site, and an elaborate kidnapping operation, which is presented below in the Silberman case.

g.4.3) Misinforming public opinion

The notable limitations on freedom of the press during this period help explain why there was little public information on these events. Moreover the DINA put particular care into organizing disinformation operations. The most elaborate of these was aimed at convincing public opinion that the disappeared prisoners had actually been killed during infighting in Argentina and elsewhere. These disinformation operations were known as "Operation Colombo." They were also referred to in the media as the "lists of the 119."

In July 1975 the papers in Santiago announced that two bodies had been found in Ciudad Pilar, Buenos Aires, Argentina. They bore a number of bullet wounds and burns, and were carrying documentation and identification cards with the names Luis Alberto Wendelman Wisnik and Jaime Eugenio Robostan Bravo. These were misspellings of the names of two disappeared prisoners, Luis Alberto Guendelman Wisniack and Jaime Eugenio Robotham Bravo. Their relatives went there and established that the bodies were not those of their relatives, and that the documents were clumsy forgeries full of mistakes.

A revealing detail is the fact that the identification photograph for Ronbotham [sic] was in fact that of the disappeared prisoner, but

when he was an adolescent. His relatives testified before this Commission that Jaime Robotham's mother had given the photo to a member of the investigative police who had come to her house several times claiming that he was investigating her son's disappearance and that he needed a passport-size photo for his investigation.

In July another body appeared in Buenos Aires. This time it was said to be that of the disappeared prisoner Juan Carlos Perelman Ide. Perelman's family members who gathered in Buenos Aires soon proved that the corpse was not that of their relative. It was easy to see since the body had not been burned even though fuel had been poured over it. In this case as well the relatives proved that the Chilean identification card on the body was false.

Subsequent careful investigation made it possible to determine that these efforts to identify the bodies of people killed in Argentina's political violence with those of disappeared prisoners were a phase in the so-called Operation Colombo, which was implemented by the DINA with help from Argentinean security agencies. The intention was to relieve the DINA of the pressures to which it was being subjected because of disappearances. There is evidence that one of the operation's main objectives was to relieve the DINA in particular of the major pressure to which it was being subjected due to the kidnapping of David Silberman. An effort was made to lend credibility to the claim that he had been kidnapped by the MIR. This Commission has demonstrated that in May 1975 a body with a Chilean identification card with information on David Silberman appeared in Buenos Aires. However, for unknown reasons information concerning that event was not spread in the same way as was done with similar cases later.

The high point of such manipulating of disinformation occurred in July 1975, when the DINA published two lists totalling 119 names of Chileans who had disappeared after arrest. They did so through lavish periodicals especially created or reactivated for this purpose which reported on the death of all these persons outside the country. They were said to have been killed as a result of infighting within the left in the overall context of political violence in various Latin American countries. The Chilean press was quick to publish the news with sensationalistic headlines thus setting in motion a campaign to discredit accusations over disappearances. The result was confusion within public opinion, and humiliation and isolation for the relatives of the victims and those circles involved in defending human rights. In Chile the

publication of those lists was reinforced with other news items, whose sources were obscure or unclear, reporting that MIR activists had allegedly left for Argentina or that Chilean subversives were said to be in the country.

The lists were published in the Argentinean magazine *Lea* and the Brazilian newspaper *Novo O Dia*. Subsequent investigation revealed that *Lea* was the first issue of a magazine that did not legally exist and provided no names of anyone involved in it, and that *Novo O Dia* was published irregularly in the city of Curitiba, Brazil. Further investigation into the source of the single issue of *Lea* led to a print shop linked to ultraright groups in the Argentinean government at that time. It also became clear that such unusual publications were used because despite considerable efforts the more serious media refused to publish the news.

h. Final observation

Having set forth the DINA's objectives and established the means it used, we must not forget (even if strictly speaking there is no need to make this point) that this whole series of grave violations is not the work of an abstract entity. Like any other institution, the DINA was conceived and set in motion by human beings who had to plan it and bring together all the required ingredients. They had to choose people to be members, and they in turn had to be already disposed to disregard even extreme human suffering, or at least gradually get to that point. All these people together did what is recounted here. Those who recruited or trained them for that task must also accept responsibility. Becoming aware that such was the case is thus part of that truth for which the country is striving.

2. Cases

In the cases of disappearances presented in this chapter, the following considerations enabled the Commission to come to the conviction that government agents were responsible:

* The Commission had access to a great deal of testimony by witnesses who observed the arrests, were themselves arrested, or were held in prison sites along with the victims. These witnesses provide consistent and accurate accounts of the particular events recorded here and also of the existence of the organizations, methods, facilities, agents, and other means that are dealt with in this chapter.

* With regard to cases involving the DINA and the Joint Command, the Commission has had access to statements by its agents. Those

statements are consistent with what the above mentioned witnesses have said, and they add details and circumstances that such agents were better able to appreciate due to their position in the organization.

* The Commission has also had access to statements by people who worked in various important capacities in the military government. They confirm that the security agencies, and particularly the DINA and the Joint Command were intensely involved in repressive activity that was outside the control of the courts and other government bodies.

* The Commission has verified that those persons who disappeared have left no documentation, signature, registry of leaving the country, or any other kind of transaction subsequent to the date of their disappearance.

* Most of the families have testified that they have not had any contact with, or news of, the victims since they were arrested and disappeared.

* It has been established that the answers given by officials about arrests were generally untrue, and often contradictory, and that they were not given on the basis of any serious investigation into what had happened. Rather they indicated a concern to delimit responsibility or conceal the actions of the security agencies.

* Efforts have been made to offer all persons or agencies involved in the events the opportunity to provide their version of what happened. Nevertheless, these persons and agencies have not offered any proof that would fundamentally refute the conclusions that the Commission reached.

* It has been established that the security agencies, especially the DINA, systematically persecuted activists of the MIR, the Socialist party, and the Communist party by means of clandestine arrests, holding them in secret facilities, torturing them, raiding their homes, illegally killing them, and subjecting them to forced disappearance.

* In those cases in which prisoners are said to have been subjected to forced disappearance at the hands of government agents even when there is no proof that they were arrested or held in any detention site, the reasons for the Commission's conviction are set forth.

* Nevertheless, the circumstances proper to each case are briefly related, along with the relevant circumstances that amplify or qualify these observations. In those cases in which the victims did not disappear the account describes how they died or were killed.

- a. Cases similar to the repression patterns of late 1973
As noted above, the most characteristic features of the 1974-1977 period were the systematic use of forced disappearance in order to eliminate people, with the DINA taking the lead, although other security agencies were also operating. Before examining the cases that were more typical of this period, we must note a series of grave human rights violations that took place during the first few months of 1974 and even later, which fit the patterns of repression prevailing in late 1973. Some of the victims during this period were active in MIR or other left parties, but their death or disappearance was not part of the centralized and systematic action on the part of the DINA and similar agencies that typified this period. Often enough the victims were not politically active, or their death or disappearance had nothing to do with their activism.

1. Disappearance after arrest

- a.1.1) Cases in which repression is clearly politically motivated

On January 1, 1974, Gastón de Jesús CORTES VALDIVIA, 39, an office worker and labor union leader at the Compañía de Cervecerías Unidas [brewery], disappeared. Investigative police had arrested him December 29, 1973, and he was held at their barracks, where eyewitnesses say he was repeatedly tortured. On January 1 Gastón Cortés' family was told that he had escaped while being transferred to the local jail. The newspaper said the same thing, and added that the prisoner escaped when the vehicle transporting him was attacked by subversives. Since that day there has been no further information concerning his whereabouts or his fate. The Commission came to the conviction that the official account provided at that time is not true: it believes that government agents were responsible for the disappearance of Gastón Cortés, and that they thus violated his human rights. In arriving at that conclusion, the Commission noted that witnesses have said that Cortés was in very poor physical condition, that the alleged subversive attack did not leave anyone wounded, and that there has been no further information on him.

On January 2, 1974, Guillermo RAMIREZ DEL CANTO, a regional MIR leader, was arrested. His wife and three other family members were arrested at the same time, but they were all later released. Witnesses identified those apprehending him as members of the investigative police and the army. Guillermo Ramírez was taken to the Artillery School in Linares where witnesses saw him. There has been no further word about him. The Commission is convinced that his disappearance was the

work of government agents who thus violated his human rights.

On January 4, 1974, Juan Ismael SUIL FAUNDEZ, a MIR activist, was arrested in downtown Santiago by uniformed air force troops. His brother-in-law was arrested with him but was later released. Those who arrested him took him to the El Bosque air base, and he then disappeared. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On January 7, 1974, Sergio Eduardo José CIENFUEGOS CAVIERES, 23, a University of Chile employee who was active in the Communist party, was arrested. He was arrested while at work by two men in civilian dress who identified themselves as police. In the presence of witnesses they asked him to go with them to the First police station to make a declaration. His family was initially told that he was being held at that site, but later it was denied. Despite many efforts by his family to locate him, there was never any reliable information on his whereabouts. Taking into account these facts, and in view of his political activism and the eyewitness accounts of his arrest, the Commission has come to the conviction that Sergio Cienfuegos disappeared at the hands of government agents in an action that violated his human rights.

On January 9, 1974, Enrique Angel CARREÑO GONZALEZ, 22, a university student who was active in the Socialist party, disappeared. Police arrested him at his home in the city of Parral on September 20 and took him to the local jail. He was then transferred to the jail in Linares. Records indicate that he was released on January 9, 1974. Witnesses have testified that he was arrested by government agents as he was leaving the jail. The family says that he was taken to the Artillery School in Linares, and that there has been no further trace of him. To this day there has been no evidence of his whereabouts. The Commission has come to the conviction that Enrique Carreño underwent forced disappearance at the hands of government agents, in a grave human rights violation.

On January 15, 1974, Levi Segundo ARRAÑO SANCHO, 27, a farm worker who was president of the San Isidro Small Farmer Committee in Quillota, voluntarily reported to a military unit in Quillota. He has been disappeared since that moment. The Commission thinks that Levi Arraño was probably killed by the same people who executed the people previously mentioned, since he was held at the same military facility. One of those executed was Hugo Aranda Bruna, the secretary of the committee

of which Arraño was president, and hence it can be assumed that the motivations for killing him must have been the same. Official information indicates that he was released on January 17, but there has never been any information on him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On March 6, 1974, investigative police agents in Quillota arrested Bernardino RODRIGUEZ CORTEZ in the presence of his common-law wife and their children. He had been a bodyguard for some Communist party candidates in the most recent congressional election. His wife was arrested the next day. Both were held at the investigative police barracks in Quillota, and both were tortured together. In its visit to this region, the Commission was able to verify the physical effects of the torture which were still visible on Rodríguez' wife. Bernardino Rodríguez disappeared from the investigative police station in Quillota. There has been no further word about him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On April 4, 1974, navy intelligence agents arrested Silvio Vicente PARDO ROJAS, a MIR activist, on the streets of Valparaíso. Witnesses saw him at the Silva Palma navy base. There is evidence that at some point while under arrest Silvio Pardo was taken to the Melinka prison camp, but he was then returned to the Silva Palma garrison and disappeared from that facility. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On April 20, 1974, unidentified civilians arrested Luis Orlando TAPIA CONCHA, 37, a member of the Communist party who worked in CORA, at his home in Linares and in the presence of his wife. A few hours later soldiers from the city regiment came to his house looking for weapons. They dug large holes in his yard, but found nothing. Several witnesses saw Luis Orlando Tapia at the regiment of the Artillery School in Linares. There has been no further information about him. Judicial processes undertaken to locate him produced no results. Neither police nor military officials acknowledged the arrest. This Commission has come to the conviction that Luis Tapia disappeared at the hands of government agents who thus violated his human rights.

On April 30, 1974, police arrested Luis Bernardo ACEVEDO ANDRADES, 31, a former mayor of Coelemu, Concepción, who

was a member of the Communist party, at his home in that city. He was taken to the Fourth station. In official documents addressed to the tribunal that was dealing with the case of his disappearance, the police acknowledged that he had been arrested, but claimed that he had been released on May 1 of that same year. This Commission has received several credible statements from witnesses indicating not only that he was arrested but that he was held at that police station. Since there has been no word on Luis Acevedo since his arrest, and since witnesses attest that he was tortured while under arrest, this Commission cannot accept the claim that he was released, and thus holds the conviction that he disappeared at the hands of government agents in violation of his human rights.

On May 13, 1974, José Emiliano CUEVAS CUEVAS, an active Communist, was arrested by police from Laja at the San Rosendo railroad station. He was then taken to the Laja police station where his wife saw him. She later saw him being taken from the police station in the automobile of a private citizen. To this day his whereabouts remain unknown. The Commission regards this case as a forced disappearance at the hands of the police who thereby violated his human rights.

On July 29, 1974, Manuel SANHUEZA MELLADO, 30, a furniture maker by trade who was a member of the central committee of the Young Communists, disappeared from the police station in Pisagua. On July 10, 1974 he had been arrested in the city of Arica, along with his wife and other family members. The whole family was taken to the Rancagua Regiment, interrogated separately, and subjected to unlawful mistreatment and torture. In late July, Manuel Sanhueza was taken to the Pisagua police station and then disappeared. His relatives continued to look for him over many years. His body was found in the burial pit uncovered this year (1990) near the cemetery in Pisagua. The coroner's report calculated the day of death to be approximately July 29, 1974. Having established that Manuel Sanhueza was arrested and the manner in which the disposal of his remains was handled, this Commission holds the conviction that he died at the hands of government agents in violation of his human rights.

On November 18, 1974, Manuel Nemesio VALDES GALAZ, an army second corporal who is known to have been active in the Socialist party and in the MIR, disappeared. The official account indicates that on that date he deserted from the Cavalry School in Quillota to which he was assigned, by not returning from leave.

The fact that he was active in a left organization, contradictions in the official account over the date of his leave, the unlikelihood that he would have been granted another leave the day after returning from one, combined with the fact that to this day it has proved impossible to find any trace of him, enabled this Commission to come to the conviction that the official account of his desertion is untrue, and that in fact he disappeared at the hands of government agents who thus violated his human rights.

a.1.2) Cases in which no clear political motivation can be discerned

On January 18, 1974, Domingo Clemente CUBILLOS GUAJARDO, 19, a worker, Ramón Remegio ORTIZ ORELLANA, 17, and Sergio GUTIERREZ SEGUEL, 18, were arrested together. None of them was known to be politically involved. That night they were walking near Calle Gálvez in downtown Santiago when two drunk men in civilian clothes came out of a bar. A fistfight apparently broke out. The civilians drew revolvers and shot. The three men ran away and hid in a cité on that street. According to several witnesses, police from the Fourth station arrived, searched the whole area, and arrested these youths. They have been disappeared since that moment. The official account, which the Interior Ministry offered to the courts in an official document, is that these disappeared people were not arrested. Consistent testimony from several witnesses refutes that version. Hence this Commission believes that these three were arrested by police, and that they disappeared as the result of illegal actions committed by government agents in violation of their human rights.

On March 20, 1974, Luis Alberto CORDERO MUÑOZ, 36, a driver, was taken from his house by a military patrol. He was apprehended because he had been ordered to appear before a judge. There has been no information on him since his arrest. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On April 27, 1974, Pedro José VERGARA INOSTROZA, 22, a disabled merchant, disappeared from the Conchalí checkpoint. He had been arrested in the street by police and private citizens in the presence of several witnesses. They were traveling in a private automobile on a search operation prompted by a robbery report. A number of people were arrested on that occasion. Witnesses say that one of the police hit Vergara on the head. All those arrested were later released except Vergara, who has never

been heard from again. On the basis of the testimony taken and the results of the judicial inquiry into the disappearance of Pedro José Vergara, it can be concluded that the arrests were not registered in the log at the Conchalí checkpoint to which they had been driven. The judge who investigated the disappearance declared himself incompetent and passed the evidence to the military justice system. This Commission came to the conviction that Pedro Vergara disappeared as a result of actions by government agents who thus violated his human rights.

On May 8, 1974, René Enrique MISSENE BURGOS, was arrested at his house in Chillán by a group of private citizens. They took him away saying that he was needed as a mechanic to repair a car at the police checkpoint in Cobquecura. At the checkpoint his wife was told that he had been held there, but that those who had apprehended him had later driven him to the Chillán Regiment. Those who had arrested him were not assigned to that checkpoint, and had identified themselves as belonging to military intelligence. In the criminal trial that was initiated later, the police denied these statements, but they could not say what had happened to Missene. His arrest and the subsequent circumstances recounted here, and the fact that nothing has been heard of him again, have enabled this Commission to declare that his disappearance was the work of government agents who thus violated his human rights.

On May 19, 1974, Juan Isaías CASTRO BRITO, 30, a worker who was not known to be politically active, was arrested in Santiago. The Commission has evidence that army troops took him from the house of Manuel Miranda, who was also arrested at that moment. Miranda's body was later found with bullet wounds to the brain and abdomen, according to his death certificate. This Commission is convinced that Juan Castro's disappearance was the work of government agents who thus violated his human rights.

Disappearances of Mapuches in Lautaro in 1974

In 1974 many arrests were made around the city of Lautaro, and as a result a number of people of Mapuche origins disappeared. Those making the arrests were officers from the police station in the city, except for the case of one person who was arrested by soldiers and members of the investigative police. In most instances the victims' relatives accepted their arrest and disappearance without making any effort to locate them through the legal system or anywhere else. The reasons for this seeming

passivity may have been fear, ignorance of procedures, and a basic distrust in government institutions as means for meeting their demands. In a number of cases their captors beat these people at the moment of arrest, even in front of their relatives. Some of the relatives were also mistreated.

On June 11, 1974, Juan Eleuterio CHEUQUEPAN LEVIMILLA, José Julio LLAULEN ANTILAO, Miguel Eduardo YAUFULEN MAÑIL, José Domingo YAUFULEN MAÑIL, Oscar Romualdo YAUFULEN MAÑIL, Antonio Ceferino YAUFULEN MAÑIL, and Samuel HUICHALLAN LLANQUILEN, all of them small farmers, were arrested. Juan Cheuquepan was arrested early in the morning that day. The police said he had been accused of robbery. His relatives vigorously reject that story and say that the police were drunk. They also say that when Cheuquepan was being arrested they could see that José Llaulen and Samuel Huichallan were already under arrest. The same police arrested the brothers Miguel, José, and Oscar Yaufulén at their house in the afternoon that same day. The police arrested Antonio Ceferino Yaufulén in the city of Lautaro along with his father. His father was released a month later. On August 28, 1974, Samuel Alfonso CATALAN LINCOLEO, 29, who was apparently a member of the Communist party, was arrested by soldiers who were assisted by members of the investigative police. When the matter reached the criminal courts, the investigative police acknowledged the arrest. Several relatives and employees were arrested along with Samuel Catalán, and all have stated that they were taken to the Concepción Regiment in Lautaro. On October 26, 1975, Gervasio Héctor HAUIQUIL CALVIQUEO, 25, was arrested by police. Witnesses have said that on the day of the arrest police set fire to Hauiquil's house, but his relatives inside were able to escape.

In view of the large amount of testimony by witnesses who agree on the time and circumstances of the arrest and subsequent disappearance of these people about whom there has been no further word, and taking into account the similarity between the method used to arrest these Mapuches and those used in other cases investigated in this area, the Commission came to the conviction that all these people disappeared after arrest as the result of action by government agents, and that their human rights were thus violated.

On June 12, 1974, Carlos Manuel GONZALEZ OSORIO, 19, a worker who had recently been released from the psychiatric hospital, was arrested by soldiers and taken to the Buin

Regiment. Two other young people arrested along with him were released some time later. One of the witnesses told the Commission that González had been ridiculed and humiliated at the Buin Regiment, apparently because of his mental condition. They even tortured him by crushing their cigarettes against his face. Since that time it has not been possible to find out what happened to him. The introduction of an appeal for protection and the initiation of a criminal case produced no results. In view of the evidence it has been able to gather, the Commission has come to the conviction that government agents were responsible for the disappearance of Carlos González and that they thus violated his human rights.

On June 25, 1974, Víctor Manuel VILLARROEL GANGA, a worker, was arrested at his home in Santiago by plainclothes agents who did not identify themselves. Víctor Villarroel disappeared that day. There is no evidence that he was held at any prison facility. The Commission nonetheless believes that there is sufficient testimony to his arrest to enable it to come to the conviction that he underwent disappearance at the hands of government agents who thus violated his human rights.

In July 1974, Henry Francisco TORRES FLORES, disappeared. There is proof that at that time he sent his family a letter from Pisagua that was stamped by the authorities of the prison where he was being held. There has been no further word about him. Since it is established that he was arrested, the Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

In July 1974, Fermín Manuel PALMA PALMA, 25, a married merchant who was not politically active, and his friend, Alfonso René SEPULVEDA MONTANARES, who was also a merchant, were arrested in the city of Lautaro in the Ninth Region. They were in a restaurant when a policeman entered and asked them to present their identification cards, which he then took away. Several hours later these two merchants were arrested; there has been no further information about them. The Commission has come to the conviction that the disappearance of Fermín Manuel Palma and Alfonso René Sepúlveda was the work of government agents who thus violated their human rights.

On September 21, 1974, Juan Segundo GUAJARDO PIZARRO, 18, an unmarried employee of the María Elena nitrate company who was not known to be politically active, was arrested in Vicuña where he was visiting his family and friends over the

independence holidays. As noted in an official document sent to the court in Vicuña on October 14, 1974, the governor sent for him because there were a number of far left groups working at Minerale del Norte, and he was working in that same area. There has been no further word about him since the police took him to their station. This Commission holds the conviction that Juan Guajardo disappeared at the hands of government agents in violation of his human rights.

In October 1974, Sergio Amador PANTOJA RIVERA, 19, and Juan Francisco PEÑA FUENZALIDA, 20, neither of whom was politically active, were arrested in Putre. These two people were enlisted men at the Rancagua Regiment in Arica, and were taken out to Putre on a campaign in October 1974. Testimony obtained by this Commission indicates that in that area some kind of incident occurred-apparently the theft of a tin of carmel. Juan Peña was accused of the theft, and a corporal gave him a public beating, "leaving him in very poor condition." As a result Juan Peña deserted and set off walking through the desert. The corporal who had beat him set out in pursuit, arrested him, and brought him back.

These events prompted an investigation by the SIM (Military Intelligence Service), some of whose members went from Arica to Putre. All the enlisted men in Peña's unit were questioned. The investigation led to the arrest of Juan Peña and his friend, Sergio Pantoja. SIM agents took both of them toward Arica. Whether they arrived is not known. Since that day there has been no word concerning their whereabouts, and their relatives have received no official explanations on the matter. The document on Sergio Pantoja's military status indicates that he was listed as "OK" at a time when the top officers of the regiment were writing in official documents that these two men were deserters. All these facts and the testimony received, enable the Commission to state that both of these enlisted men are disappeared as a result of actions by government agents who to this day have provided no official explanation, and that their human rights were violated.

Disappearances of persons connected to a criminal's escape

During the October 18-25, 1974 period in the area of Parral, seven persons, all interrelated, disappeared after being arrested by police from the police station in the city. The events began with the escape of a well-known criminal in the area. From that point on, he hid in various places in the area, forcing small farmers and

passers-by to provide him with food and places to sleep. In searching for him the police were reinforced by army troops and helicopters. One of the places he hid was the house of José Apolinario MUÑOZ SEPULVEDA, 33, and Benedicto de la Rosa SEPULVEDA VALENZUELA, 64. They were out and only their families were at home at that moment. When police found him, this fugitive shot and killed two of them and escaped on horseback. The other police and soldiers came into the Sepúlveda family's house and seized all present. José Muñoz and Benedicto Sepúlveda turned themselves in at the police station on October 18, 1974 in return for the release of their families. They were never heard from again.

In connection with the same case, Edelmiro Antonio VALDES SEPULVEDA, 42, and Rolando Antonio IBARRA ORTEGA, 32, were ordered to go to the Parral police station because of their connections to "The Eagle." Both were renting a parcel of land from the criminal's wife. They reported there on October 25, and nothing further was heard of them.

Armando Haroldo PEREIRA MERIÑO 49, and Luis Alcibíades PEREIRA HERNANDEZ, 31, were also obliged to report to that same police station because they knew the criminal. They were apparently accused of having helped him in his flight. In fact Armando Pereira had been a classmate of his. They likewise turned themselves in on October 25, and nothing further has been heard about them either.

The arrest and subsequent disappearance of Alcibíades VALENZUELA RETAMAL, 29, is also connected to this same fugitive. Police from Parral came looking for Valenzuela, but other family members say that when they failed to find him, they took his parents. When he turned himself in on October 21, his parents were released. Nothing further is known about Valenzuela, however. In a report to the appeals court in Chillán, the police acknowledge that Alcibíades Valenzuela was arrested on October 21, and go on to say that he was handed over to a security agency in the area. The appeal for protection was accordingly rejected, since the arrest had been made by competent bodies.

In none of these cases did efforts made through the legal system produce any results. The status of all these people is that of disappeared. This Commission is morally convinced that these seven people disappeared as the result of unlawful actions by government agents who thus violated their human rights. Not only are the names of those who arrested them fully known; there are

also witnesses who have attested either to the fact of their arrest or to the circumstances in which some of them turned themselves in to the police.

In late May 1975, Grober Hugo VENEGAS ISLA, 43, who was not known to be politically active, was being held at the investigative police barracks in Arica for alleged involvement in drug traffic. Soldiers took him out because they said he had information on weapons hidden in the Azapa Valley. Since that date there has been no information on the whereabouts of Grober Venegas. The Commission came to the conviction that this prisoner disappeared at the hands of government agents who thus violated his human rights.

On September 17, 1975, Juan Manuel LLANCA RODAS, 26, a worker, was arrested at his mother's house in Puente Alto. The previous day he and some friends had attacked an army subofficer. That night he was arrested and was taken to the Puente Alto Regiment, according to his friends and accomplices who were also being held there. They were released after completing their sentences, but there has been no further word about Juan Llanca since the day of his arrest. Taking into consideration the proofs and testimony it has been able to gather, the Commission is convinced that he disappeared at the hands of government agents in violation of his human rights.

2. People killed without any due process of law

a.2.1) Cases motivated by political repression

On January 3, 1974, Sergio Gustavo LEIVA MOLINA, a former government official who was inside the Argentinean embassy in Santiago where he had taken asylum about two months previously, was killed. He was on the branch of a tree within the embassy compound when he was hit by a bullet shot fired from outside by a policeman. The official account claims that he was shot for not heeding an order to halt as he was trying to seek asylum. That account, however, does not fit the evidence in the Commission's possession, and hence it has come to the conviction that he was executed in violation of his human rights.

On January 4, 1974, Bernardo Querubín CUEVAS PARRA, 38, a teacher and CORFO (Corporation to Stimulate Production) agent in Linares who was active in the Communist party, was killed. Police arrested him in Parral on September 12, 1973, and took him to the police station there. He was taken to the Artillery

School in Linares, and then to the city jail. According to an official report he was taken from that jail to a place on the Panamerican Highway going south. Then, "as the events of the crime in trial No. 18-37 were being reconstructed he tried to escape.... Those guarding him consequently were forced to open fire and hence shot him to death to accomplish their objective."

It should be noted that he had an ulcer and had been tortured, and was thus in poor physical condition. It is therefore hardly likely that he would have attempted to escape, but even if that were the case, nothing justifies the killing of an unarmed person by armed and trained personnel in order to halt that person. This Commission has come to the conviction that Bernardo Cuevas was executed by government agents in violation of his human rights.

On January 4, 1974, Carlos Alberto GALAZ VERA, 22, a construction worker who had been arrested by police from Algarrobo on January 3, 1974, and taken to Tejas Verdes, died of the torture he underwent at the Engineering School. The official in charge of the school told his family that he had died of a cardiac arrest. Such an account does not fit the information on the death certificate which states that the place of death was the military camp at Tejas Verdes, and that the cause was "acute loss of blood and pulmonary hemorrhaging." That analysis is consistent with the likely result of being subjected to torture. It is also supported by testimony that the Commission has received. This Commission holds the conviction that Carlos Galaz died at the hands of government agents in violation of his human rights.

Execution in Quillota

On January 18, 1974, six noted leaders in Quillota were executed by troops from the Cavalry School in that city:

Víctor Enrique FUENZALIDA FUENZALIDA, 35, head of the technical department of CORA (Agrarian Reform Corporation) in Quillota who was the provincial secretary for the Communist party, voluntarily reported to the military prosecutor's office in Quillota on September 15, 1973, after being summoned by military decree, and was arrested immediately.

Manuel Hernán HURTADO MARTINEZ, 35, an employee of the Treasury Department in Quillota who was the local secretary for the Socialist party, voluntarily reported to the police station in Quillota on September 18, 1973 after a summons from the police

had been delivered to his house, and was immediately arrested.

Oswaldo Mario MANZANO CORTEZ, 32, a textile worker who was president of the Rayón Said union and a MIR activist, was arrested September 17 at his job by troops from one of the military units stationed in Quillota.

Julio Arturo LOO PRADO, 27, a textile worker who was secretary of the Production Committee at Rayón Said and an active Communist, was arrested September 17, 1973, when he voluntarily reported to one of the military units in Quillota.

Angel Mario DIAZ CASTRO, 41, a neighborhood leader and a textile worker, was arrested September 11, 1973 by troops who were stationed in Quillota.

Hugo Hernán ARANDA BRUNA, 30, an unmarried farmer, and neighborhood leader, was also arrested. The exact date is not known, but it was probably during the second half of September. It has been established that Aranda was held at the same facilities as the others who were executed. According to the official account provided by the military governor of the department of Quillota, these people were killed as the result of a leftist attack on the military patrol that was transferring them from the Cavalry School to the Engineering Regiment in Quillota. Taking advantage of the attack, the prisoners are said to have tried to escape, and hence had to be shot down. Two of them, however, are said to have succeeded in escaping. These two remain disappeared to this day:

Pablo GAC ESPINOZA, 43, the mayor of Quillota and an active Socialist. By order of the new authorities, he was obliged to sign in at the military prosecutor's office in Quillota, and did so at regular intervals. Local troops arrested him January 17, 1974.

Ruben Guillermo CABEZAS PARES, 46, a lawyer who was a counsel for CORA in Quillota and an active Communist, was arrested at his private office on January 17, 1974 in the presence of witnesses, and was taken to one of the military units in Quillota.

The Commission could not accept the official account and came to the conviction that these eight prisoners were executed by the government agents who were holding them in custody and who thereby violated their human rights. The grounds for that conviction are as follows:

* It is not credible that all these people had to be killed to halt their alleged escape attempt, since they were unarmed and were under heavy military guard.

* Several of them had voluntarily reported to military officials, and hence it does not seem consistent that they would have tried to escape. Some of them had even contacted lawyers for their defense in the court cases that they were told were being prepared against them.

* The alleged leftist attack is said to have occurred at a strategic location that was therefore heavily protected. It is also not plausible that such an attack could have been attempted during the curfew period, and that none of the attackers was captured. It likewise stretches credulity that neither of the supposed fugitives was captured.

* None of the subversives who are said to have attacked the patrol was killed or wounded, and yet six of the prisoners were killed. Nor were any troops in the patrol killed. The military report only notes that one soldier received a light wound. That is inconsistent with the alleged violence of the attack as it is described in the official report.

* Nor is it plausible that two persons as prominent and well known in the area as Pablo Gac, the mayor of Quillota, and Rubén Cabezas, a respected lawyer and CORA legal counsel in the city would be the only survivors and that they would have attempted to escape and been able to do so, especially in view of the fact that they had offered no resistance when they were arrested on that very same day.

On January 21, 1974, Juan Guillermo NAVARRETE SOLAR, 37, a labor leader who was active in the Christian Democrat party, was killed. Witnesses saw him being arrested at his workplace, the El As clothing factory, by a police patrol that day. After his wife had been looking for him for some time, she learned at the Medical Legal Institute that he was buried in Lot 29 of the General Cemetery. According to his death certificate, he had died of "six bullet wounds to the chest" on January 21. The Commission came to the conviction that Juan Navarrete was executed by government agents and that he therefore suffered a grave violation of his human rights. The grounds for that conviction include the established fact that he was arrested, his status as a union leader, which given the context of the time made it likely that such a thing could occur, and the fact that he died of bullet

wounds.

On January 29, 1974, Calixto Juan de Dios PERALTA GAJARDO, 30, a worker at Inacap who was a former CUT leader in Valdivia, was killed. He was married and had a newly born daughter. Calixto Peralta was arrested at his mother's house in the La Granja district in Santiago by heavily armed civilians who broke into the house and took him away without showing any warrant for his arrest. A few hours later his body bearing two bullet wounds was taken to the Medical Legal Institute. His remains were not turned over to his relatives. The Commission has come to the conviction that Calixto Juan Peralta died of the two bullet wounds he received while in the hands of agents of a security agency and thus in violation of his human rights.

On January 31, 1974, the following residents of the Lintz neighborhood in the city of Puerto Montt were executed by members of the air force:

Pedro Antonio BAHAMONDE ROGEL, 24, an office worker;

Héctor Hugo MALDONADO ULLOA, 26, an office worker;

José Hernán MAÑAO AMPUERO, 22, an office worker; and

José Antonio SOTO MUÑOZ, 23, an office worker.

A military decree issued by the head of the state of siege of the province of Lanquihue and Chiloé stated that in the early morning hours of January 31, 1974, "as four men who had been arrested for attacking a member of the air force and inflicting considerable injury on him were being transferred, one of the prisoners took advantage of a careless moment by a member of the patrol, seized his weapon, and opened fire. The other three prisoners also took advantage of the opportunity and charged the members of the patrol, obviously intending to seize their weapons and attack them. In response the patrol fought off the aggression, and the four prisoners were killed."

A number of witnesses say that the incident arose out of a minor incident in a bar involving members of the air force and these four men. Afterwards they all went home. Some time later an air force patrol violently arrested all of them at their homes, beat them out in the street, and took them toward an unknown destination. Their relatives only learned what had happened to them through the military decree issued by the local military

commander.

The Commission came to the conviction that this case constituted a grave abuse of power by government agents and that the human rights of these people were violated. Certainly the official account cannot be accepted since it is unlikely that during curfew four unarmed civilians who had recently been beaten and in some cases were only half dressed would have assaulted the armed patrol that was transporting them, and that the incident would lead to the death of all the prisoners.

On February 4, 1974, Miguel Angel MOYANO SANTANDER, 24, a worker who was a labor leader and MAPU activist, was killed. He was arrested January 16, 1974, at his house in the Quinta Normal district in Santiago by plainclothes agents. His house had been searched some months before, and the agents had first looked for him at his father's house. His family's efforts to find him after the arrest were unsuccessful. Some days later a policeman told Moyano's wife that her husband was in the General Cemetery. The death certificate indicates that he died at the San Antonio hospital on February 4, 1974 of "acute blood loss," and hence it can be presumed that he was taken to some detention site near San Antonio. This Commission came to the conviction that Miguel Moyano was executed by government agents who violated his human rights, since his arrest was proven, he died while being held in custody, he was buried at the cemetery in Santiago, far from San Antonio where he died, and the family knew nothing about it.

On February 25, 1974, Juan Segundo BRUNA BRUNA, an active member of the Communist party, died in Salamanca. He had been accused of having weapons and had been held under arrest from shortly after the military coup to the day of his death. His body was turned over in a sealed coffin, and his relatives were not allowed to see it. With the evidence it has in hand, the Commission has come to the conviction that he died of the mistreatment he received from government agents while under arrest and that those agents thus violated his human rights.

In February 26, 1974, Vasco Alejandro ORMEÑO GAJARDO, 18, a leather worker, was arrested at his home by a military patrol. Those arresting him did not indicate what was to happen to him. Months later in May 1974 his body, with a bullet wound to the chest, was found on the Landa estate. A member of the military later acknowledged to a military prosecutor that he had arrested and killed Vasco Ormeño. The evidence gathered leads to the

presumption that this was an act of personal revenge in which the killer hid behind the authority invested in him. The Commission accordingly came to the conviction that this was a grave abuse of power in violation of the victim's human rights.

On March 12, 1974, air force General Alberto Arturo Miguel BACHELET MARTINEZ, died. He had first been arrested on September 11, 1973 at his office in the Ministry of Defense. He was released that same night, but his house was raided during the next few days and he was rearrested on the 14th. He was first held at the Air Force War Academy and then at the air force hospital. During this period he was tortured by men who were at that time beneath him in rank. He was kept hooded for a long time, and was beaten, and sharp objects were thrust under his nails. In mid-October he was put under house arrest. When he returned home he was in poor physical condition. The heart ailments that he had been suffering for some time and that required periodic checkups had worsened. On December 18 he was once more arrested and taken to the public jail, and was put on trial before a war tribunal (the so-called "Proceso FACH" [Chilean Air Force trial]). During this period he was again subjected to torture, humiliation, and mistreatment. He died of a cardiac arrest in his cell on March 12, 1974.

This Commission has come to the moral conviction that the treatment he suffered-itself a violation of his human rights-can only have aggravated General Bachelet's condition, which was well-known, and therefore his captors had to have been aware of it. The Commission therefore declares its conviction that Alberto Arturo Miguel Bachelet suffered a violation of his human rights by government agents inasmuch as he died as a result of the mistreatment and torture that he suffered at the hands of his captors.

On March 15, 1974, José TOHA GONZALEZ, a lawyer who was an active Socialist and had been minister of defense in President Allende's government, died at the military hospital in Santiago. He was arrested at La Moneda Palace on September 11, along with a group of officials and aides of the overthrown government, and taken with them to the Military Academy, where he was held for several days. He was then taken to Dawson Island along with most of the other cabinet members. There he was subjected to continual torture and mistreatment by the military who were running that facility. Still in custody, he was taken to various hospitals: the air force hospital in Punta Arenas, the air force hospital in Santiago, and then the military hospital

there. Due to his imprisonment and mistreatment, his physical condition seriously deteriorated, and he lost 27 kilos [59.5 pounds] and came down to 49 kilos [108 pounds], although he was 1.92 meters [6 feet 3 inches] tall. He had been brought from the south to Santiago because he was so malnourished-so much so that when he was at the military hospital he could not get out of bed. All the testimony that the Commission has received indicates that he was in very poor condition both physically and psychologically. Even the autopsy report notes his extreme state of malnutrition.

The official account given to his family was that he committed suicide by hanging himself in his closet with his belt. His family members do not accept that account. They say that he was so weak he could not even move, and that he was taller than the space in which he was said to have hung himself. The Commission did not have enough evidence to decide whether the hanging, which was the immediate cause of the death of the former minister Tohá, was the work of those who were holding him prisoner or whether he took his own life. It did come to the conviction, however, that even if José Tohá took his own life, he died as a result of violations of his human rights. For this Commission believes that a person who takes his or her own life is a victim of human rights violation when the circumstances make it possible to come to an honest judgement that the person committing suicide was pressured toward that choice by physical or mental torture, by the conditions of imprisonment, or by some other situation for which the government is responsible, and which in itself violates human rights.

On April 5, 1974, Bernardo del Tránsito CORTES CASTRO, a student, was killed by army troops. He was arrested the previous day in Coquimbo and taken to the Arica Regiment in La Serena, where relatives saw him. When they went back the next day they were told that he had been killed while trying to escape. This account is hardly credible since Castro was under heavy guard at a regiment. That conclusion is further confirmed by the fact that the army has not provided any explanation of the circumstances of these events, and that his body has never been returned to his family. For all these reasons the Commission is convinced that Bernardo Cortés was executed without any due process of law by government agents who thus violated his human rights.

On April 28, 1974, Ogan Esteban LAGOS MARIN, 21, a MIR activist who was a student at the University of Concepción, was killed. He was arrested March 15, 1974 by members of the

investigative police and taken to the regiment in Chillán and then to the jail in that city. He was arrested along with Bartolomé Salazar. On April 24, 1974 he was taken out of the Chillán Regiment by order of the military prosecutor's office in Ñuble; his body was later found abandoned on a country road. The death certificate and autopsy indicate that he died of many bullet wounds to the head and body. The Interior Ministry claimed that Ogan Esteban Lagos had been released on April 29, 1974. In view of testimony by witnesses and the evidence it has examined, the Commission has come to the conviction that Ogan Esteban Lagos was executed by government agents in violation of his human rights.

In late April 1974, professor Bartolomé Ambrosio SALAZAR VELIZ, who was an active Socialist (and active in MIR according to some indications), was killed. He was arrested in Chillán on April 17, 1974. He had recently gone there in order to get away from security agents who were following him. His wife was supposed to meet him that day along one side of the city square. Since he was late she went to their house. Individuals who did not identify themselves arrested her there, and took her to a military base, presumably the Chillán Regiment. She was later released. The Commission's investigations indicate that Bartolomé Salazar was also held at the Chillán Regiment. On April 27, Bartolomé Ambrosio Salazar's body was found near Quinchamalí on a riverbank. He was buried anonymously on May 2. The cause of death was: shock, acute loss of blood, numerous bullet wounds. In view of these facts, the Commission has come to the conviction that Bartolomé Ambrosio Salazar was executed by government agents in violation of his human rights.

That same month, the MIR activist Rolando Gastón ANGULO MATAMALA, a government employee, was killed in the Eighth Region. He had been arrested on April 19, 1974. His body was found in San Carlos together with those of four other persons who had been arrested with him. With the available evidence, the Commission came to the conviction that he was executed by government agents in violation of his human rights.

On May 1, 1974, Carlos MASCAREÑA DIAZ, a student and MIR activist, died. He was arrested November 1, 1973 in Punta Arenas. He had gone there from Puerto Montt after September 11, 1973. He was transferred to Puerto Montt where he was seen at the investigative police garrison. He was tortured with beatings and suffered sexual assaults. He died as a result of such torture while he was at the Chin-Chin prison. Hence this Commission

holds the conviction that his human rights were violated and that government agents were responsible.

On June 21, 1974, Luis Alberto JORQUERA JORQUERA, a machinist who was president of the Machinists Union of Soquimich, died. He was arrested by civilians in mid-1974 while he was working in Tocopilla. He was detained at the police station there, and was later transferred to Antofagasta, where one family member visited him. In late June they were told that he had died. His body showed signs of violence. The Commission came to the conviction that Luis Alberto Jorquera's human rights were violated, since he died from the torture government agents inflicted on him.

On July 6, 1974, Gabriel Antenor CASTILLO CASTILLO, a miner and CUT leader, died at the regional hospital in La Serena. Police from La Serena arrested him September 20, 1973 and took him to the police station in Coquimbo where witnesses saw him being tortured. On September 22 he was transferred to the prison in that city. On October 24, he had to be transferred to the regional hospital because his lungs were hemorrhaging. After being hospitalized for several months, he was released. When he returned to his native city, Andacollo, he was rearrested, interrogated, and tortured by police. A fellow prisoner has testified about those tortures, which consisted of beatings with fists and weapons. After thirty-two days in jail he suffered a very serious hemorrhage and had to be hospitalized again. While he was in the hospital, but still under arrest, he died. The death certificate states that the cause of death was "inability to breathe, advanced and active TB." The Commission came to the conviction that Gabriel Castillo died of the torture and mistreatment he had received, or at least as a result of negligence on the part of government agents who failed to provide the medical care he should have received while he was imprisoned, and that those agents thus violated his human rights.

On July 15, 1974, Francisco Miguel LINARES GALARCE, 43, a taxi cab driver who was an active Communist, was arrested during the curfew period by police who took him back to the Sixth station. As a result of the mistreatment he received from police officers there he was transferred to Public Assistance in Valparaíso and provided with medical treatment. Those efforts failed to save his life, however, and he died July 29, 1974 as a result of "damage to the head, bleeding from the left hemisphere of the brain." This Commission has come to the conviction that Francisco Linares was a victim of the use of excessive force by government agents in violation of his human rights.

On July 29, 1974, Miguel Angel BECERRA HIDALGO, a DINA employee who lived in Colonia Dignidad with his son, was killed. He had told his brother and other members of the Colonia that he wanted to quit the DINA and to move away from Colonia Dignidad and take his son with him. His dead body was found July 29, 1974 on the Panamerican Highway six kilometers south of Linares. On the criminal report his cause of death is said to be "ingestion of oxyphosphate pesticides." Becerra died of poisoning when he ate an apple that contained pesticide. Official documents from the Medical Legal Service point out that pesticides "have a penetrating odor, and we think it would be hard not to notice their presence in a food item like an apple, since they would also give it a different color and flavor." The DINA itself recognized that his death was due to foul play. In view of the characteristics of the death of Miguel Angel Becerra Hidalgo, the Commission has come to the conviction that it was caused by private citizens who were acting for political reasons and that they violated his human rights.

On August 13, 1974, Héctor Victoriano GARCIA GARCIA, a doctor, and Jorge Rubén LAMICH VIDAL, a worker, were killed. A group of civilians and military arrested them that day in Buin where they lived. Lamich was arrested at home in the early morning, and García was arrested during the morning at the hospital in Buin where he was a doctor. They were accused of attempting to poison the city's water and bread. They were taken to the Chena Regiment in San Bernardo, where witnesses say that they were beaten and had electric current applied to them. Subsequently they were executed in the presence of the troops. The government told the Interamerican Human Rights Commission that Lamich's death was like that of three other persons: all of them at different times and in different circumstances had been killed in gun battles with "police or security agents," and all were accused of "criminal or subversive activities or sabotage." There was no official statement on the causes of Dr. García's death.

On the basis of testimony it has taken from eyewitnesses, this Commission has come to the conviction that both of them were executed by army troops, that they were not involved in any sort of gun battle, and that therefore the government was responsible for the violation of their human rights.

a.2.2) Cases in which other motivations were at work or which were not politically motivated.

Execution of people with criminal records

On January 13, Manuel Segundo SALGADO MORALES, occupation unknown, was killed.

On January 14, Leoncio del Carmen SARMIENTO CANTILLANA, a worker, was killed.

On January 17, Luis Enrique CORTES PINTO, a cargo carrier at the market, was killed.

On January 20, David Alejandro LEON FARIAS, a worker, and Emilio MORALES LOBOS, a cargo carrier at the San Miguel open market, were killed.

On March 21, Ernesto Ramón MONDACA VEGA, a worker, and Juan Francisco MONDACA VEGA, a merchant, were killed.

All these persons, who were killed in a short period of time, had in common that they were not known to be politically active, had criminal records, and lived in the southern part of Santiago. Moreover, according to witnesses, air force personnel were involved in some of the arrests, the manner in which the people were shot was generally similar, and the killings took place in close proximity to one another. For all these reasons, the Commission has come to the conviction that these persons were all executed without any due process of law in violation of their human rights, by some sort of group composed of government agents that was established at that time in the southern part of Santiago in order to get rid of current or former habitual criminals.

On January 28, 1974, Raúl Humberto PEREZ JORQUERA, a shoe repairman, left his house to buy some goods and never returned. A couple months later the family learned that his body had appeared at the Medical Legal Institute. The autopsy report indicates that the cause of death was two bullet wounds. In view of the facts thus summarized, the Commission has come to the conviction that Raúl Pérez was probably killed as a result of the situation of violence then existing, but it has not been possible to establish the exact cause of his death.

On February 4, 1974, Luis Manuel ROMO ESCOBAR, 20, a street vendor who was not politically active, was killed. He was arrested by soldiers during curfew when he and some friends were drunk in the street. His friends managed to run away. Romo's father found his body with bullet wounds on February 4,

1974 at the corner of Departamental and Américo Vespuccio. The death certificate states that the cause of death was a "bullet wound." The autopsy report notes that he had "many scars from cuts on the chest, abdomen, and upper and lower extremities... as well as linear abrasions on the upper extremities and raw skin two centimeters wide around the wrists." He also bore many bullet wounds, and there was adhesive tape around his eyes. The Commission came to the conviction that Luis Romo was killed by government agents who used undue and excessive force, and that hence his human rights were violated. The grounds for that conviction are as follows: witnesses have testified to his arrest; it is established that he died of bullet wounds during curfew; his body showed clear signs of mistreatment, his hands had been tied, and he was blindfolded at the moment of death; and the perpetrators left his body in the street.

On March 18, 1974, José Luis del Carmen CARROZA CARROZA, 37, a construction worker, was killed. Police arrested him at his house in Santiago after his family members accused him of abusive treatment. They later went looking for him at different sites unsuccessfully until they were told that he had died of twenty-one bullet wounds. The Commission holds the conviction that he was executed by government agents without any sort of trial in violation of his human rights.

On March 18, 1974, Waldo Antonio RIQUELME AVILES, 22, an unmarried painter, and Nicolás FLORES MARDONES, 18, an unmarried upholsterer's assistant, neither of whom was politically active, were killed in the city of Santiago. By examining the evidence provided, the Commission has been able to establish that both were arrested that day during a search operation conducted by soldiers of the Buin Regiment on the Quinta Bella shantytown. Their bodies were found a few days later in a stream near the road to La Herradura, according to the police report which this Commission examined. The autopsy reports state that the cause of death was bullet shots from behind. The Commission has come to the conviction that they were both shot by government agents in violation of their human rights.

On April 2, 1974, Vicente Armando HINOJOSA CESPEDES, a street vendor, was killed in Santiago. A military patrol had arrested him March 26, and his body was later found with a bullet wound. The Commission holds the conviction that he was executed by government agents in violation of his human rights.

On May 23, 1974, soldiers killed Manuel Segundo MIRANDA

LIZAMA. According to a witness, he was arrested on May 19 by a military patrol from the Guardia Vieja Regiment of Los Andes. His bullet-ridden body was later found at the Medical Legal Institute where the staff said that it had been found on the road to Quilicura. The Commission came to the conviction that Manuel Miranda's human rights were violated since he was executed by government agents.

On June 30, 1974, Javier Alberto SALINAS VELASQUEZ, 48, a teacher whose political positions are not known, was killed after being arrested on the street by members of the army two days before. The autopsy report states that the cause of death was asphyxiation by hanging. This Commission believes that under the circumstances, even if Javier Alberto Salinas actually took his life (and the Commission is not in a position to say that he did), he should be regarded as having suffered human rights violations, since he may have done so because he was overwhelmed by his situation, which was in itself unlawful.

On July 1974, Daniel CACERES PEREDO, 17, who was retarded, was killed. According to testimony received, a military patrol wounded him in front of the emergency ward of the San Bernardo Hospital. The witnesses said he escaped from the medical service where he was being treated and was caught by a military patrol which wounded him after he was arrested. Surgery was attempted at the hospital, but he died at 11:00 p.m. The death certificate states that the cause of death was a bullet wound. Since both his arrest and the circumstances and cause of death have been established, this Commission has come to the conviction that Daniel Cáceres was executed and was the victim of the use of excessive force by government agents whose motivations were not political.

b. Victims from the MIR

1. Cases in which the DINA was responsible

During 1974 the primary aim of the DINA's repressive activity was to dismantle the MIR, and that continued to be a priority in 1975. It was during these two years that the largest number of people lost their lives at the hands of the DINA. Although most of these people disappeared, there were also cases of people who were executed or tortured to death whose families recovered their bodies. By way of exception, this section presents the cases of some people who were not MIR members as well as cases in which the perpetrators were not part of the DINA or in which the Commission could not be certain of the agency to which they belonged, when such a

procedure is necessary for providing an accurate sequential view of what happened.

b.1.1) First half of 1974: the DINA's first victims

In April, May, and June, 1974 one could observe the first indications that the DINA was employing forced disappearance more systematically against the MIR. It was also clear that the DINA was being more selective in arresting people. During this period the DINA was using the secret detention and torture site at Londres No. 38.

On April 4, 1974, the MIR activist Gonzalo Marcial TORO GARLAND was arrested by DINA agents in the streets of Santiago. He was wounded during the arrest, and hence his captors took him to the military hospital. Witnesses saw him at the hospital, apparently in very critical condition. He then disappeared, and there has been no further evidence about his fate. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On May 20, 1974, Alvaro Modesto VALLEJOS VILLAGRAN, a MIR activist, was arrested at his home in Maipú. Many witnesses have provided consistent testimony that he was held at Londres No. 38. On July 29, agents in civilian clothes took him to his parents' house, and he was there for fifteen minutes. Witnesses have testified that he was later held at Cuatro Alamos. He was last seen at Colonia Dignidad. This Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On May 23, 1974, Jorge Arturo GREZ ABURTO, a MIR activist, was arrested on the street in Santiago. Witnesses have stated that he was held at the Londres No. 38 location. There has been no further word on his whereabouts. In response to a consultation from the appeals court in Santiago, the Interior Ministry acknowledged (in an official document dated September 4, 1974) that he had been arrested because there was a decree ordering

it, but it did not indicate where the prisoner was being held. There has been no word about him since then. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On May 25, 1974, the MIR activist Agustín Eduardo REYES GONZALEZ was arrested by DINA agents. Witnesses later saw him at Londres No. 38, but there has been no further information on his whereabouts. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On June 4, 1974, the MIR activist Carlos Luis CUBILLOS GALVEZ was arrested in the street in the Ñuñoa district. Witnesses say he was taken to the DINA facility at Londres No. 38. There has been no further word about him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On June 15, 1974, the MIR activist Eduardo Humberto ZIEDE GOMEZ was arrested by DINA agents on the streets of Santiago. On June 26 the FER (student section of MIR) activist Marcela Soledad SEPULVEDA TRONCOSO, who was politically connected to Eduardo Ziede, was arrested at her home in Santiago. Her family had been harassed, and her mother had even been arrested. The Commission is convinced that the disappearance of these two people was the work of government agents who violated their human rights.

On June 17, 1974, police from the Ninth station in Santiago arrested Albano Agustín FIORASO CHAU, who was apparently connected to the MIR, on a public thoroughfare. Another person was arrested along with him but was later released. His captors took Fioraso to the Ninth station. There has been no further information on him since then. When consulted by the courts, officials repeatedly denied that Fioraso had been arrested. However, in January 1975 the Interior Ministry informed the appeals court that he had been arrested by police, but that he had

been released. His family says that police from the Ninth station told them that they had turned him over to the Military Intelligence Service. The evidence gathered leads the Commission to the conviction that Albano Fioraso disappeared at the hands of government agents in violation of his human rights, although this action cannot be attributed to a particular agency.

On June 18, 1974, the MIR activist Jorge Enrique ESPINOZA MENDEZ was arrested in the street in downtown Santiago. Hours later that same day, civilian agents raided and searched his house. He was last seen by witnesses at Londres No. 38. He disappeared while being held by the DINA, and there has been no further information on him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

b.1.2) Winter [July-August]⁹³ 1974: Maximum activity at Londres No. 38

In July 1974 the DINA accelerated its anti-MIR activity. Many people who were working underground in the MIR were arrested that month. These arrests were followed by interrogation under torture thus enabling the DINA to garner further information on the MIR and thereby to arrest more people. Due to escalating repression, the facility at Londres No. 38 was continually full of prisoners in July and August 1974. Many of these prisoners disappeared. Most of them were seen by witnesses at Londres No. 38. However, there is also proof that several of these prisoners were later transferred to Cuatro Alamos and were last seen there.

On July 8, 1974, Héctor Marcial GARAY HERMOSILLA and Miguel Angel ACUÑA CASTILLO, two friends who were active in FER (the high school section of MIR), were arrested by unidentified agents at their homes in the Ñuñoa district. There is no

⁹³ Winter [July-August]: In certain parts of the text reference is made to winter, summer, fall or spring. It is important to note that Chile is in the Southern Hemisphere, and therefore seasons are opposite to those in the Northern Hemisphere. In most cases an editor's clarification is made in brackets immediately following a seasonal reference.

evidence of their whereabouts since then. The Commission has proof that both young men were arrested. On that basis, and bearing in mind their political activism, their political ties, their friendship, and the fact that they were arrested on the same day and that nothing further has been known about them, the Commission regards them as victims of human rights violations committed by government agents.

On July 10, 1974, Bárbara URIBE TAMBLAY, and Edwin Francisco VAN JURICK ALTAMIRANO, who were husband and wife, were arrested in different parts of Santiago, along with Edwin's brother Cristián Van Jurick. All of them were active in the MIR. The agents who arrested them said they were from the DINA, and they came back to the family several times during the next few days, sometimes bringing one of those arrested with them. In August 1974, in response to a request from the British embassy, the Foreign Ministry stated that Edwin Francisco Van Jurick and Bárbara Uribe were being held in preventive detention pending an investigation, and that they were in good health. Subsequently, in response to an inquiry from the Santiago appeals court, that same Foreign Ministry stated that the previous information had been a "regrettable error." Except for that one instance, officials continued to deny that these three people had been arrested until January 1975 when they acknowledged that Cristián Van Jurick was under arrest at the Ritoque facility, where he was able to receive visitors. Several witnesses testify that this married couple was held at Londres No. 38 subsequent to their arrest, and that they were taken to Cuatro Alamos. They disappeared from that site while in the DINA's hands. The Commission is convinced that their human rights were violated by government agents who made them disappear.

On July 13, 1974, DINA agents arrested the MIR activist Jaime Mauricio BUZZIO LORCA as he was arriving at his house in the Ñuñoa district. He was held at the Londres No. 38 site. Some days after his arrest he was taken back to his house for a short period. The last trace of him was at the Londres No. 38 location. The Commission is convinced that his

disappearance was the work of government agents who thus violated his human rights.

On July 14, 1974, DINA agents arrested the MIR activist Abundio Alejandro CONTRERAS GONZALEZ at his home in the La Cisterna district. In the next few days, two other MIR activists who had ties with him, Germán Rodolfo MORENO FUENZALIDA and Marcos Esteban QUIÑONES LEMBACH, were arrested. Germán Moreno was arrested July 15, 1974, on Calle Independencia. Two days later his captors took him to his home where they also arrested Marcos Quiñones who had gone there. Witnesses have testified that the prisoners were held at Londres No. 38. They disappeared from that site. The Interior Ministry acknowledged the arrest of Germán Rodolfo Moreno in a decree that referred to his presence at the Cuatro Alamos facility. However, in its reply to the courts, the ministry said that by virtue of another decree he had been released but it provided no further evidence or proof that such was in fact the case. The Commission is convinced that the disappearance of these three persons was the work of government agents who thus violated their human rights.

Also on July 14, Artemio Segundo GUTIERREZ AVILA and Francisco Javier FUENTEALBA FUENTEALBA, who apparently had MIR ties, were arrested at their workplace in downtown Santiago. These prisoners disappeared, and there is evidence that they had been held at Londres No. 38. The Interior Ministry acknowledged that Artemio Gutiérrez had been arrested and said that he was at the Cuatro Alamos site. In January 1975 his name appeared in a news item in the Diario La Segunda which listed the names of people allowed to leave the country for Mexico. His family members found no other evidence to confirm that report. Much later, in 1985, his name appeared on a list of people allowed to enter the country. The various official items of information on Artemio Gutiérrez' leaving the country are not credible since they are not based on any reliable documentation, they offer no precise information concerning the date on which he is supposed to have left the country nor how he is said

to have done so, and to this day there is no evidence to support such a claim. The Commission is convinced that the disappearance of these two prisoners was the work of government agents who thus violated their human rights.

On July 16, 1974, the MIR leader Máximo Antonio GEDDA ORTIZ was arrested by DINA agents. He disappeared from the DINA facility at Londres No. 38, where witnesses saw him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 17, 1974, the MIR activist Jaime del Tránsito CADIZ NORAMBUENA was arrested by unidentified agents in the José María Caro shantytown. He disappeared from the DINA facility at Londres No. 38, where witnesses saw him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 18, 1974, the MIR activist Daniel Abraham REYES PIÑA was arrested on the street in Santiago. That day his captors took him to his house to look for some papers. Daniel Abraham Reyes disappeared from the DINA facility at Londres No. 38, where witnesses saw him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 19 and 20, 1974, two friends and MIR activists, Pedro Enrique POBLETE CORDOBA and Leopoldo Daniel MUÑOZ ANDRADE, were arrested. Several witnesses have testified that they were taken to the Londres No. 38 site. They were later transferred to Cuatro Alamos. They then disappeared while in the hands of the DINA. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On July 17, 1974, DINA agents arrested the MIR activist María Inés ALVARADO BORGEL in the Providencia district. Her captors later took her to the

home of Martín ELGUETA PINTO, who was also arrested along with Juan Rosendo CHACON OLIVARES. These two were active in MIR. Other persons were arrested with them but were later released. During the days after her arrest, her captors took María Inés Alvarado to her family's house several times. All three disappeared from the Londres No. 38 site, where they had been seen by witnesses. The Commission is convinced that the disappearance of these three people was the work of government agents who thus violated their human rights.

On July 20, 1974, DINA agents arrested the MIR leader Luis Julio GUAJARDO ZAMORANO, who was at a bicycle shop near the Club Hípico [horse racetrack] in Santiago. The same agents later went back to arrest the shop owner, Sergio Daniel TORMEN MENDEZ, along with two other persons, including Sergio Tormen's brother, Peter. They were later released. On July 27, 1974, José Manuel RAMIREZ ROSALES, who had taken Luis Julio Guajardo's place in the MIR after his arrest, was himself arrested at his home. These three disappeared while being held by the DINA. Witnesses have testified that they were held at the Londres No. 38 site. The Commission is convinced that these three people disappeared at the hands of government agents in violation of their human rights.

On July 24, 1974, Sergio Arturo FLORES PONCE, a MIR activist, was arrested by DINA agents in the downtown area of Santiago as he was walking with another person who managed to escape. This prisoner disappeared while being held by the DINA. There is evidence that he was held at Londres No. 38. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 25, 1974, two MIR activists, Ramón Osvaldo NUÑEZ ESPINOZA and Juan Ernesto IBARRA TOLEDO, were arrested, Nuñez at his house in the San Genaro shantytown and Ibarra in the street. Both were taken to the DINA facility at Londres No. 38 where they were last seen. The

Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On July 26, 1974, the MIR activist Ismael Darío CHAVEZ LOBOS was arrested by unidentified agents at his home in Santiago. He disappeared, and there is no proof that he was held at any particular detention site. The Commission has decided that the items of evidence indicating the arrest of Ismael Darío Chávez are precise enough to enable it to come to the conviction that his disappearance was due to action by government agents, although it cannot specify the agency to which they belonged.

On July 27, 1974, DINA agents arrested the MIR activist Juan Bautista BARRIOS BARROS [sic] on the streets of Santiago. Three days later he was taken to the home of Ofelio de la Cruz LAZO LAZO in Villa Manuel Rodríguez. Lazo also apparently had MIR ties and was arrested. Both men were then taken to the home of Eduardo ALARCON JARA in the Robert Kennedy shantytown, where Alarcón, who also had MIR ties, was arrested. Although there is no clear evidence to indicate where the three prisoners were taken, the Commission has decided that the accounts by witnesses and other evidence on the arrests of these three people are sufficient to enable it to come to the conviction that Juan Barrios, Ofelio Lazo, and Eduardo Alarcón disappeared at the hands of government agents in violation of their human rights, even though it cannot determine to what agency those who arrested them belonged.

Also on July 27, 1974, Jorge Alejandro OLIVARES GRAINDORGE, who apparently had MIR ties, was arrested on the streets of Santiago. Three days later, Olivares was taken to the house of his friend, Zacarías Antonio MACHUCA MUÑOZ, who also had MIR ties and was likewise arrested. The two prisoners disappeared while in the hands of the DINA. They were seen at the Londres No. 38 site. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On July 28, 1974, Hernán SARMIENTO SABATER and Arnoldo Vivian LAURIE LUENGO, who were friends and apparently had MIR ties, were arrested in Parral by local police. Witnesses saw them being held at the police station there. There is evidence to indicate that Hernán Sarmiento and Arnoldo Vivian Laurie were transferred to Santiago to the facility at Londres No. 38. From that point onward there was no further word on them. The Commission came to the conviction that these two men disappeared at the hands of government agents in violation of their human rights, although it cannot determine the agency to which those apprehending them belonged.

In the early morning hours of July 18, 1974, in central Santiago DINA agents occupied the house of the MIR activist Luis Armando VALENZUELA FIGUEROA and arrested him when he arrived. His stepfather was also arrested and was held with Luis Valenzuela at Londres No. 38, but was then released. Valenzuela was held at the Londres No. 38 site, and was never seen again. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 30, 1974, DINA agents arrested the MIR leader Alfonso René CHANFREAU OYARCE at his house in the northern part of Santiago. The next day his wife was arrested and was held with him at Londres No. 38, and was later released. Alfonso Chanfeau was held at the DINA facility at Londres No. 38, but there is also evidence to indicate that he was later taken to Villa Grimaldi for interrogation. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 6, 1974, DINA agents arrested the MIR activist María Angélica ANDREOLI BRAVO at her home in the Las Condes district. The same group of agents also arrested another MIR activist that day, Muriel DOCKENDORFF NAVARRETE. Both women disappeared while in the hands of the DINA. Many

witnesses saw both of them at the Londres No. 38 site. Muriel Dockendorff was later transferred to Cuatro Alamos and then disappeared. The Commission is convinced that the disappearance of these two women was the work of government agents who thus violated their human rights.

On August 12, 1974, the MIR activist María Cecilia LABRIN SASO was arrested by unidentified plainclothes agents at her home in the Las Condes district. Although there is no exact evidence to indicate where she was taken, there are enough witnesses to her arrest to lead to the conviction that María Labrín disappeared at the hands of government agents in violation of her human rights.

On August 13, 1974, the MIR activist Newton Larraín MORALES SAAVEDRA was arrested at his home in Santiago. He disappeared from the DINA facility at Londres No. 38, where witnesses saw him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 15, 1974, the MIR activist Alvaro Miguel BARRIOS DUQUE was arrested at his home in the Conchalí district. That same day Hernán Galo GONZALEZ INOSTROZA and his sister María Elena GONZALEZ INOSTROZA, both of whom were active in the MIR, were arrested at their home in the downtown area of Santiago. Witnesses have testified that they saw them at the Londres No. 38 site. Witnesses also say that Hernán and María González Inostroza were transferred to Cuatro Alamos. They then disappeared while being held by the DINA. The Commission is convinced that the disappearance of these three persons was the work of government agents who thus violated their human rights.

On August 15, 1974, Ricardo Aurelio TRONCOSO MUÑOZ, a MIR activist, was arrested by DINA agents at his home in Santiago. His arrest took place in conjunction with that of Hernán Galo González Inostroza and María Elena González Inostroza who subsequently disappeared. Where Ricardo

Troncoso was taken is unknown. The testimony and other evidence this Commission received enable it to assert that Ricardo Troncoso was arrested and disappeared at the hands of government agents; his whereabouts remain unknown to this day.

On August 16, 1974, the MIR activist Carlos Eladio SALCEDO MORALES was arrested in Santiago. Witnesses have testified that he was held at the DINA facilities at Londres No. 38, with José Domingo Cañas, and Cuatro Alamos. He disappeared from this last site. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 22, 1974, civilian agents who did not identify themselves arrested Jesús de la Paz RODRIGUEZ GONZALEZ at his home in the Santa Laura shantytown in Santiago. Two days later he was taken to the house of his brother, Artagnan RODRIGUEZ GONZALEZ, who was connected to the MIR and was also arrested. Even though the Rodríguez brothers disappeared and there is no proof that they were held at any detention sites, the Commission has decided that there is sufficient testimony to their arrest to attribute their disappearance to government agents, who thus violated their human rights.

That same day, August 22, the MIR activist Teobaldo Antonio TELLO GARRIDO was arrested in Santiago. He disappeared from the DINA facility at Cuatro Alamos, where he was seen by witnesses. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 26, 1974, DINA agents came to the home of Gloria Ester LAGOS NILSSON in Lo Espejo and arrested her common-law husband, a MIR activist who then managed to escape through a window. That same night the agents returned and arrested Gloria Lagos. There has been no further information on her. The Commission has decided that the accounts by witnesses to her arrest and the

other evidence in the case are sufficient to enable it to come to the conviction that Gloria Ester Lagos disappeared as a result of actions by government agents who thus violated her human rights.

Also on August 26, the MIR activist Francisco Javier BRAVO NUÑEZ was arrested at his home in the San Miguel district. He was taken to the DINA facility at Cuatro Alamos. According to witnesses, he disappeared while at that site. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 29, 1974, DINA agents arrested Violeta del Carmen LOPEZ DIAZ, who apparently had MIR connections, at her home in the San Miguel district. A family friend was arrested with her, but he was released a few days later. She was taken to the Cuatro Alamos site and then disappeared. The Commission is convinced that her disappearance was the work of government agents who thus violated her human rights.

On August 30, 1974, Eduardo Alberto CANCINO ALCAINO, an office worker and a MIR activist, was killed. He had been arrested August 22 at his parents' home. The next day he was taken to his own home for a short while, and was able to indicate to his family that he had been beaten. His body was later found on the El Melón upgrade. According to the death certificate, he had died August 30. Without being able to indicate the exact cause of death, the autopsy report mentions damage inflicted by blunt objects on his chest, abdomen, lower extremities, and hips, and to the lumbar, sacral, and dorsal regions, and to the scalp. Thus it is possible to come to the conviction that he died as a result of the torture he underwent at the hands of government agents in violation of his human rights.

On September 2, 1974, the MIR activist Luis Alberto GUENDELMAN WISNIAK was arrested by DINA agents at his home in the Las Condes district. The agents had brought a friend of his who had been released shortly before. Several witnesses

have testified that Luis Guendelman was held at DINA sites and was last seen at Cuatro Alamos. As was noted earlier in this chapter, in July 1975 the DINA attempted to present a body found in Argentina as the remains of Luis Guendelman as part of a disinformation operation known as "Operation Colombo." The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 5, 1974, DINA agents accompanied by police arrested Sonia de las Mercedes BUSTOS REYES, an active Christian Democrat, at her home in Santiago. She was apparently accused of having MIR ties. Some days later Bustos' sister was arrested and was held at detention sites and then released. Witnesses have testified that they saw Sonia Bustos in the DINA compounds at Londres No. 38 and Cuatro Alamos. She disappeared from this latter site. The Commission is convinced that her disappearance was the work of government agents who thus violated her human rights.

On September 6, 1974, Héctor Genaro GONZALEZ FERNANDEZ and Roberto Salomón CHAER VASQUEZ, who were friends and co-workers and apparently had MIR ties, were arrested in the street. On September 10 Carlos Julio FERNANDEZ ZAPATA, who was politically connected to González and Chaer, was arrested in the Quinta Normal district. Evidence indicates that these prisoners were held at an unidentified facility, which was apparently located in Quinta Normal. All three disappeared while being held by the DINA. Witnesses have testified that Héctor Genaro González and Carlos Julio Fernández were held at Cuatro Alamos. The Commission is convinced that the disappearance of these three persons was the work of government agents who thus violated their human rights.

Also on September 6, DINA agents arrested Mónica Chislayne LLANCA ITURRA, who had MIR ties, at her home in the Conchalí district. She disappeared from the Cuatro Alamos compound, where witnesses saw her. The Commission is

convinced that her disappearance was the work of government agents who thus violated her human rights.

b.1.3) Spring [August-November] 1974: The José Domingo Cañas facility

In late August the DINA operational teams transferred most of their operation to the José Domingo Cañas compound and continued to carry out arrests at a rapid pace. During this period the DINA's efforts were focussed on locating Miguel Enríquez Espinosa, the MIR general secretary who was underground, and they were successful in October 1974. Most of the prisoners who were caught in the process of searching for the MIR general secretary were held at the José Domingo Cañas site. A significant portion of those arrested in September, October, and November of 1974 were interrogated and tortured at José Domingo Cañas, and a number of them disappeared while they were in the DINA's hands. Some were taken to Cuatro Alamos and were last seen there. A significant number of prisoners were also first taken to José Domingo Cañas and then transferred to Villa Grimaldi when that property began to function as a secret detention and torture site.

On August 22, 1974, the MIR activist Modesto Segundo ESPINOZA POZO, an accountant, was arrested in Santiago. He disappeared while in the hands of the DINA. Witnesses saw him at the José Domingo Cañas and Cuatro Alamos detention site. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 27, 1974, DINA agents arrested the MIR activist Jackeline del Carmen BINFA CONTRERAS in downtown Santiago. Witnesses saw her at José Domingo Cañas, and last saw her at Cuatro Alamos. The Commission is convinced that her disappearance was the work of government agents who thus violated her human rights.

On September 7, 1974, DINA agents arrested the

architect Francisco Eduardo AEDO CARRASCO, who apparently had MIR ties, at his home in Santiago. On September 14, 1974, the draftsman and MIR activist Bernardo de CASTRO LOPEZ, who had political ties to Francisco Aedo, was also arrested at his home by DINA agents. Both of them disappeared while under the DINA's control. Witnesses saw Francisco Aedo at the José Domingo Cañas and Cuatro Alamos compounds. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On September 10, 1974, the MIR activist Carlos Fredy PEREZ VARGAS was arrested where he worked in downtown Santiago. On September 29, his brother, Aldo Gonzalo PEREZ VARGAS, who was also active in the MIR, was arrested. Witnesses have said that the two brothers disappeared from the DINA compound at José Domingo Cañas. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On September 13, 1974, DINA agents arrested two friends, Víctor Alfonso MARTINEZ and José Hipólito JARA CASTRO, both of whom were active in the MIR. On September 14, Sergio Hernán LAGOS HIDALGO, a MAPU activist who was also apparently involved in the MIR, was arrested in Santiago. These three prisoners disappeared while under DINA control. By the time they disappeared they had probably been taken to the José Domingo Cañas compound. José Hipólito Jara is known to have been seen at Cuatro Alamos. There has been no further information on these people. The Commission is convinced that the disappearance of these three persons was the work of government agents who thus violated their human rights.

On September 16, 1974, DINA agents arrested the MIR activist Héctor Cayetano ZUNIGA TAPIA on the streets of Santiago. His captors then took him to his house in Villa John Kennedy. That same day the MIR activist Vicente Segundo PALOMINO BENITEZ was arrested in downtown Santiago by unidentified plainclothes agents. His captors twice took him to

the photography laboratory that he owned. Even though there is no evidence of the sites to which they were taken, the Commission believes that the testimony on their arrests is sufficient to lead to the conviction that both prisoners disappeared at the hands of government agents in violation of their human rights. The Commission believes that the agents who arrested Héctor Zúñiga can be identified as DINA members.

On September 17, 1974, DINA agents arrested the MIR activist Manuel Jesús VILLALOBOS DIAZ at his home in the central area of Santiago. Since then there has been no further word about him. Testimony by witnesses to his arrest have enabled the Commission to come to the conviction that Manuel Jesús Villalobos disappeared while in the hands of the DINA in violation of his human rights.

That same day September 17, the MIR activist Mamerto Eulogio ESPINOZA HENRIQUEZ, who apparently had direct ties to the top leader of the organization, Miguel Enríquez, who was then in hiding, was arrested at an office in downtown Santiago. A woman MIR activist was arrested along with Mamerto Espinoza, but she was later released. Witnesses have said that he was held at the DINA facility on Calle José Domingo Cañas. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

Likewise on September 17, Néstor Alfonso GALLARDO AGUERO, 24, an accountant who was the regional MIR leader in Temuco, disappeared. He was arrested by DINA agents in Santiago. Witnesses have testified that they saw him at Cuatro Alamos and later at Villa Grimaldi. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 10, 1974, the architect and MIR leader from Valparaíso Carlos Alfredo GAJARDO WOLFF, who was living underground and was being heavily pursued by the security services,

disappeared in Santiago. Although there is no exact evidence that he was arrested or held at detention sites, the Commission has come to the conviction that he was subjected to forced disappearance by government agents in violation of his human rights. In doing so, the Commission has kept in mind his political activity, the fact that he was being sought by security agencies, the situation of persecution existing at that time, and the fact that there has been no further word about him, nor has any written record of his activities been found, despite all the efforts that have been made.

Also on September 20, the MIR activist Luis Fernando FUENTES RIQUELME disappeared in Santiago. There is no exact information on the arrest of Luis Fuentes or his presence in prison sites. The Commission nonetheless has come to the conviction that he disappeared at the hands of government agents. It came to this conviction by examining indications that are sufficiently compelling, as well as other factors, such as his political activism, the period in which he disappeared, and the fact that there has been no information about him, and that he has not been registered as being involved in any transactions over such a long period, despite the efforts made to locate him.

On September 21, 1974, DINA agents arrested a married couple in Santiago, both of whom were MIR activists, Lumi VIDELA MOYA and Sergio PEREZ MOLINA. Many witnesses observed them being held at the José Domingo Cañas site. On November 3, Lumi Videla died during a torture session at the José Domingo Cañas facility. According to the autopsy report, the exact cause of her death was suffocation of the mouth and nose while the body was prone and face down. Sergio Pérez disappeared from that same facility. On November 4, 1974 Lumi Videla's body was found just inside the wall around the patio garden at the Italian embassy in the Providencia district. The press at that time said that she had been killed during an orgy by those who had taken asylum in the embassy. However, the embassy denied that Lumi Videla had taken asylum

on the embassy grounds. The Commission came to the conviction that Sergio Pérez disappeared as a result of the actions of DINA agents, and that Lumi Videla died of torture likewise inflicted by DINA agents, and that the human rights of both were violated.

On September 22, 1974, DINA agents arrested the MIR activist María Cristina LOPEZ STEWART at her home in the Las Condes district. A married couple living there was arrested with her and was released some time later. She was taken to the José Domingo Cañas location and was last seen there. The Commission is convinced that her disappearance was the work of government agents who thus violated her human rights.

On September 24, 1974, the MIR activist Carlos Alberto ARACENA TORO disappeared in Santiago. There is evidence that he was arrested at his home in downtown Santiago by unidentified agents. Although there is no subsequent information to indicate where Carlos Aracena was taken by his captors, the Commission has decided that the evidence of his arrest is sufficient to conclude that he disappeared as the result of actions by government agents who thus violated his human rights.

On September 25, 1974, Ariel Martín SALINAS ARGOMEDO, who had MIR ties, was arrested. That same night he was taken to his brother's house in the Las Condes district. Subsequently he was held at the DINA José Domingo Cañas and Villa Grimaldi facilities and disappeared from the latter site. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

Also on September 25, plainclothes agents arrested the MIR activist Mario Eduardo CALDERON TAPIA in downtown Santiago. Witnesses attest that he was held at the José Domingo Cañas, Villa Grimaldi, and Cuatro Alamos DINA facilities, and that he disappeared from Cuatro Alamos in mid-November. The Commission is convinced that his disappearance was the work of government agents

who thus violated his human rights.

In October 1974, witnesses saw Antonio LLIDO MENGUAL, a former priest of Spanish nationality, at the José Domingo Cañas facility. The date of his arrest is not known. Antonio Llido was later transferred to Cuatro Alamos, and he then disappeared while he was under the DINA's control. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On October 2, 1974, plainclothes agents arrested the MIR activist Cecilia Miguelina BOJANIC ABAD, who was four months pregnant. Her captors took her and her son to her parents' home where they left the child and arrested her husband, Flavio Arquimides OYARZUN SOTO, who was also active in the MIR. Witnesses saw the couple at the José Domingo Cañas DINA location. They were later transferred to Cuatro Alamos and disappeared in mid-October. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On October 3, 1974, DINA agents violently burst into the house of the Andrónico Antequera family in the La Granja district and arrested the MIR activists Jorge Elías ANDRONICO ANTEQUERA and Luis Francisco GONZALEZ MANRIQUEZ, along with another person who was released a few hours later. The agents remained in the house, and in the early morning of October 4 they arrested another MIR activist, Juan Carlos ANDRONICO ANTEQUERA, upon his arrival. Witnesses have testified that the prisoners were taken to the José Domingo Cañas facility and then taken to Cuatro Alamos, where they disappeared while still under DINA control. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On October 4, 1974, DINA agents arrested the MIR activist Amelia Ana BRUHN FERNANDEZ at her workplace, along with a friend who was later released. Witnesses have testified that Amelia Ana

Bruhn was held at the José Domingo Cañas location and then at Cuatro Alamos, where she was seen last. The Commission is convinced that her disappearance was the work of government agents who thus violated her human rights.

Most cases during this period were related to the DINA's efforts to locate Miguel ENRIQUEZ ESPINOSA, a physician who was the MIR general secretary and party leader. This became the DINA's main objective and led to a chain of arrests that had begun with that of Lumi Videla and Sergio Pérez. On October 5, 1974, the house in the San Miguel district where Miguel Enríquez was hiding was surrounded by a large contingent of security agents as well as a tank and a helicopter, and they began firing. Among the people in the house was a pregnant woman who was injured. Miguel Enríquez was killed in the shootout. The autopsy report said he was hit by ten bullets. In accordance with the criteria laid down in Part One, Chapter Two of this report, the Commission cannot regard the death of Miguel Enríquez as a human rights violation in the strict sense. However, it does believe that he lost his life as a result of the situation of political violence, since he died resisting arrest by an agency which he had grounds for believing would torture and kill him if he were arrested.

On October 7, 1974, a group of DINA agents arrested Eduardo Francisco MIRANDA LOBOS, 27, a surveyor and MIR activist, on Calle Nataniel in Santiago. He was no longer active in the organization, however. A few days before his arrest he had told a female friend of his former political sympathies. In September 1973 soldiers had raided his house in Los Angeles. According to a witness, he was held prisoner until October 17, 1974, apparently at the Tres Alamos site. The Interior Ministry repeatedly told the courts that there was an order to arrest Eduardo Miranda. Nevertheless, three years later his name appeared on the "list of 119" Chilean citizens allegedly killed in shootouts in Argentina. The Commission has come to the conviction that Eduardo Miranda disappeared at the hands of government agents who thus violated his

human rights.

On October 24, 1974, DINA agents arrested Eugenia del Carmen MARTINEZ HERNANDEZ, who apparently had MIR ties, while she was at her job at the Labán textile factory. The next day plainclothes agents raided her house. Witnesses testify that Eugenia del Carmen Martínez was held at the La Venda Sexy site and later at Cuatro Alamos, where she was last seen. The Commission is convinced that her disappearance was the work of government agents who thus violated her human rights.

On October 30, 1974, DINA agents arrested Jacqueline Paulette DROUILLY JURICH at her home in the Providencia district. They then occupied the house until the early morning hours of the 31st when they arrested her husband, Marcelo Eduardo SALINAS EYTEL, a MIR activist, as he arrived home. On October 31, Jorge Humberto D'ORIVAL BRICEÑO, a MIR activist, who had political ties to Marcelo Eduardo Salinas, was arrested by DINA agents at his home in the Conchalí district. Witnesses testify that the married couple was held prisoner at Villa Grimaldi. Jacqueline Drouilly is also said to have passed through the José Domingo Cañas site. The three prisoners were last seen at Cuatro Alamos. They disappeared from that site while under the DINA's control. The Commission is convinced that the disappearance of these three persons was the work of government agents who thus violated their human rights.

On November 13, 1974, the Spanish teacher and MIR activist Ariel Danton SANTIBAÑEZ ESTAY, was arrested in Santiago. The next day plainclothes agents told his wife that he had been arrested and searched their house. Some days later a plainclothes agent visited his sister and told her of his arrest and the state of his health. Ariel Santibáñez disappeared while under the control of his captors. It has not been possible to determine the sites where he was held. The Commission believes that the evidence of his arrest, taken in conjunction with the general circumstances of the persecution of the MIR at that time, is sufficiently

compelling to enable it to come to the conviction that he disappeared at the hands of government agents who violated his human rights.

On November 16, 1974, DINA agents arrested the MIR activist Sergio Alfonso REYES NAVARRETE at his home in the downtown area of Santiago. He disappeared that day while in the hands of his captors. There is no certain evidence that he was held at detention sites. The Commission regards the testimony by witnesses to his arrest to be sufficiently accurate and credible to enable it to come to the conviction that Sergio Reyes Navarrete disappeared at the hands of government agents in violation of his human rights.

On November 17, 1974, DINA agents arrested Cecilia Gabriela CASTRO SALVADORES and her husband Juan Carlos RODRIGUEZ ARAYA, both of whom were MIR activists, at their home in the Providencia district. This married couple disappeared while in the hands of the DINA. Witnesses saw them at Villa Grimaldi. Cecilia Gabriela Castro had also been seen previously at the José Domingo Cañas site. The Commission is convinced that the disappearance of this couple was the work of government agents who thus violated their human rights.

On November 19, 1974, Fernando Abrahan VALENZUELA RIVERA, a lawyer who was a member of the MIR central committee, was killed. His death was connected to the arrest of the husband and wife Carlos Rodríguez and Cecilia Castro. In the account provided by officials, as security agents were on Calle Santa Filomena in Santiago in an operation aimed at arresting Valenzuela, he drew out a pistol and shot at them, and they fired back and killed him. The Commission has come to the conviction that that account is untrue. Neighbors say that as he was walking down the street an individual shouted at him to halt. He turned around and they immediately shot him with a burst of automatic weapons fire and killed him. Hence the Commission believes that he suffered a human rights violation inasmuch as he was executed by government agents without any due

process of law.

On November 18, 1974, the MIR activist Diana Frida ARON SVIGILISKI was arrested in the street in the Ñuñoa district. While being arrested she received a bullet wound. In December 1974 the DINA arrested Diana Frida Aron's commonlaw husband. At Villa Grimaldi he learned that she had been there, and had been transferred to the DINA clinic on Calle Santa Lucía. This evidence has been corroborated by other evidence that the Commission has received. Taken together it is sufficient to enable it to come to the conviction that Diana Aron disappeared at the hands of the DINA in violation of her human rights.

On November 22, 1974, agents of the naval intelligence service arrested the MIR activist José Alberto SALAZAR AGUILERA on the streets of Viña del Mar. A person arrested with him was subsequently released. Many witnesses saw him being held prisoner at the Silva Palma garrison of the navy. There is also evidence that he was later turned over to the DINA. Given the uncertainty over which agency last held José Alberto Salazar in its power, the Commission believes that it can only come to the conviction that his disappearance was the work of government agents in violation of his human rights, but it cannot state which agency was responsible.

On November 25, 1974, DINA agents arrested the MIR activist Ruben David ARROLLO PADILLA on the streets of Santiago. The next day agents twice came to his house, once bringing him along and the other time searching the area. Even though there is no exact evidence on the detention sites where he may have been held, the Commission regards the evidence of his arrest to be sufficient to enable it to come to the conviction that Ruben David Arrollo disappeared as a result of DINA activity and in violation of his human rights.

b.1.4) Late 1974 and early 1975: Villa Grimaldi

In late November 1974 the secret facility at Villa

Grimaldi, which was the general headquarters of the Metropolitan Intelligence Brigade (BIM), began functioning as the main center for imprisonment, interrogation, and torture. The prisoners still at José Domingo Cañas were transferred there, and in the following months a large number of prisoners were brought in as the result of repressive actions against the MIR. In early 1975 the DINA made its last major assault against the MIR, which by this time was very much in decline as a result of the repression it had undergone in 1974. During these months the capture of important groups of leaders and activists brought down most of the organization's underground structure.

In December 1974 and January and February 1975, a large number of the members of the MIR's so-called "Central Force," as well as some members of the central committee, most of its structure in the Valparaíso area, and most of the political-military groups and other structures still functioning in Santiago were arrested. It can be said that over that summer [December-March] the DINA finished the dismantling of the MIR underground structure that had been created when most of the activists went underground shortly after September 11, 1973.

One of the events that clearly signaled the MIR's defeat was the televised statement from Villa Grimaldi made by four of its important leaders. In a subsequent press conference those leaders spoke with reporters from various news media. In their statement they acknowledged that the MIR had been defeated by the security agencies, and they provided a detailed report on the disastrous state of the party's various internal groups. They urged the members to accept defeat, and to stop mounting anti-government actions.

Those making this statement were indeed leaders of the organization, and it seems to have arisen out of the realistic view of matters at which they had arrived. Nevertheless, it must be kept in mind that they were being held prisoner in miserable conditions and had previously been subjected to

intense torture. Moreover, they could have no assurance or even any clear idea of the consequences of their actions. That much was made clear when two of them were later killed, as is reported below. It should also be noted that in speaking about the situation of their movement and some of its members these prisoners were using a document they themselves had written with the information they had at hand. Even so, DINA agents forced them to include some false items of information, and thus they said that certain persons had fled or were living outside the country when in fact they had disappeared at the hands of the DINA.

On November 26, 1974, DINA agents arrested the MIR activist Claudio Guillermo SILVA PERALTA on the street in the Ñuñoa district. The following day the same agents arrested his father, Fernando Guillermo SILVA CAMUS, at his home. Witnesses have testified that the father and son were held at the DINA compound at Villa Grimaldi and disappeared from that site. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On November 29, 1974, the MIR activists Jorge Hernán MÜLLER SILVA and his colleague at Chile Films, Carmen Cecilia BUENO CIFUENTES, were arrested on the streets of Santiago as they were on their way to work. Witnesses have testified that both of them were taken to the Villa Grimaldi facility and then transferred to Cuatro Alamos. They then disappeared while under the control of the DINA. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

Also on November 29, DINA agents arrested the MIR activist Sergio Alejandro RIFFO RAMOS on the street in the Providencia district. Witnesses saw Sergio Riffo at the Villa Grimaldi DINA facility. He disappeared from that site. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On November 30, 1974 Juan Rodrigo MacLEOD TREVER, who apparently had MIR ties, and his mother-in-law, María Julieta RAMIREZ GALLEGO, went to the Tres Alamos detention site to visit Maria Antonieta Castro Ramírez, who was MacLeod's wife and Ramirez's daughter. She was being held prisoner with her brother, Oscar Castro Ramírez. Both of them were MIR activists. Witnesses have said that as they were visiting the guards found certain suspicious objects among the things that they were bringing to their relatives, and hence they were arrested. These two prisoners disappeared while under DINA control. There is no evidence about what happened to Juan Rodrigo MacLeod after his arrest. Witnesses have testified that María Julieta Ramírez was held at Villa Grimaldi and was last seen there. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On December 3, 1974, unidentified plainclothes agents arrested two MIR activists, Gregorio PALMA DONOSO, who was arrested on the street in Santiago, and Edgardo Orlando LOYOLA CID, who was arrested at his home in Maipú. Both disappeared, and there is no evidence on the detention sites to which they might have been taken by their captors. The Commission regards the evidence of their arrests as sufficient to come to the conviction that Gregorio Palma and Edgardo Loyola disappeared at the hands of government agents who violated their human rights.

On December 3, 1974, a married couple, Alejandro DE LA BARRA VILLARROEL, a political scientist, and Ana Maria PUGA ROJAS, a teacher and actress, were killed. Both were active in the MIR; he was one of its leaders. They were ambushed as they were en route to pick up their son as he was leaving the nursery school he attended at the corner of Pedro de Valdivia and Andacollo. DINA agents had previously visited the nursery school, and that is how they located their victims. The Commission came to the conviction that when Alejandro de la Barra and Ana María Puga came to that intersection in their car they were shot; there was no order to halt and they

did not offer any resistance. Hence the Commission holds the conviction that they were executed by government agents in violation of their human rights.

On December 7, 1974, DINA agents arrested the MIR activist Luis Jaime PALOMINOS ROJAS in Santiago. His sister and his common-law wife had previously been arrested and then released. The next day DINA agents arrested Washington CID URRUTIA, who had political ties to Palominos, at his home in the Cervecerías Unidas shantytown. Palominos's wife was also arrested and taken to Villa Grimaldi together with Washington Cid but was later released. Many witnesses have testified that these men were held prisoner at the Villa Grimaldi site until December 24. At that point they and other prisoners were taken out to an unknown destination. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On December 12, 1974, DINA agents arrested the MIR activist Anselmo Osvaldo RADRIGAN PLAZA on the street. Witnesses have testified that he was also among the group taken from Villa Grimaldi and toward an unknown destination on December 24; there has been no further word about him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 9, 1974, the MIR activist María Teresa BUSTILLOS CERECEDA, was arrested by DINA agents. The arrest took place in the downtown area of Santiago at the apartment of a couple who also had MIR ties. The couple was also arrested but was eventually released. María Teresa Bustillos was taken to the Villa Grimaldi facility where many witnesses saw her. She then disappeared while in the hands of the DINA. The Commission is convinced that her disappearance was the work of government agents who thus violated her human rights.

On December 12, 1974, two friends and MIR activists, Carlos Alberto TERAN DE LA JARA and

Rafael Eduardo ARANEDA YEVENES, were arrested, one at home and the other at the Technical University where both were studying and working. The same day, the MIR activist María Teresa ELTIT CONTRERAS was also arrested on the street in Santiago. These three prisoners disappeared while they were in the hands of the DINA. Witnesses saw them at Villa Grimaldi. The Commission is convinced that the disappearance of these three people was the work of government agents who thus violated their human rights.

On December 31, 1974, the MIR activist Carlos Eduardo GUERRERO GUTIERREZ was arrested by DINA agents who were occupying the home of one of his friends in the Ñuñoa district. The owner of the house was also caught in this trap. He was held in Villa Grimaldi with Carlos Guerrero until he was later released. This same group of DINA agents arrested Jaime Robotham and Claudio Thauby, who were active Socialists, that same day. A number of witnesses have testified that Guerrero was held at Villa Grimaldi and that he disappeared from there while in the hands of the DINA. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On January 1, 1975, the MIR activist Agustin Alamiro MARTINEZ MEZA was arrested on the street in Santiago along with his younger brother, who was taken back to his home. On January 3, 1975, his friend and fellow MIR activist Herbit Guillermo RIOS SOTO went to Martínez's home in the Vivaceta neighborhood and was arrested by DINA agents. On January 6 and 7, the MIR activists Jilberto Patricio URBINA CHAMORRO and Claudio Enrique CONTRERAS HERNANDEZ, who had political connections with Meza and Rios, were also arrested on the street. Witnesses saw these four men at the Villa Grimaldi compound; they then disappeared while they were under DINA control. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On January 7, 1975, the MIR activist Miguel Angel SANDOVAL RODRIGUEZ was arrested in Santiago. A few days later armed civilian agents searched his house. He disappeared while in the hands of the DINA. Witnesses have testified that he was held at Villa Grimaldi. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On February 7, 1975, [sic] DINA members arrested Rodrigo Eduardo UGAS at the Central Railroad Station. He was taken to Villa Grimaldi and disappeared along with the other people who were taken out on February 28, as noted below. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On January 10, 1975, DINA agents arrested the MIR activist Julio Fidel FLORES PEREZ at his home in Santiago. Witnesses have testified that he was held prisoner at Villa Grimaldi. He disappeared from that site while under DINA control. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On January 13, 1975, DINA agents killed Ramón Hugo MARTINEZ GONZALEZ, a student who was a member of the MIR central committee. He had been arrested January 6 on Calle Bascuñán Guerrero in Santiago. Ramón Martínez was shot as he was being arrested, and he was taken in that condition to the Villa Grimaldi compound. On January 13 a military prosecutor's office sent his body to the Medical Legal Institute where it was noted that he had died of two recent bullet wounds to the chest. These are not the same as the bullet wounds he received while being arrested. On the basis of this evidence the Commission is in a position to state that he was executed by DINA agents in violation of his human rights.

On January 16, 1975, the teacher and MIR activist José Patricio Del Carmen LEON GALVEZ was arrested on the street in the downtown area of

Santiago. The next day a civilian went to see his brother at work and informed him of the arrest. He disappeared while in the hands of the DINA in violation of his human rights. Witnesses have testified that he was held prisoner at the Villa Grimaldi facility.

On January 20, 1975, the MIR activist Luis Gregorio MUÑOZ RODRIGUEZ was arrested on the street in Santiago. Subsequently it was determined that those arresting him were DINA agents and that they took him to the Villa Grimaldi facility. He then disappeared while under DINA control. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On January 29, 1975, DINA agents arrested the MIR activist Juan Enrique MOLINA MOGOLLONES in Santiago. His wife was also arrested and later released. Many witnesses have testified that Juan Molina was taken to Villa Grimaldi. At some point while he was being held there he was taken to what was called "the tower." On February 20 he was taken from that location toward an unknown destination along with a group who had disappeared from Valparaíso. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On February 7, 1975, the MIR activist Sergio Humberto LAGOS MARIN was arrested on the street in Santiago. Witnesses have testified that he was held at the Villa Grimaldi and disappeared while there. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On February 8, 1975, Pedro Claudio LABRA SAURE, a student who apparently had MIR ties, was killed in Santiago. The government told the OAS (Organization of American States) Interamerican Human Rights Commission that his death, like that of others, was the result of "various clashes with the police or security agents when they were involved in criminal or subversive activities or sabotage," but it

did not spell out the specific situation in which he was involved, who else took part, or how his death occurred. The truth of the matter, however, was quite different. It has been established that neighbors saw security agents arresting him at his home. He was shot while being arrested, but he was still alive when his captors took him away. Pedro Labra's body, bearing three bullet wounds and many cuts, was later found at the Medical Legal Institute. In view of these facts, the Commission is convinced that he was executed by DINA agents in violation of his human rights.

On February 10, 1975, the MIR activist Humberto Patricio CERDA APARICIO was arrested on the street in Santiago. Witnesses have testified that he was held at Villa Grimaldi. The Commission is convinced that he disappeared while in the hands of the DINA, and that therefore his disappearance was the work of government agents who thus violated his human rights.

On February 13, 1975, DINA agents occupied the home of the MIR activist Eugenio Iván MONTTI CORDERO in the Las Condes district. They arrested him and other activists who came there to meet with him. In this fashion Carmen Margarita DIAZ DARRICARRERE, Alan Roberto BRUCE CATALAN, and Jaime Enrique VASQUEZ SAENZ were arrested. Three more MIR activists associated with them were arrested on February 14, 1975. René Roberto ACUÑA REYES was arrested at his house in the downtown area of Santiago. During the arrest he was shot and wounded while trying to escape. Manuel Edgardo Del Carmen CORTEZ JOO and Hugo Daniel RIOS VIDELA were arrested in the street. The Commission is convinced that the disappearance of all these people was the work of government agents who thus violated their human rights.

On February 17, 1975, José CALDERON OVALLE, a MIR activist, was arrested in Santiago by DINA agents. On February 19, 1975, Luis Fidel ARIAS PINO, a machinist and MIR activist, was killed in a gun battle with the DINA. The shootout took place in

connection with a raid on a building at Principe de Gales No. 6445 in which Luis Arias was wounded. He was taken to the military hospital. According to the Medical Legal Institute his body was later found on a public thoroughfare. Despite the very serious impropriety entailed in the disposal of his body, the Commission does not have any basis for regarding Luis Fidel Arias's death as a human rights violation in the strict sense. However, it does believe that he died as a result of the situation of political violence. On February 20, another MIR activist Juan Carlos PERELMAN IDE, was also arrested together with his common-law wife who was later released and was able to testify that he had been held at Villa Grimaldi. According to witnesses whose testimony the Commission received, he was among those who were taken out from that location on February 28. The Commission is convinced that the disappearance of these two people was the work of government agents who thus violated their human rights.

On February 21, 1975, Eulogio del Carmen FRITZ MONSALVEZ, a miner and MIR activist, was killed in the exchange of fire that occurred when he was caught by DINA agents while walking along Calle Bascuñán Guerrero with other MIR members. The Commission believes that, like the previous case, the death of Eulogio Fritz was the result of the situation of political violence.

b.1.5) November-December 1974: La Venda Sexy

From mid-November until mid-December 1974, a DINA team, apparently not the one operating at Villa Grimaldi, arrested a large number of MIR activists. They were held and interrogated at the site known as La Venda Sexy, which operated throughout the early months of 1975. Most of those held prisoner at La Venda Sexy were very young and most of them had political and personal ties to other prisoners. A high percentage of those who were held prisoner there disappeared.

On November 19, 1974, two friends and MIR activists, Ida Vera ALMARZA and Isidro Miguel Angel

PIZARRO MENICONI, were arrested in Santiago. They disappeared while in the hands of the DINA. They were seen at La Venda Sexy; Pizarro was also seen at Villa Grimaldi. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On November 20, 1974, the MIR activist Luis Omar MAHUIDA EQUIVEL was arrested on the street in Santiago. Two days later two other activists with political ties to Luis Mahuida were arrested at their homes in the La Cisterna district: Antonio Patricio SOTO CERNA and Luis Genaro GONZALEZ MELLA. The three prisoners were transferred to the DINA facility La Venda Sexy, where they were seen by witnesses and from which they disappeared. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On November 27, 1974, DINA agents arrested the MIR activist Félix Santiago DE LA JARA GOYENECHÉ on the street in the northern area of Santiago. Witnesses saw him at La Venda Sexy. He disappeared while in the hands of the DINA. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 9, 1974, DINA agents arrested Marta Silvia Adela NEIRA MUÑOZ, who had MIR ties, in the street in Santiago. Several hours later the agents occupied her apartment in the San Borja Towers, where they arrested her commonlaw husband, César Arturo Emiliano NEGRETE PEÑA, who also had MIR ties, and two other persons who were later released. Negrete and Neira disappeared while in the hands of the DINA. Witnesses have testified that both were held at La Venda Sexy. The Commission is convinced that the disappearance of this couple was the work of government agents who thus violated their human rights.

On December 9 and 10, 1975 [sic], Mario Fernando PEÑA SOLARI and Nilda Patricia PEÑA

SOLARI, who were brother and sister and were both MIR activists, were arrested in Santiago. On the 11th, DINA agents went to their house to get medication for Nilda Peña who was in poor health. Mario and Nilda Peña disappeared while in the hands of the DINA. Witnesses have testified that they were both held at the site known as La Venda Sexy. Nilda Peña was also said to have been taken to the Santa Lucía Clinic at one point. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On December 10, 1974, DINA agents arrested the MIR activist Gerardo Ernesto SILVA SALDIVAR in the library of the statistics department at the University of Chile, where he was studying. Later his parents' house was raided. That night his common-law wife was arrested and taken to the site known as La Venda Sexy, where she learned that Gerardo Silva was being held. A number of witnesses have testified that he was held by the DINA at La Venda Sexy and was last seen there. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 12, 1974, the student and MIR activist Renato Alejandro SEPULVEDA GUAJARDO was arrested at the University of Chile medical school. On December 20, 1974, his wife, María Isabel JOUI PETERSEN, and Javier Alejandro ROSAS CONTADOR, both of whom were MIR activists, were arrested in an apartment in the downtown area of Santiago along with another person who was later released. Witnesses saw these three people at the DINA facilities La Venda Sexy and Villa Grimaldi. They disappeared from the latter. The Commission is convinced that the disappearance of these three persons was the work of government agents who thus violated their human rights.

Also on December 12, 1974, the MIR activist Jorge Eduardo ORTIZ MORAGA was arrested in the street in Santiago. The agents searched his parents'

house looking for his wife. Witnesses have testified that he was in the hands of the DINA at the detention site known as La Venda Sexy, and that he disappeared from that facility. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 13, 1974, the high school student and MIR activist Jorge Antonio HERRERA COFRE was arrested. The arrest apparently took place on a public thoroughfare shortly after Herrera left his house. That same night agents who were identified as DINA members raided and searched the family home, and took items that belonged to the prisoner. He disappeared at the hands of the DINA while being held at the facility known as La Venda Sexy, where witnesses saw him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 14, 1974, DINA agents arrested the MIR activist Ramón Isidro LABRADOR URRUTIA in Santiago. Witnesses say that he was held at the facility known as La Venda Sexy, from which he disappeared. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 17, 1974, Luis Dagoberto SAN MARTIN VERGARA, who apparently had MIR ties, was arrested in Santiago. He disappeared while in the hands of the DINA, according to witnesses who have testified that he was held at the facility known as La Venda Sexy. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

b.1.6) Other cases in 1975 and cases in 1976

The DINA operation against the MIR in Valparaíso

In January 1975 a group of DINA agents went to the area of Valparaíso and Viña del Mar intending to suppress the activities of the regional MIR

organization. The group operated out of the Maipo Regiment base in Playa Ancha, and could draw on regiment troops for its work. There is also evidence that some members of the navy also provided assistance. During the second half of January a large number of people with MIR ties or who were suspected of having them, as well as relatives and friends of activists, were arrested.

On January 17, 1975, a couple, Sonia del Tránsito RIOS PACHECO and Fabián Enrique IBARRA CORDOBA, was arrested in Viña del Mar. On January 18, 1975, Carlos Ramón RIOSECO ESPINOZA and Alfredo Gabriel GARCIA VEGA were also arrested in Viña del Mar. On January 21, 1975 Horacio Neftalí CARABANTES OLIVARES was arrested in Viña del Mar. On January 24, 1975, María Isabel GUTIERREZ MARTINEZ was arrested in Quilupe. The next day Abel Alfredo VILCHES FIGUEROA was arrested. On January 27, 1975, Elías Ricardo VILLAR QUIJON was arrested in Valparaíso. His was the last arrest in this series.

All these prisoners, and others who were later released, were taken to the Maipo Regiment where they were tortured in the usual DINA manner. On January 28, 1975 a group of twenty persons of those still remaining at the Maipo Regiment, including these eight, was transferred to Villa Grimaldi. Many witnesses saw them there.

In keeping with the usual procedure, officials initially denied that they had been arrested. However, faced with the many contradictions and the mass of evidence presented to the courts, the DINA Director responded to an inquiry from the Santiago appeals court in July 1977 by acknowledging that an operation had taken place in the area of Valparaíso and Viña del Mar and that these eight people had been held prisoner. However, he said that all had been set free immediately, except for Horacio Carabantes who was released in Santiago at his own request.

Later officials were to claim that the prisoners were immediately released and never held at Villa

Grimaldi. Thus in February 1978 in response to queries from the courts, the undersecretary of the interior stated that there was no evidence that a place called Villa Grimaldi had been either a military base or a detention camp. In March of that year the former DINA director stated that the eight disappeared people had not been arrested but merely held so that they could testify, and that none of them was in any DINA base "including Villa Grimaldi." That same month the chief of staff of the CNI said that Villa Grimaldi was a military facility and that it had never been a prison camp.

The Commission regards the account provided by the DINA about these eight disappeared people as false: the official responses are inconsistent; many witnesses saw these people in Villa Grimaldi; the DINA's replies on these and other arrests have been proven to be false; none of the victims has been heard from again.

The prisoners disappeared at the hands of the DINA. Witnesses agree that the group of eight from Valparaíso were transferred within Villa Grimaldi to a place called "the tower," and that on February 20 all or most of them were taken out of the Villa and have never been heard from again. The Commission is convinced that the disappearance of these eight people was the work of government agents who thus violated their human rights.

On January 19, 1975, Alejandro Delfín VILLALOBOS DIAZ, an electrician and MIR activist, was killed in an operation aimed at arresting people in Viña del Mar. He was shot when he arrived at a house where he was to meet with other MIR members, and encountered DINA agents waiting for him. In late 1975 in the court procedure for locating a person presumed to be disappeared, there appeared a death certificate indicating that he had been killed by a bullet wound to the face, mouth, and neck on a public thoroughfare in Santiago on January 20, 1975. The body was never turned over to his relatives. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

Cases after the summer [early months] of 1975

After the summer of 1975 the pace of the DINA's persecution of the MIR was considerably reduced. However during the rest of the year and into 1976 such persecution continued and claimed a number of victims. DINA methods and MIR actions both began major shifts. The DINA became much more selective, and tended to leave fewer traces of its involvement. The MIR meanwhile no longer had a mass membership, and it moved to relying on small groups that could hide more effectively and used weapons and violent methods much more. Consequently, most of the cases have something of an armed clash about them, although there are also instances of false shootouts.

During this period we should single out the events surrounding the DINA's locating the main MIR leaders Andrés Pascal Allende and Nelson Gutiérrez in October 1975. The DINA's repressive activities intensified before and after the shootout with these leaders, who managed to escape.

In April 1975, Cedomil Lucas LAUSIC GLASINOVIC, an agronomist and MIR activist, who had been arrested by DINA agents on April 3 or 4, was killed. He was taken to the Villa Grimaldi DINA facility where many witnesses saw him. There he was hit, kicked, and beaten with chains and rifle butts. The beating was especially violent, apparently because he had tried to attack a guard and escape. The beating he was given left Cedomil Lucas Lausic dying. A prisoner who saw him said he was half conscious, and his back and buttocks were swollen and bruised, and that he had fierce headaches. He remained in this condition for three days until he was finally taken from his cell in a wheelbarrow. His body was brought into the Medical Legal Institute on April 9. He was recorded as having multiple contusions and loss of blood. The Commission came to the conviction that Cedomil Lucas Lausic died of the torture he underwent at the hands of his captors, DINA agents who thus violated his human rights.

On September 12, 1975, the MIR activist Guillermo GONZALEZ DE ASIS, was arrested on a public thoroughfare and taken to Villa Grimaldi. According to several witnesses, he was kept blindfolded, tied up, and isolated from the other prisoners. All trace of him was lost around September 20. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 28, 1975, Oscar Segundo ARROS YAÑEZ, a machinist and MIR activist, was killed. He had been arrested September 26 in Lota and was taken by DINA members to the El Morro stadium in Talcahuano. The next day his captors took him to his house to change clothes. His wife was able to see that he was in very poor condition and covered with bruises. On September 28 the word went out that his body was at the morgue in the hospital in Lota Bajo, where it had been brought by five DINA employees. A doctor told the family that Arros had been whipped and that his body bore two bullet wounds. Hence the Commission regards him as executed by DINA members who thus violated his human rights.

On October 16, 1975, the DINA succeeded in locating the underground leadership group of the MIR at a location in Malloco. In the ensuing gun battle Dagoberto PEREZ VARGAS, a sociologist and MIR leader, was killed. The Commission considers Dagoberto Pérez as having been killed as a result of political violence.

Nelson Gutiérrez, the number two MIR leader, was wounded, but managed to escape from the shootout in Malloco. Some days later Sheila Cassidy, a British doctor, gave medical treatment to him as he was on the run. Security agents accordingly began searching for her in order to arrest her. On November 1, 1975, they arrested her while she was visiting a sick woman at the Colomán Fathers residence. In the process of arresting her, DINA agents shot a number of times, and as a result the housekeeper, Enriqueta del Carmen REYES VALERIO, who had no history of political involvement and had nothing to do with these events, was killed.

Officials said that Doctor Cassidy had taken refuge there with an unidentified individual, and that when the agents arrived they were met with gunfire leaving one agent wounded. Enriqueta Reyes was said to have put herself in the line of fire of Dr. Cassidy's companion. No evidence and no testimony from agents was ever offered to support that account, nor was the wounded agent or the alleged companion of Dr. Cassidy ever identified.

The testimony and other evidence that the Commission gathered indicates that no shootout took place, since no one in the house was armed; the DINA agents did all the shooting. For the reasons here summarized, the Commission has come to the conviction that Enriqueta Reyes was killed by government agents in violation of her human rights.

On October 21, 1975, DINA members killed Iván Nelson OLIVARES CORONEL, a student and member of the MIR. That day DINA agents came to his house during curfew looking for him. Ivan Olivares ran away and hid in the yard of a nearby house. The agents found him, shot him, wrapped him in a sheet, and drove him away in a pickup. The next day his body was sent to the Medical Legal Institute by government security services. The autopsy report notes that he had two bullet wounds. The Commission came to the conviction that Iván Olivares was executed by government agents in violation of his human rights.

On October 25, 1975, Jaime Ignacio OSSA GALDAMES, a teacher and MIR militant, was killed. He had been arrested in Santiago on October 20 at his parents' house. He was taken to Villa Grimaldi where witnesses saw him. According to the accounts the Commission has gathered, he was tortured there. Agents who were overwhelmed with nervousness were heard to say that he had died of a stroke after being given water. At Sendet [Executive National Secretariat of Prisoners] his parents were told that he was being held at Cuatro Alamos. Officials at that site, however, denied that he was

there, and when his parents pressed the matter at Sendet they were told he was not under arrest. On December 10, in the process of looking for another victim, representatives of the Committee for Peace found Ossa's body at the Medical Legal Institute. Records there indicate that his body was brought in on October 25 by "the government security service." The cause of death was an injured abdomen and backbone. In the legal action for unlawful arrest, the undersecretary of the interior at that time replied that the prisoner had been taken from his detention site and had suicidally thrown himself in front of a vehicle and thus been killed. Enclosed with that response was a document signed by the head of the DINA authorizing him to be taken from his prison site. The official account goes completely against the evidence this Commission has gathered indicating that he died inside the DINA compound as a result of the mistreatment he underwent. The Commission is convinced that Jaime Ignacio Ossa died as a result of torture by government agents who thus violated his human rights.

Cases of the Gallardo and Ganga families

On November 17, 1975, MIR members attacked a group of soldiers on Calle Bío Bío in Santiago. In the ensuing gun battle, Hernán Salinas Calderón, a soldier, and Roberto Gallardo Moreno, a MIR activist, were killed. The following day Roberto Gallardo's parents, three of his brothers and sisters, his wife, and two young nephews were arrested. They were all taken to the investigative police office on Calle General Mackenna, where they were interrogated and beaten. At 5 a.m. on November 19, Ofelia Moreno, Isabel Gallardo, Guillermo Gallardo, and two children, Viviana Gallardo and Alberto Rodríguez, who was only nine months old, were released. At that moment Ofelia Moreno was told that her son Roberto was dead and that all the other members of her family were going to be turned over to the DINA "because they would know what to do."

Early that same morning DINA agents arrested Ester Torres at her home along with her sons, Renato Mauricio and Francisco Javier. They were

looking for her son Luis Andrés Ganga, who was not there. The three prisoners were taken to the Villa Grimaldi facility. By interrogating and torturing them, the agents learned that Luis Andrés Ganga was at his grandfather's house. They took his mother there and arrested him. After being brought back to Villa Grimaldi, Ester Torres was separated from her son, Luis Andrés. The following morning she was taken to Cuatro Alamos with her other two sons. There she was told that Luis Andrés Ganga had escaped, and she was released. Her other two sons were released later after a long period of confinement.

A number of people who were at Villa Grimaldi the night of November 18 say that it was the worst night they experienced there. They describe a great deal of movement of vehicles and people after an interrogation session in the yard. During the interrogation guards could be heard shouting and asking for water and hot oil, followed by the frightful shrieks of those being tortured. Witnesses say that the next morning they saw two women in very poor condition, and bodies on the ground, including one of an old man.

On the afternoon of November 19, the National Directorate for the Mass Media issued a statement on the events on Calle Bío Bío indicating that after considerable investigation the DINA and the investigative police had traced the group of attackers to the hills of Rinconada de Maipú. A midnight gun battle at that location had lasted more than a half hour. That shootout led to the death of Catalina Ester GALLARDO MORENO, a sister of Roberto Gallardo, an office worker who was a MIR activist; Alberto Recaredo GALLARDO PACHECO, a machinist who was the father of Roberto Gallardo and an active member of the Communist party; Mónica del Carmen PACHECO SANCHEZ, a teacher who was three months pregnant; Luis Andrés GANGA TORRES, a merchant and MIR activist; Manuel Lautaro REYES GARRIDO, a worker; and Pedro BLAS CORTES JELVES, a worker who was an active member of the Communist party. The statement also noted that one of the subversives had run away, and that two security agents had been wounded.

In accordance with what has been stated above, there is enough evidence to reject the official account of a shootout, since there is proof that these people had been arrested and taken to Villa Grimaldi. It should also be noted that a witness has said that on that day he saw a number of large automobiles arrive at Rinconada de Maipú. Plainclothes and uniformed armed men took prisoners out, forced them to run, and shot them. A part of the estate on which these events took place, which belongs to the University of Chile, was used first by the DINA and then by the CNI from 1973 until 1989. The local farmers say that agents routinely roamed all over the estate. Finally it should be added that it is not plausible that at that period a leftist group would be composed of both Communist party and MIR members or that a pregnant woman (Mónica Pacheco) and a 65-year-old person (Alberto Gallardo) would have taken part in this kind of armed action. For all these reasons, the Commission came to the conviction that all the people listed above were executed by DINA agents in violation of their human rights.

On December 1, 1975, José Hernán CARRASCO VASQUEZ and Humberto Juan Carlos MENANTEAU ACEITUNO were killed. Both were MIR leaders who had been arrested by the DINA in late 1974. While in prison they joined two other leaders in a televised public statement and a press conference in which they called on their fellow MIR members to give up armed struggle. They were held at Villa Grimaldi for a number of months and kept separate from the other prisoners, and were then released in September 1975.

Armed men in plainclothes arrested Humberto Menanteau on November 19 at his parents' home. The next day they arrested José Carrasco at the house of some friends. On December 10 their families identified their bodies at the Medical Legal Institute. They had been found near Buin, and showed signs that they had been tortured before being killed.

Even while they were imprisoned, the press reported that the MIR had issued a death sentence for those who had written the statement and participated in the press conference. After they had been killed, their relatives received elaborate letters stating that they had been executed by the MIR for having betrayed the working class.

The Commission came to the conviction that that account is not true, since it has statements indicating that their abductors were DINA agents who had periodically been visiting them since their release, and that they killed them when they heard that they had tried to reestablish their relationship with the MIR. That position is supported by the fact that they were seen at the Villa Grimaldi DINA facility while imprisoned this second time. Hence the Commission has come to the conviction that these people were executed by DINA agents in violation of their human rights.

On February 24, 1976, there was a shootout between MIR and DINA members at Pasaje Juan Ramón Jiménez in Santiago. The MIR activists Iván Renato PEREZ VARGAS, a student and Amador Roberto DEL FIERRO SANTIBAÑEZ, an engineer, were killed in that action, as was a DINA agent named Tulio Pereira. According to the criteria proposed in Part One, Chapter Two of this report, the Commission cannot classify the death of Iván Pérez and Amador Del Fierro as a human rights violation in the strict sense. Rather it holds that they died as a result of political violence, since they were defending themselves against an organization that they reasonably feared would torture and kill them if they were apprehended.

A neighbor child only seven years old, Susana Elizabeth SANHUEZA SALINAS, was also killed. She was playing in her yard when the shooting took place. The Commission regards her as an innocent victim of political violence. An official report claimed that Mireya PEREZ VARGAS, a student and MIR activist, was also killed in this shootout. However, it has been determined that Mireya Pérez was only wounded, and that the DINA agents captured her

alive, and killed her while holding her in prison at Villa Grimaldi. Hence the Commission came to the conviction that she was executed by government agents in violation of her human rights.

On May 7, 1976, Rodrigo Alejandro MEDINA HERNANDEZ, a philosophy student and MIR activist, was arrested on a public thoroughfare. He was last seen in August of that year at Villa Grimaldi. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

In late May 1976, three other MIR activists were likewise arrested and subsequently disappeared. On May 25, 1976, Angel Gabriel GUERRERO CARRILLO was arrested at the corner of Antonio Varas and Providencia by DINA agents who were driving a white Peugeot. He was then taken to Villa Grimaldi where several witnesses saw him. There has been no further word about him. On May 26, Oscar Dante VALDIVIA GONZALEZ was arrested. That night the homes of several of his relatives were searched for weapons. Since that day there has been no further word on his whereabouts. Also on May 26, Luis Hernán NUÑEZ ROJAS, a philosophy student and MIR activist, was arrested. He has been disappeared since that day. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On June 15, 1976, a large number of people tried to take asylum in the Bulgarian embassy, but the police arrested all those involved and had them taken to the Cuatro Alamos prison camp. Those arrested were released the next day near O'Higgins Park with a good deal of media attention.

One of those who had been arrested, Raúl Guillermo CORNEJO CAMPOS, a MIR activist, and some of the others who had just been released stepped into a bus. When he saw that they were being followed by security agents, Raúl Cornejo got off and tried to escape on foot. However, the Commission received evidence that he was

apprehended again by a group of armed agents who put him into an automobile and drove away to an unknown destination. In that same operation, another MIR activist involved in that frustrated asylum attempt, Sergio Raúl PARDO PEDEMONTE, was likewise apprehended. A DINA agent had threatened him for being responsible for instigating the asylum attempt. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On July 22, 1976, DINA agents arrested María GALINDO RAMIREZ, a MIR activist, although the circumstances of her arrest are not known. She was held at Villa Grimaldi, and in August all trace of her vanished. She shared a cell with Marta Ugarte whose body later washed up on the beach at Los Molles. The Commission is convinced that her disappearance was the work of government agents who thus violated her human rights.

On August 8, 1976, Mario Osvaldo MAUREIRA VASQUEZ, a former member of the group responsible for President Allende's security who was active in the MIR, was arrested on the Gran Avenida. Santiago Araya, who is now among the disappeared, and Juan Manuel Carrasco witnessed the arrest, which was made by an off-duty policeman who took Maureira to the Nueva España police station. There he was turned over to agents of the police intelligence bureau, who in turn handed him over to DINA agents, without any formal procedure whatsoever.

It should be noted that the deputy director of the investigative police, the national director of information, and the interior minister sent official documents to the court that was dealing with the matter, asserting that Maureira had been arrested for the crime of attempting to kill the arresting policeman with a firearm. He had been turned over to the DINA, however, because the Second Military Prosecutor's Office had issued a warrant for his arrest for the crime of treason (dated October 5, 1974). The DINA in turn said that it had regarded the incident as a matter for the police and not one of

internal security, and hence had released Maureira after questioning, but it said nothing about the place or the circumstances of his release. Maureira is still disappeared however, and hence the Commission holds the conviction that he was subjected to the violation of his human rights, namely his disappearance at the hands of government agents.

On October 20, 1976, an official report stated that there had been a shootout between the police from a radio patrol car and two suspicious individuals. As they were being questioned they drew their weapons and a gun battle broke out. One of them was wounded, while the other managed to escape to a nearby factory, where he died of a wound he had received in the gun battle. The report also said two passers-by were wounded.

The two victims of this incident were Juan Rolando RODRIGUEZ CORDERO, an office worker and the widower of Catalina Gallardo, whose case was described above and who was planning to leave the country because he had been pursued since the death of his wife, and Mauricio Jean CARRASCO VALDIVIA, a student and MIR activist. Carrasco was also connected to the events of the previous year, since DINA agents had questioned the mothers of the Gallardo and Ganga families concerning his whereabouts. They thought that he must be the leader of the group to which their sons belonged.

Shortly after Mauricio Carrasco was killed investigative police searched his house. They arrested one of his brothers and also told him that Mauricio Carrasco was the leader of the political group to which the Gallardo family belonged. After this alleged shootout the agents involved told Carrasco's brother that they had killed him.

This Commission had access to an eyewitness who says that what happened was different from the account presented in the official report. That day a number of vehicles came driving up and screeched to a halt. Straight ahead were Juan Rodríguez and Mauricio Carrasco sitting on a bench on the sidewalk. A man got out of the first car and without

saying a word opened fire on them. One of them was killed instantly, and the other was left wounded and died later. The agents continued to shoot in the air without aiming, and they hit and wounded a man who came out of a factory. From that testimony and the antecedents of repression against relatives and other people with ties to the victims, the Commission has drawn enough evidence to come to the conviction that these two men were executed by government agents in violation of their human rights.

2. Repression against the MIR by other agencies or by undetermined agencies

On September 30, 1974, Claudio RODRIGUEZ, a MIR activist, was killed. That day there was a gun battle between MIR members and soldiers near the intersection of Jorge Matte and Bilbao in Santiago, and Rodríguez was killed as a result. The Commission holds the conviction that Claudio Rodríguez was a victim of the political violence that was widespread in Chile at that time.

On November 27, 1974, Rudy CARCAMO RUIZ, a MIR activist, was arrested at his home in Talcahuano by plainclothes agents who identified themselves as members of the investigative police. He was held a prisoner at the Talcahuano naval base. His whereabouts remain unknown to this day. The Commission therefore believes that Rudy Cárcamo underwent a forced disappearance at the hands of government agents who thus violated his human rights.

On March 27, 1975, police and soldiers arrested the MIR activist Pedro Gabriel ACEVEDO GALLARDO in the area of Tierra Amarilla near Copiapó. The commander of Regiment 23 in Copiapó acknowledged that Pedro Acevedo had been arrested and was held prisoner on the grounds of that unit. He said, however, that on May 1 he had escaped from the regiment through a hole he had dug from his room. From the evidence it has in hand, the Commission has been able to conclude that that account is not true. Hence it has arrived at the conviction that Pedro Gabriel Acevedo disappeared at the hands of army members in violation of his human rights.

On April 6, 1975, Isidro ARIAS MATAMALA, a musician and MIR activist, died after being arrested by investigative police. He was

accused of having been involved in a gun battle in which a detective was killed. The official account stated that he cut his veins as he was being captured and then attacked those arresting him with a pistol, and was killed on the spot when they shot back. Officials changed their initial story at the trial of Isidro Arias' accomplices, when they said his death was caused only by his cut veins. They said that after he had cut them he had been captured and bandaged, but that back in his cell he removed the bandages and thus bled to death. The contradictions between these two accounts lead the Commission to doubt the official account and to come to the conviction that if Isidro Arias actually took his own life, he must have been impelled to do so by his situation in the hands of his captors, and that hence his human rights were violated.

On September 3, 1975, Marcos Hernán MONTECINOS SAN MARTIN, a university student and MIR activist, died in Concepción. The Commission cannot come to a conviction on whether the shootout in which he is said to have been killed really took place or not. On September 3, Marcos Montecinos was stopped by a police patrol in the university neighborhood. The newspaper reported that he took out a revolver and aimed at the police, who are said to have ordered him to drop it. However, he fired and went running into some bushes. The police shot into the air, but when he fired again, they shot back at him and killed him.

His family questions that account. They find it strange that none of the police were wounded since he had been a member of the Chilean Air Force pistol team. They also point out that he was shot down in the street-firefighters later had to wash away the blood- and not in some bushes as was claimed. The Commission is convinced that Marcos Montecinos should be regarded as a victim, but cannot specify whether he was executed by government agents or was killed in a shootout.

On November 14, 1975, in Copiapó police and soldiers searched the house of Alonso LAZO ROJAS, a student at the University of La Serena and a MIR activist. They arrested him and his wife and took them to the regiment in the city. He then disappeared. His wife was subsequently released. On November 21, 1975 the intendant and head of the zone in a state of emergency of the province of Copiapó reported to the press that Alonso Lazo had been arrested. On January 20, 1976, however, the Interior Ministry told the appeals court in Santiago that he had been arrested on

the basis of Exempt Decree⁹⁴ No. 1793 dated December 9, 1975, and had been taken to the Cuatro Alamos prison camp and later to Tres Alamos on the basis of Exempt Decree No. 1802, dated December 18, 1975. On February 26, 1976 the Interior Ministry told the family that he had escaped on November 15, 1975, while he was being transferred to the Copiapó Regiment. Finally, the commander of that regiment told the court that he had escaped from the military prison by taking advantage of a permission to use the latrine. Such discrepancies between the accounts and dates given by officials prove that they are false, and when taken in conjunction with the testimony it has at hand, enable the Commission to come to the conviction that Lazo underwent forced disappearance at the hands of government agents in violation of his human rights.

On November 14, 1975, the MIR activist Oscar Armando LEIVA JIMENEZ was killed in Antofagasta. That day armed civilians searched the house in which he was living and waited to shoot him down as he arrived at midnight. Witnesses observed these events. These agents, who had previously identified themselves as members of SICAR, removed his body. The Commission holds the conviction that Oscar Leiva was executed by government agents who thus violated his human rights.

On December 5, 1975, José Francisco BORDAS PAZ, a civil engineer and MIR leader, was killed. He had managed to survive the operation in which Miguel Enríquez was killed, but on December 5, he was killed in a gun battle with SIFA agents in the wealthy part of Santiago after a long automobile chase. The Commission holds the conviction that José Bordas was killed as a result of political violence.

In the early morning hours of June 24, 1976, Oscar Eduardo AVELLO AVELLO, a medical student at the University of Chile and a MIR activist, was arrested at his home. There has been no further information about him.

On June 25, 1976, Orlando Patricio GUARATEGUA QUINTEROS, a MIR activist who was studying industrial technology at the Technical University, was arrested on a public thoroughfare. In the early morning hours of the 26th, several armed agents with red and white armbands searched his house and claimed they were

⁹⁴ Exempt Decree: Chilean law requires that most decrees be subjected to review by the General Comptroller's Office before legally going into effect. The exempt decree, however, is, by law, exempted from that scrutiny.

looking for weapons. There has been no further information on him.

On June 27, 1976, Miguel Hernán OVALLE NARVAEZ, who was also a MIR activist, was arrested in the street by agents who were driving a car without a license. They handcuffed him, put him in the car, and took him to an unknown destination. His house was also later searched for weapons. To this day nothing is known of his whereabouts.

On June 28, 1976, Héctor Manuel CONTRERAS ROJAS, a radio operator who was a neighbor of Miguel Ovalle, was arrested in the street as well. His house was likewise searched during the days following his arrest. Since that date there has been no further information on him.

On June 28, 1976, another MIR activist, Sergio Manuel FUENZALIDA LOYOLA, was arrested by agents who took him toward an unknown destination. He has remained disappeared since then.

Taking into account testimony by witnesses of the arrests of these five people, noting that they were a MIR cell, and that there has been no further information on them, the Commission came to the conviction that they suffered the violation of their human rights, namely that they were apprehended and subjected to forced disappearance by government agents. The Commission cannot specify with assurance the agency responsible for their arrest.

c. Victims from the Communist party⁹⁵
Cases in which the DINA was responsible

On or before January 25, 1974, Gerardo Ismael RUBILAR MORALES, 26, an office worker, and Ernesto Guillermo SALAMANCA MORALES, 20, a university student, who were brothers on their mother's side and were active in the Communist party were arrested. They had both been arrested after September 11, 1973 in search operations conducted in the La Legua shantytown where they both lived at that time and had been held in the National Stadium for twenty-three days.

The date of arrest cannot be determined exactly but it must have

⁹⁵ Communist party: The Communist party is often referred to in the original text as PC for Partido Comunista. In keeping with this, when PC is used in the Spanish, it is translated to "CP" for the English "Communist Party." Reference is also made to the "SP" when PS is used for Partido Socialista or "Socialist Party."

been January 25, 1974 or shortly before. About midnight on the day of the arrest, these two brothers and approximately twelve heavily armed people came to their parents' house in Lo Gallardo, near the city of San Antonio. They said they were coming to try to free the prisoners in Tejas Verdes. The two brothers looked nervous. The next morning they left. However, some of those who had brought the two brothers, came back and arrested the father of Ernesto Salamanca and a younger brother, and took them to Tejas Verdes where they were brutally tortured. They were released after having been disappeared for forty-two days.

Witnesses whom this Commission regards as trustworthy have testified that Gerardo Rubilar and Ernesto Salamanca were taken to Tejas Verdes; at that point all trace of them was lost. Statements by a number of witnesses, the experience of the relatives as well as the imprisonment of Gerardo Rubilar's fiancée at Tejas Verdes, enable the Commission to come to the conviction that these prisoners disappeared at the hands of the DINA in violation of their human rights, and that the claim by government officials at the time that these brothers were not imprisoned must be rejected.

On July 10, 1974, Enrique Segundo TORO ROMERO, an active Communist, was arrested by DINA agents at his home in Villa Francia in Maipú. On July 15, José Caupolicán VILLAGRA ASTUDILLO and Eduardo Enrique LARA PETROVIC, who also lived in Villa Francia and were politically connected to Enrique Toro and the CP, were arrested. Jose Villagra was arrested at his home and was taken to the IRT company where Eduardo Lara was arrested. Several witnesses have testified that these three were held prisoner at the DINA facility at Londres No. 38 and then at Cuatro Alamos; they disappeared from the latter site. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On August 13, 1974, three members of the Communist party were arrested in the Conchalí district: Manuel Antonio CARREÑO NAVARRO, 53, a vendor, and his son Iván Sergio CARREÑO AGUILERA, 16, who apparently helped with minor tasks in the party, and Andrés Tadeo GALDAMES MUÑOZ. Three other persons were arrested along with them that day, but were released after some time. In various statements obtained by the Commission, witnesses have testified that they were held at the Villa Grimaldi DINA facility, and then vanished. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On August 15, 1974, Sergio Alberto RIVEROS VILLAVICENCIO, 32, a typesetter who was a leader in the printers union and the political secretary for the CP in his district, was arrested at his house in Conchalí in the presence of several witnesses. There has been no further information on him since he was arrested by DINA agents. The special judge appointed to investigate this case ultimately declared himself incompetent and handed over the evidence and documentation to the military justice system. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 21, 1974, Víctor Daniel AREVALO MUÑOZ, who apparently had CP ties, was arrested at his workplace in the central market. The next day Alberto Vladimir ARIAS VEGA, a Communist and a neighbor of Víctor Arévalo in Conchalí who had political ties to him, was arrested. On the 22nd, the DINA also arrested Víctor Arévalo's wife, who was taken to Londres No. 38 where she verified that Alberto Arias was being held. She was released, but Víctor Arévalo and Alberto Arias disappeared at the hands of the DINA. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

Peñalolén

The Commission has been able to establish that on August 22 and 23, 1974, a number of operations to check identifications were carried out in various shantytowns in Santiago. The newspapers reported that the aim was to locate people wanted by the law. In what is now known as the district of Peñalolén, a number of local CP leaders were arrested. In some cases they were also neighborhood representatives. Members of the army, the investigative police, and the police were involved in all these operations. A number of people in this district were arrested. The following persons disappeared:

On August 22, 1974, Modesto ESPINOZA POZO, was arrested at his house in the presence of his wife, along with other persons who were later released. They were all taken to the Military Academy, and were interrogated while blindfolded. That afternoon Modesto Espinoza was taken to his house in search of arms, but none were found.

On August 23, 1974, the same agents arrested Eduardo Fernando ZUÑIGA ZUÑIGA, 44, an auto body repairman, Eduardo

Segundo FLORES ROJAS, 40, a barber, Roberto Enrique ARANDA ROMERO, 37, a vendor, Manuel Filamir CARTES LARA, 35, a construction worker, and Stalin Arturo AGUILERA PEÑALOZA, 41, a painter. All belonged to the CP in this area.

As a number of witnesses have testified, all the arrests were made in the early morning by soldiers with their faces painted and wearing black berets, along with police and investigative police. In no case did they present an arrest warrant.

Through testimony from reliable witnesses, this Commission has been able to establish that the prisoners were taken to a military installation. After interrogation they were then sent to various clandestine detention sites. This Commission has been able to establish that some of them were held at the DINA facilities Villa Grimaldi (Eduardo Flores, Stalin Aguilera, and Manuel Cartes) and at Cuatro Alamos (Eduardo Flores, who was transferred there, Modesto Espinoza, and Eduardo Zuñiga).

The special judge who was appointed to investigate some of these disappearances received an official letter from the interior minister stating that none of these people alleged to be under arrest were under arrest at that time and that they had not been arrested at any time since September 11, 1973. In the case of Eduardo Flores the special judge declared himself incompetent and ordered all the documentation to be sent to the military justice system.

A number of witnesses have testified that the prisoners were tortured while they were in the hands of the DINA. In fact, Modesto Espinoza's wife was among the prisoners who were forced to watch her husband lying on the ground with his hands and feet tied while a car was driven over his legs.

The Commission has come to the conviction that these people have disappeared as a direct result of unlawful actions committed by government agents in violation of their human rights.

On August 23, 1974, José Orlando FLORES ARAYA, 19, a student at the Industrial School in Maipú, was arrested. A teacher at the school and a female friend of Flores were also arrested for being involved in the CP. These latter two were subsequently released. This Commission has received testimony from trustworthy witnesses that he was taken to La Venda Sexy where they brought in another witness for simultaneous cross-examination. He was then transferred to Villa Grimaldi. At that point all trace of him was

lost.

In official documents sent to the courts, officials several times denied that Flores had been arrested. Nevertheless in 1977, likewise in an official document, they acknowledged that José Flores had been arrested by a member of the army "because of evidence linking him to subversive activities of the MIR which was banned." That document also went on to say that "there is no such place as Villa Grimaldi." Given the false nature of the official accounts, and based on the testimony it has received, this Commission has come to the conviction that José Flores disappeared at the hands of government agents who thus violated his human rights.

On August 24, 1974, DINA agents arrested several members of the Maturana Pérez family at their home in the San Miguel district and in the surrounding area. Among those arrested were Washington Hernán MATURANA PEREZ and Juan Bautista MATURANA PEREZ, both of whom were active in the CP, their father, their mother, and another brother. Part of the family was released, but Washington Hernán and Juan Bautista Maturana, whom witnesses saw at the Londres No. 38 location, disappeared while in the DINA's hands. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On August 28, 1974, a teacher at the Darío Salas school who was an active member of the Communist party, Antonio Arturo BARRIA ARANEDA, was arrested at the army's School for Subofficials to which he had been summoned to make a declaration. Witnesses subsequently saw him on the grounds of the Command Center for Military Institutes, the Army Telecommunications School, and Cuatro Alamos. He disappeared from this latter site. According to evidence examined by the Commission, Antonio Barría was arrested for attending the funeral of a student at the high school where he worked. Demonstrations of a political nature took place and the military-appointed principal told his superiors; they then ordered that several teachers be arrested and placed in the hands of the Comando de Institutos Militares. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

Silberman Case

On October 4, 1974, David SILBERMAN GUROVICH, an engineer and active Communist, who was the former general manager of

the Cobre-Chuqui company [copper mine] during the Popular Unity government, disappeared. A war tribunal had sentenced him to thirteen years in prison (cf. report on the Second Region). In contrast to the others tried and sentenced in Calama, on September 30, 1973 David Silberman was transferred to the prison in Santiago to serve his sentence (a number of those who worked with Silberman at Cobre-Chuqui and who were sentenced were executed without any due process of law in October 1973 by a military delegation from Santiago).

In a complex operation involving switched identities, telephone tapping, falsified documents, and other devices, DINA agents abducted David Silberman from prison. Many witnesses have testified that he was held at the José Domingo Cañas site where he was subjected to intense torture. Some witnesses also say that he was later held at Cuatro Alamos and disappeared from there in late October.

The subsequent court process was able to establish that David Silberman was taken from prison by an army officer who was using a false identity, and that known DINA agents were behind the operation. Confronted with the court evidence, the DINA presented a report attributing the action to the MIR and specifically to an alleged member of the MIR named Claudio Rodríguez, who was killed in a gun battle, and who they claimed was carrying false military identification papers. In the court case, representatives of the National Prison Service stated that Claudio Rodríguez was not the person who took David Silberman out, and that the document used for that purpose was not the one that DINA claimed had been found on him. They also said that the alleged officer had arrived in a DINA vehicle, and was accompanied by known DINA members. The government supported the DINA account, and did so in a letter by the president to Silberman's family.

The Commission believes it is possible to come to the conviction that the DINA was responsible for abducting David Silberman, and that he disappeared in its hands in violation of his human rights. In doing so it has taken into account the evidence whose major headings are as follows:

- * testimony by witnesses who state clearly when he was held at DINA facilities;

- * the implausibility of the official account which is refuted by evidence from the court case;

* evidence that DINA agents were involved in his abduction.

Information received by the Commission indicates that the purpose for abducting David Silberman was to obtain a large amount of money from the company in which David Silberman worked and which the DINA agents presumed that he had taken for himself. That belief seems to have originated with the delegation that had travelled to Calama and had the other Cobre-Chuqui managers killed with the complicity of local officials. In mentioning this apparent motive in order to explain the facts that it has gathered on the case, this Commission must make it clear that it learned that Codelco's internal investigation dispels any doubt over David Silberman's honesty at the company.

On November 20, 1975, Alejandro Juan AVALOS DAVIDSON, a professor at the Catholic University of Chile who was active in the Communist party, was arrested en route between his work and his mother's house. He was under heavy pursuit by individuals who identified themselves to university officials as DINA agents; they also said that they had orders to arrest Avalos without witnesses. He was taken to Villa Grimaldi, and all trace of him was lost in February 1976. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 11, 1975, the active CP member Santiago Abraham FERRU LOPEZ was arrested at home in the presence of his wife and several neighbors. He was later transferred to Villa Grimaldi. His present whereabouts are unknown. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 12, 1975, Mario Luis QUEZADA SOLIS, a nurse's aide and active CP member, was arrested in the street. Some days later he vanished from Villa Grimaldi. The Interior Ministry acknowledged that he had been arrested, but told the court that he had been released from Cuatro Alamos by Exempt Decree No. 1837, dated December 30, 1975. Nevertheless Mario Quezada is still disappeared. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 29, 1975, José Ramón ASCENCIO SUBIABRE, who was active in the CP and was a former president of the Council for Supplies and Prices in Conchalí, was arrested at his

workshop. He was taken to Villa Grimaldi, and many witnesses saw him there until February 1976, when all trace of him was lost. On September 2, 1976 the tribunal investigating his disappearance asked the interior minister at that time to send a list of persons being held at the Cuatro Alamos camp. On September 16, 1976 the minister replied that for reasons of security the ministry did not think it advisable to draw up lists of those who were being held in prison camps. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On April 2, 1976, the former Communist member of congress Bernardo ARAYA ZULETA was arrested at his home in Quintero. His wife María Olga FLORES BARRAZA, his brother-in-law Juan Flores Barraza, and his grandchildren Ninoska Henríquez, Wladimir Henríquez, and Eduardo Araya, all of them minors, were also arrested in the same operation. They were taken to a prison site in Santiago. Juan Flores and the grandchildren were released. A few days later Bernardo Araya and María Flores disappeared from that site. Witnesses have stated that they were both in very poor condition from being tortured.

At the trial that grew out of their arrest, a retired policeman said that in mid-March of 1976, two men who identified themselves as DINA agents came to his house and asked to use it in order to maintain surveillance on the couple. They did so for several days. That account was confirmed by another policeman. A neighbor woman had called him over when she observed that surveillance was taking place. The agents showed him their identification cards.

The Interior Ministry denied that the couple had been arrested. However, the Foreign Ministry later told CEPAL [Economic Commission for Latin America] that Bernardo Araya was registered as having left the country on April 7, 1976 through the Arturo Merino Benítez airport, and that María Flores was registered as leaving the country that same date over the Los Libertadores pass on the border. On August 31 the Foreign Ministry told the court that Bernardo Araya was registered as leaving the country on that same date at Los Libertadores pass, and that there was no record of a trip by María Flores. Finally on September 10, 1979, the head prefect of the Chilean border police told the court that both were registered as having left the country on April 7, 1976 by way of Los Libertadores pass.

In view of the foregoing and the contradictory accounts provided by

officials, as well as other similar accounts which proved to be false, the Commission has come to the conviction that this married couple, Bernardo Araya and María Flores, underwent forced disappearance at the hands of DINA agents in violation of their human rights.

On April 29, 1976, the active Communists, Manuel Guillermo RECABARREN GONZALEZ, his brother, Luis Emilio RECABARREN GONZALEZ, and the latter's wife, Nalvia Rosa MENA ALVARADO, who was three months pregnant, and their two year old child, were all arrested in an operation organized by DINA agents in the area near the intersection of Santa Rosa and Sebastopol. A few hours later the child was left near the house of his grandparents.

The next day, April 30, Manuel Segundo RECABARREN ROJAS, the father of Manuel and Luis, who was also active in the CP and was a former president of the Council on Supplies and Prices in San Miguel, set out to make inquiries into the whereabouts of his family members. He too was arrested and taken to Villa Grimaldi. In August 1976 all trace of him was lost. There has been no further word on any of these four people. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

Operation on Calle Conferencia

In early May, 1976, Mario Jaime ZAMORANO DONOSO, Onofre Jorge MUÑOZ POUTAYS, Uldarico DONAIRE CORTEZ, and Jaime Patricio DONATO AVENDAÑO, all of whom were members of the CP Central Committee, and Elisa del Carmen ESCOBAR CEPEDA, a party leader and liaison with Mario Zamorano, were all arrested in a trap set by DINA agents at a building located at Calle Conferencia No. 1587.

According to the court testimony given by the building's owner, Juan Becerra Barrera, in the early morning hours of April 30, 1976, men in plainclothes came to his house and told him that his sister-in-law, María Teresa Guajardo had had an accident, and that he had to come to identify the body. Juan Becerra got into the car with these men, and a few moments later, he was handcuffed, blindfolded, and taken to a place he later identified as Villa Grimaldi. There he learned that his sister-in-law had been arrested the day before. Both were tortured and interrogated about their activities and the whereabouts of Mario Zamorano, who was an old friend of Juan Becerra. Under torture he admitted that they

were friends and said that Zamorano was to take part in a meeting that was to be held in his house between May 4 and 5.

Later Juan Becerra and María Guajardo were taken back to the house on Calle Conferencia together with Juan Becerra's wife, María Angélica Gutiérrez, and a cousin of hers, Eliana Vidal, both of whom had also been arrested. Also at the house were two daughters of the Becerras and Juan Becerra's niece, Lastenia Palacios. The five armed DINA agents in the house would not allow them to leave and told them to maintain the appearance of going about their everyday business.

On May 4, 1976 at about 7:30 p.m., Mario Zamorano arrived and was immediately arrested. He received a bullet wound to the thigh in the process. Shortly afterward, Onofre Muñoz arrived and was also arrested. Both were taken away to an unknown destination. On May 5, 1976 Uldarico Donaire and Jaime Donato arrived separately. They were both arrested and then taken to an unidentified location. The next day, May 6, Elisa Escobar arrived and was arrested; a half hour later she was taken toward an unknown destination. The agents remained in the house until May 7. Before they left a doctor came and examined the people in the house.

In a parallel operation during this same period a group of armed civilians occupied the house of Juan Becerra's mother, Mercedes Barrera Pérez, and held the occupants captive. Auxiliary bishop Enrique Alvear Urrutia arrived at the house, became aware of this situation, and was himself held for a few hours by these agents, who identified themselves by showing their identification cards.

The Interior Ministry denied that these people had been arrested. However, the Chilean government verbally told the United Nations that Mario Zamorano and Onofre Muñoz had left the country for Argentina on May 13, 1976. Argentinean officials denied that they had entered the country. However, DINACOS [National Directorate for the Mass Media] in statements on July 14 and 17, 1976 claimed that in May of that year the security agencies had uncovered a number of CP houses used as message centers, and that they had arrested several party members. Moreover, the August 12, 1976 issue of the magazine *Qué Pasa* published an article titled "From the MIR to the CP," in which it reported on the arrest of a number of members of the CP, including José Weibel in March, Bernardo Araya in April, and Miguel Morales, Uldarico Donaire and Victor Díaz in May. The present status of all these people is that of disappeared. Taking into account the information

presented here, the Commission has come to the conviction that all these people underwent forced disappearance at the hands of government agents in violation of their human rights.

On May 7, 1976, Fernando Antonio LARA ROJAS, a regional CP leader, was arrested in Santiago. Some months previously, security agents had set a trap at the house he shared with his sisters in Talca, but they failed to arrest him at that time. In the case that arose from the arrest of Fernando Lara, the court sent an official request to the investigative police for his political file, and thus proved that his arrest had been ordered in 1975 by the DINA in Colchagua. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On May 9, 1976, Lenin Adán DIAZ SILVA, who was active in the CP and a former member of its technical commission, had contact with Elisa Escobar Cepeda, whom the DINA had arrested in the operation at Calle Conferencia. Lenin Diaz disappeared from the Villa Grimaldi DINA facility where he was last seen by witnesses. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On May 10, 1976, Marcelo Renán CONCHA BASCUÑAN, who had worked for the SAG (Agriculture and Livestock Service) and CORFO and was an active CP member, was arrested on the way from his mother's house to the Institute to Promote the Fishing Industry. He vanished from Villa Grimaldi in April 1977. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

In the early morning of May 12, 1976, several DINA agents arrested the undersecretary general of the CP, Víctor Manuel DIAZ LOPEZ. He was taken to Villa Grimaldi where he was held in the area known as "the tower." When he was arrested, Víctor Díaz was carrying an identification card with the name José Santos Garrido Retamal. When the court made inquiries, the Interior Ministry stated that Garrido had been arrested by Exempt Decree No. 2052 (May 12, 1976) but that he had been released by Exempt Decree No. 2054 (May 13, 1976). However, when called to testify, the sister of the true José Garrido told the court that her brother had not been arrested and that none of the events that the court mentioned had any connection with him. Víctor Díaz is disappeared to this day. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On May 12, 1976, Eliana Marina ESPINOZA FERNANDEZ, a member of the CP national propaganda commission, was arrested on a public thoroughfare. She had been under heavy pursuit by an unknown individual who had with him Elisa Escobar Cepeda, whom DINA agents had arrested in the operation on Calle Conferencia. There has been no further information on Eliana Espinoza, and hence the Commission came to the conviction that her disappearance was the work of government agents who thus violated her human rights.

On May 19, 1976, the former national leader of the CUT and a member of the CP central committee, César Domingo CERDA CUEVAS, was arrested on a public thoroughfare by DINA agents, who took him to Villa Grimaldi. He vanished from that site in September 1976. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

People involved in printing and publishing who disappeared or were killed

In July 1976 an assault was unleashed against a number of CP activists who were involved in the printing trade.

On July 15, 1976, José Vicente TOLOSA VASQUEZ, a typesetter and a leader of printers in the CUT youth department who was an active member of the Young Communists, was arrested in the street after he had attended a meeting at the office of the southern vicariate [of the archdiocese of Santiago]. Since that moment there has been no further information on his whereabouts. On July 21, DINA agents arrested the typesetter and secretary of the union at the Gabriela Mistral publishing house, Guillermo Albino MARTINEZ QUIJON. They took him to Villa Grimaldi and there has been no further trace of him. On July 23, 1976, Juan Luis QUIÑONES IBACETA, a typesetter and CP student leader, was arrested in the street, and subsequently vanished. On July 28, 1976, Guillermo GALVEZ RIVADENEIRA, a journalist and president of the union at the Quimantú publishing house who was also an active Communist was arrested as he was leaving the Association of Journalists offices. There has been no further information about him. The Commission is convinced that the disappearance of all these people was the work of government agents who thus violated their human rights.

Repression against CP members connected with publishing

continued. Its next victims were five members of a family who had worked at the Imprenta Horizonte where they had produced a number of party-related publications. Around noon on August 4, 1976, Hugo Ernesto VIVANCO VEGA was arrested on the street in the presence of a witness. The witness informed his wife, Alicia de las Mercedes HERRERA BENITEZ, who was arrested a few hours later at her home. However, she had time to telephone her son, Nicolás Hugo Vivanco Herrera and to speak directly to her sister-in-law, Carmen Vivanco Vega, telling them both that her husband had been arrested. On August 5, 1976, their brother-in-law, Oscar Orlando RAMOS GARRIDO, who was a member of the CP central committee, and his son Oscar Arturo RAMOS VIVANCO, were arrested by DINA agents who took them to Villa Grimaldi. There was no further trace of them. On August 10, 1976, Nicolás Hugo VIVANCO HERRERA, who had also worked at the Imprenta Horizonte and was attempting to locate his parents, was arrested on the street. His whereabouts remain unknown to this day. On August 13, 1976, Juan Aurelio VILLARROEL ZARATE, a photoengraver and union leader at the Imprenta Horizonte, was arrested on the street by DINA agents. He was held prisoner at Villa Grimaldi and vanished from that location. The Commission has come to the conviction that all these people underwent forced disappearance at the hands of government agents who thus violated their human rights.

On July 23, 1976, Eduardo CANTEROS PRADO, an active Communist, and his niece, Clara Elena CANTEROS TORRES, 21, who was active in the Young Communists, were arrested near their homes. Eduardo Canteros was held at Villa Grimaldi. There was no further trace of him until March 21, 1990, when his remains were found by chance in a clandestine burial pit on the Las Tórtolas estate in Colina, which belonged to the army until 1980. Also found were the remains of Vicente ATENCIO CORTES, a former member of congress and a member of the CP central committee, who was arrested August 11, 1976 and also held at Villa Grimaldi. It has so far proved impossible to identify the remains of a third person found at the same site. There has been no further information on the whereabouts of Clara Canteros since the day of her arrest. The evidence gathered enables this Commission to state that these three persons were arrested by government agents in whose hands they disappeared in violation of their human rights. The subsequent discovery of the remains of two of them confirms the Commission's conviction regarding the third person and other similar cases presented in this chapter.

On July 27, 1976, the architect Alejandro RODRIGUEZ URZUA,

was arrested on a public thoroughfare while driving his car; both car and driver disappeared. His office was later raided, and a number of documents and items of value were removed. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On the afternoon of July 30, 1976, DINA agents arrested Jorge Gerardo SOLOVERA GALLARDO, a musician who was president of the National Cultural Department of Federations and an active Communist, along with Darío Francisco MIRANDA GODOY, who was in charge of cultural matters in the Metal Workers Labor Federation, as they were leaving the headquarters of the federation on Calle Maruri. They were taken to Villa Grimaldi and then disappeared. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On August 4, 1976, Dr. Carlos Enrique GODOY LAGARRIGUE, was arrested as he was driving from the parish hospital in San Bernardo to the San Francisco school clinic. That same night another doctor, Iván Sergio INSUNZA BASCUÑAN, was arrested after making a house call. He also disappeared along with his car. He had on him a promissory note which was later cashed by an individual who used a false identification card. Both doctors were seen at the Villa Grimaldi DINA facility, and all trace of them was lost while they were there.

Officials claimed that Dr. Insunza had left the country for Argentina. That was shown to be false, since he was not registered as having left the country at any time from August 1976 onward. In an address to the United Nations in February 1978, the Chilean government representative stated that the Chilean investigative police had reported that both doctors had applied to be allowed into the Canadian embassy on November 5, 1975. Refuting that claim, the embassy said that they had not come to the embassy and that there was only a request for a visa submitted by Dr. Insunza's sister on September 24, 1976, that is, after they disappeared. In view of all this evidence, the Commission came to the conviction that these two people suffered forced disappearance at the hands of DINA members in violation of their human rights.

Also on August 4, Daniel PALMA ROBLEDOS, a businessman who had formerly been active in the CP, disappeared along with his light blue 1972 Renault. The police lost-and-found department located the car on March 24, 1977 in the possession of a DINA

agent, along with another Renoleta that had been stolen from a French citizen. The Commission has come to the conviction that Daniel Palma suffered forced disappearance at the hands of government agents in violation of his human rights.

On August 7, 1976, Manuel de la Cruz VARGAS LEIVA, a former alderman and mayor of Til Til who was a member of the CP central committee, was arrested in the street by DINA agents and held prisoner at Villa Grimaldi. There has been no further trace of him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 9, 1976, five members of the CP were arrested, and all were held prisoner at Villa Grimaldi and vanished from that site. In the Maipú district the labor leader and regional party leader Víctor Hugo MORALES MAZUELA was arrested on the street. José Enrique CORVALAN VALENCIA, a labor leader, was arrested in the La Granja district at the home of Alfredo Sánchez, who was also arrested but was released the following day. In the afternoon Pedro Eduardo SILVA BUSTOS, a labor leader who was the political secretary for the Viña del Mar region of the CP, and Jorge Orosman SALGADO SALINAS, the former president of the provincial Federation of Labor Unions and Farm Workers in Valparaíso, were arrested near the central market. Finally Mario Jesús JUICA VEGA, a labor leader who was president of the municipal workers union in Renca and had been a CP candidate for alderman, was also arrested that day. They are still disappeared. The Commission is convinced that their disappearances were the work of government agents who thus violated their human rights.

Also on August 9, 1976, DINA agents arrested Marta Lidia UGARTE ROMAN, a member of the CP central committee. Witnesses say she was held in the area of Villa Grimaldi known as "the tower," and later died of the torture to which she was subjected. Her captors threw her body into the ocean, but despite their efforts to prevent it from being found, her body-half naked and in a sack tied at her neck with a wire-washed up on land at La Ballena beach in Los Molles on September 9. According to the autopsy report, she had suffered a dislocation and fracture of her spine, damage to the abdominal cavity with many fractured ribs, a burst liver and spleen, dislocated shoulders and hip, and a double fracture of her lower right arm, and had died September 9, 1976. The Commission came to the conviction that Marta Ugarte was arrested and forcibly made to disappear by government

agents who thus violated her human rights. This judgement is confirmed by the reappearance of her body, which her captors had attempted to hide by dropping it into the ocean.

On August 11, 1976, Carlos Mario VIZCARRA COFRE, a member of the Young Communists central committee, was arrested in the street. He was taken to Villa Grimaldi. While there he had to work with another prisoner pounding dents out of a truck body. After his release this prisoner said he had talked with Vizcarra at that site and saw the festering sores on his body from the application of electric current. There has been no further word about him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

Also on August 11, 1976, Miguel NAZAL QUIROZ, a member of the CP central committee, was arrested on the street. He was last seen at Villa Grimaldi. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 13, 1976, Julia del Rosario RETAMAL SEPULVEDA, a teacher, was arrested in the street. She was also last seen at Villa Grimaldi, in the area known as "the tower." The Commission is convinced that her disappearance was the work of government agents who thus violated her human rights.

On the morning of August 16, 1976, the labor leader and president of the union of municipal workers Julio Roberto VEGA VEGA, an active Communist, was arrested in the street by DINA agents. A number of witnesses have testified that he was held prisoner and tortured at Villa Grimaldi, and that he disappeared from that site. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 18, 1976, Nelson Enrique JERIA SILVA, a construction worker and an active CP member, was arrested. He was also seen at Villa Grimaldi, and all trace of him was lost from that point onward. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

The Case of "The Thirteen"

The end of 1976 was marked by the arrest and subsequent disappearance of thirteen persons, most of whom were high-

ranking Communist party leaders. The official explanation given to the courts was that most of them had left the country for Argentina by crossing the Los Libertadores pass. However, by means of expert examination, witnesses, and on-site inspection, the courts established that the government's account was false. The Interior Ministry became a party in the case, and added its own comment to a document from the head of surveillance of the border police, asserting that "it is once more established that there is trustworthy proof that these persons left the country.

The Commission's investigation into this matter revealed both that the official account that they had left the country was untrue, and that two of these people were illegally imprisoned.

On November 29, 1976, Santiago Edmundo ARAYA CABRERA, was arrested near the central market. Although he was a MIR activist, his case is reported in this section because of the many features that link it to the others. There has been no information on him since that date. He had previously made a sworn statement on the arrest and subsequent disappearance of his friend and party colleague, Mario Maureira, on August 8, 1976, to which he was an eyewitness. When an appeal for protection was introduced on behalf of Santiago Araya, the Interior Ministry, after consulting the investigative police bureau of foreign affairs, told the appeals court that he was registered as having left the country. On February 7, 1977 the court examined the documentation and archives of the bureau of foreign matters and determined that according to certificate No. 366, Araya was recorded as having left the country over Los Libertadores pass on December 22, 1976. In addition to the fact that the courts demonstrated that this documentation was false, it is important to bear in mind that Santiago Araya had a dislocated hip that caused him to limp, and hence it is unlikely that he would have crossed the border on foot.

On December 9, 1976, at about 10:30 a.m., Armando PORTILLA PORTILLA, a member of the CP central committee, was also arrested on the street. He is currently disappeared. The Interior Ministry reported that according to travel certificate No. 364, he had left the country for Argentina on January 11, 1977. The report was untrue.

On December 13, 1976, five agents in two vehicles arrested another member of the CP central committee, Fernando Alfredo NAVARRO ALLENDES, at the corner of Calle Ramon Cruz and Grecia in the presence of witnesses. He has been disappeared since then.

On December 15, 1976, seven CP leaders, several of whom were part of its central committee, were arrested. In the morning, Horacio CEPEDA MARINKOVIC, a civil engineer who was a member of the Communist party central committee, and Lincoyán Yalú BERRIOS CATALDO, the former national president of the municipal employees union in Chile who was likewise a Communist, were arrested on the street. They had agreed to meet at the corner of Calle Rodrigo de Araya and Lo Plaza. The Interior Ministry told the appeals court that according to travel certificate No. 356, Horacio Cepeda had left the country on January 6, 1977. In court that assertion was proven to be false. Lincoyán Berríos was said to have left the country December 21, 1976 on foot. The day after he disappeared a check was cashed to his account (exceeding his balance). It was later demonstrated that a false identification card was used to cash it. Horacio Cepeda was later seen at a clandestine prison site. All trace of him was then lost.

Later Juan Fernando ORTIZ LETELIER, a university professor, and Waldo Ulises PIZARRO MOLINA, a mining expert, both of whom were members of the CP central committee, were arrested in the presence of several witnesses near the intersection of Plaza Egaña and Avenida Larraín. They were arrested by several agents who put hoods over them. One of them managed to shout his name out, and was hit on the head for doing so. The agents violently forced them into a vehicle. They have been disappeared since that day. According to travel certificate No. 1082 dated April 20, 1977, Waldo Ulises Pizarro left the country on foot December 21, 1976 over Los Libertadores pass, but the court proved that document to be false.

Héctor VELIZ RAMIREZ, an active Communist, was then arrested in the street. On April 10, 1979 the Argentinean Interior Ministry stated that Véliz had entered the country with Horacio Cepeda, Edras Pinto, and Luis Lazo on January 6, 1977, in a car with the Chilean license number HG-19 from Santiago. However, the court established that the mint had not authorized that number to the municipality of Santiago. In addition, the Chilean border police reported that Héctor Véliz was not listed as having left the country. This misinformation provided by Argentine officials demonstrates the ties then existing between the intelligence services in the two countries, which helped each other prepare alibis to evade being held responsible for the disappearances and killings that they had committed.

At the corner of Calle Profesor Fuentes Maturana and Catamarca

in Santiago a number of agents arrested the CP central committee member Luis Segundo LAZO SANTANDER; he has been disappeared since that day. As in most of the previous cases, the Interior Ministry told the appeals court that according to travel certificate No. 1357 he was registered as having left the country for Argentina on January 6, 1977. That claim was not true.

The last of those arrested that day was Reinalda del Carmen PEREIRA PLAZA, a medical technician who was active in the Young Communists and was five months pregnant. While waiting for a bus at the corner of Calles Rodriguez de Araya and Exequiel Fernández, she was arrested in the presence of numerous witnesses by agents who got out of a car (license plate HLN-55) and forced her to get in. The head of the mint told the court that that license number was not authorized in 1976 and 1977. The Interior Ministry also told the appeals court, that according to travel certificate No. 354 she had left the country on foot November 21, 1976. That claim was implausible since she was pregnant, and in fact it was proven to be false. Since the day of her arrest nothing is known about the fate or whereabouts of Reinalda Pereira and the child she was expecting.

On December 18, 1976, Lizandro CRUZ DIAZ, a telegraph operator who was an active Communist, and Carlos Patricio DURAN GONZALEZ, a civil engineer who was a MIR activist, were arrested and disappeared. Carlos Patricio Durán was also arrested on the street after he and his wife had gone in separate directions at the Mapocho station. Officials reported that according to travel certificate No. 359, Lizandro Cruz had left the country on January 11, 1977. The courts established that that claim was untrue.

On December 20, 1976, three agents took Edras de las Mercedes PINTO ARROYO, an active Communist, from his parents' house and arrested him. He has been disappeared since that date. As in the previous cases, the Interior Ministry told the appeals court that according to travel certificate No. 355, he had left the country for Argentina on January 6, 1977. That claim was proven false.

In view of the vast amount of evidence available, and particularly the result of the judicial investigation mentioned above and testimony from witnesses, this Commission came to the conviction that all these people underwent forced disappearance at the hands of government agents in violation of their human rights. While these disappearances cannot be attributed with complete assurance to any particular government agency, there

are indications that the DINA was responsible, since it was the only organization that had the ability to organize such a complex disinformation campaign in order to shield those who were involved in these disappearances.

On May 11, 1977, armed civilians arrested Jorge Andrés TRONCOSO AGUIRRE, who was connected to the Cardjin [sic] Foundation of the Catholic archdiocese of Santiago and was active in the Communist party. The arrest took place at the intersection of Calles General Velásquez and Santa Teresita in Santiago. In early May 1977 the DINA arrested a group of people who worked for, or had ties to, the foundation. They were accused of kidnapping Carlos Veloso Reidenbach, a minor who was the son of one of the people working with the organization. The DINA placed all those who were arrested in connection with this case at the disposition of a military prosecutor's office, which was under the authority of the military tribunal in Santiago, as was required by the Interior Ministry. Jorge Troncoso, however, never arrived at the tribunal nor was he released. The Commission came to the conviction that he disappeared at the hands of government agents who thus violated his human rights.

On May 28, 1977, Rüter Enrique CORREA ARCE, a Communist, died. At the time of his death he was the proprietor of a newsstand that was serving as a message center for the exchange of information between party leaders outside the country and those inside. The previous day he was arrested by DINA members as he was going home at noon. His body was found some days later under the Manuel Rodríguez Bridge over the Mapocho River, very close to the DINA facility on Calle Borgoño, where the bodies of other people the DINA had executed had also been found. The press reported that Rüter Correa had been assaulted. However, that claim is ruled out, since there were no traces of blood around him, even though his clothes were soaked with it. The Commission has come to the conviction that Rüter Correa died while in the hands of his captors. However, it cannot specify whether he was killed by his captors or killed himself under the pressure of his situation, as he had told his family members he would do if he found himself in that plight. In either case, he suffered a violation of his human rights.

On June 7, 1977, the DINA arrested Hernán SOTO GALVEZ in the San Miguel district. According to evidence in the Commission's possession, what happened to him is closely connected to the case of the disappearance of three active Communists in Buenos Aires, Ricardo Ramírez, Héctor Velásquez, and Alexei Jaccard as

the result of a DINA operation in Buenos Aires. The agents found his name as a CP "financial liaison" between Argentina and Chile. There has been no further word about him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

Disappearances of Communists at the hands of the Joint Command and other persons executed or disappeared at its hands

The judicial investigation into the disappearance of eight Communist leaders in 1976 established that what was called the Joint Command was responsible for the apprehension and disappearance of many members of the Communist party. In coming to conviction on these cases the Commission has considered not only that judicial investigation but other court cases, testimony either made available or given before to the Commission by agents of the intelligence services, and especially all the information that provides the background to help make sense out of items of information on particular cases.

On August 28, 1975, Miguel Angel RODRIGUEZ GALLARDO, an active Communist whose nickname was "Quila Leo," was arrested on the street. He was held at the Cerillos hanger, Nido 20, and Nido 18, and was tortured at this latter site. In October 1975 he was taken to the Colina air base. On the basis of evidence it obtained, the Commission was able to establish that some time after New Year's Day 1976, he and other prisoners were loaded onto vehicles with digging tools, weapons, and several liters of gasoline, and were taken toward an unknown destination. The vehicles returned about three hours later. The picks and shovels had dirt on them, there was no gasoline, and the gun chambers were empty. A few days later, the word spread that the prisoners had all been murdered on the military property at Peldehue. Their bodies had been burned and were later secretly buried at that same location. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On September 6, 1975, Arsenio Orlando LEAL PEREIRA, a trucker who was an active Communist, died. He had been arrested the night of September 1, and was taken first to the Cerillos hanger, and then to Nido 20 and Nido 18. Arsenio Leal was repeatedly subjected to torture, and hence decided to take his life to avoid further torment. His body was sent to the Medical Legal Institute from the air force hospital, and was then handed over to his

family. Contrary to the Interior Ministry's denials, the fact of his arrest was tragically proven by his death. Bearing in mind his condition, which has been attested by witnesses, the Commission holds the conviction that Arsenio Leal suffered a violation of his human rights insofar as he took his own life under the pressure of torture and the conditions under which he was imprisoned, and thus as a result of actions by government agents that were in themselves unlawful and violated human rights.

On September 8, 1975, Alonso Fernando GAHONA CHAVEZ, a leader of the municipal workers of La Cisterna and an active Communist whose nickname was "Yuri," was arrested in the street and taken to Nido 20. According to information given to the Commission, he died hanging from a shower as a result of the torture he received. His body was wrapped in plastic and apparently thrown into the ocean. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 14, 1975, Gustavo Humberto CASTRO HURTADO, an active Communist whose nickname was "Comrade Díaz" or "Chino," was killed by members of the Joint Command. He was arrested early on the morning of September 3, and taken to Nido 20, where he was tortured. A number of agents beat him, but they did not question him. He was beaten to death. Officials reported his case as suicide, but the autopsy report states that the cause of death was suffocation due to a choking of the neck, and trauma to the chest and the extremities. The Commission holds the conviction that he died as a result of the torture inflicted on him by government agents who thus violated his human rights.

Early on the morning of October 20, 1975, agents of the Joint Command arrested the Communist party leader Luis Desiderio MORAGA CRUZ at his home. They took him first to Nido 20 and then to Nido 18. The torture he underwent at that site is said to have driven him to attempt suicide but he was unsuccessful. The Commission has records indicating that he was transferred from Nido 18 to the Colina air base and was held there. Late in the year he was loaded onto a helicopter along with other prisoners all of whom had been drugged. They were then thrown into the ocean after army commanders had first cut open their stomachs with curved tip knives to prevent them from floating. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On October 30, 1975, at about 6:30 p.m., Francisco ORTIZ

VALLADARES, a furniture maker and Communist union leader, was arrested at his home by agents of the Joint Command. At 11:30 p.m., eight armed men who said that they belonged to the Chilean Air Force searched the home of a married couple, whose last names were Castro and Acevedo. They had Ortiz with them in handcuffs. They dismantled a closet he had made, looking for a possible false bottom. He has been disappeared since that day. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

Early on the morning of October 31, José Santos ROCHA ALVAREZ, a Communist leader and friend of Francisco Ortiz since childhood, was arrested at home and in the presence of witnesses. There has been no further word on him since then. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On November 3, 1975, agents of the Joint Command arrested the active Communist Alfredo Ernesto SALINAS VASQUEZ at his home. He was transferred to the Colina air base and then vanished. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

Early in the morning of that same day, José del Carmen SAGREDO PACHECO, a Communist labor leader, was arrested at his home. He was also taken to the Colina air base. According to one witness, he died there of the torture by electrical current to which he was subjected by the military during interrogation. The military later disposed of his body. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On November 4, 1975, the former Communist alderman for Renca, Humberto de las Nieves FUENTES RODRIGUEZ, was arrested by agents of the Joint Command. One of their vehicles had the logo of the Chilean Air Force. He was also taken to the Colina air base. Late in the year he was taken out along with other prisoners. While drugged he was loaded onto a helicopter and then thrown into the ocean. Witnesses have stated that during the flight he woke up, and so one of the soldiers involved in the operation hit him on the head with a metal bar, and immediately opened his stomach with a curved knife, and threw him in the ocean. In view of these facts, the Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On November 7, 1975, members of the Joint Command arrested the neighborhood leader and active Communist Ricardo Manuel WEIBEL NAVARRETE. He had already been arrested by the Joint Command on October 27 and was allowed to go home November 6. He was in very poor condition and showed signs of having been tortured. He was taken to the Colina air base. He was taken out with other prisoners, including Miguel Rodríguez, and was killed on military property at Peldehue, as was described in connection with the case of Rodríguez. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 4, 1975, agents of the Joint Command arrested the university student and active Communist, Ignacio Orlando GONZALEZ ESPINOZA, at his mother-in-law's house and in the presence of numerous witnesses. The next day his captors took him back to his mother's house to pick up some things and then took him away. Ignacio González was well known for his cartoons and sketches. He was held prisoner at the Colina air base until he was taken out along with Miguel Rodríguez and Ricardo Weibel and killed on the military property in Peldehue, as described above. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 17, 1975, in the area of San Diego, agents of the Joint Command arrested the active Communist Carlos Enrique SANCHEZ CORNEJO. He was subsequently taken to the Colina air base where a number of witnesses saw him. He vanished from that location. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 20, 1975, the homes of several relatives of David Edison URRUTIA GALAZ, a student at DUOC who was active in the Young Communists, were searched. Those carrying out this operation were members of the Joint Command. They had with them David Urrutia's brother Guillermo, whom they had arrested three weeks previously. No witnesses saw him being arrested. However, David Edison Urrutia has been disappeared since that date. In view of the evidence it possesses, and the circumstances of the case, this Commission holds the conviction that David Urrutia was arrested by members of the Joint Command, who then subjected him to forced disappearance in violation of his human rights.

On January 3, 1976, Víctor Humberto VEGA RIQUELME, an active member of the Young Communists, was arrested in the street. Also arrested were Isabel Sange and her fiancé Jaime Estay Reyno, the brother of Miguel Estay, alias "El Fanta." These two were later released. However, Vega was taken to the Colina air base, where a woman prisoner was brought in for simultaneous cross-examination with him. He has been disappeared since that date. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On March 29, 1976 the former undersecretary general of the Young Communists, José Arturo WEIBEL NAVARRETE, Ricardo Weibel's brother, was arrested by agents of the Joint Command. He had been followed and was under intensive surveillance, apparently by civilians who belonged to a nationalist group that collaborated with the Joint Command. When they were captured, he and his wife, María Teresa Barahona, and their sons Alvaro and Mauricio, were passengers in a small public bus travelling along the Américo Vespucio beltway. Witnesses have stated that when by chance a woman's purse was stolen, the agents took advantage of the moment to blame Weibel, take him off the bus, and put him in one of their cars. A high-ranking intelligence official of the Chilean Air Force was following the operation by radio. José Weibel was taken to the detention site known as "The Company." He was later held for about three days in what was called, "The Bachelors' House" on Calle Bellavista. He was transferred there when a mission from the International Red Cross Committee visited the country, since the agents were concerned that the delegation might visit "The Company." Evidence suggests that José Weibel was killed in the area of Cajón del Maipo, and that one of the bodies found there in 1976 and not identified might be his. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

An agent and a collaborator of the Joint Command who disappeared at its hands

Even though the death of Guillermo Enrique BRATTI CORNEJO was not part of repression against the Communist party it is treated here for the overall narrative sense and because it is connected to the disappearance of a Communist who became a collaborator of the Joint Command. On June 1, 1976, Guillermo Enrique Bratti was shot to death in Cajón del Maipo. His body,

bound with ropes, was thrown into the river and was found some days later. Guillermo Bratti was a member of the Chilean Air Force and worked in security as a member of the Joint Command. On February 29, 1976 he was officially discharged from the air force for legal reasons.

Information provided by an agent who was also in the Joint Command indicates that Bratti and a collaborator of the Joint Command were accused by their superiors of passing information to the DINA and wanting to switch to that organization. For that reason both were arrested by their colleagues for an undetermined period, during which their relatives were told that they were in the north. They were subsequently released, but then rearrested. This Commission holds the conviction that Bratti was executed by members of the Joint Command in violation of his human rights.

In June 1976, Carol Fedor FLORES CASTILLO, a member of the Young Communists, disappeared. He had been arrested on June 5, 1974 by air force intelligence and held prisoner for approximately six months. His relatives were able to visit him twice at the Air War Academy. Later Carol Flores helped his former captors arrest other active members of his party. Nevertheless, he was arrested together with the former Joint Command agent Guillermo Bratti. Both were held prisoner at the Colina air base. His relatives last saw him on June 7. Evidence in the Commission's possession indicates that he was subsequently executed by agents of the Joint Command, but his body has not been recovered. The Commission holds the conviction that he was arrested and subjected to forced disappearance by government agents in violation of his human rights.

On June 8, 1976, the regional CP leader Luis Emilio Gerardo MATURANA GONZALEZ and Juan René ORELLANA CATALAN, a member of the Young Communists central committee, were arrested together near the Central Railroad Station and taken to "The Company." The Commission received evidence that they were later taken out blindfolded, handcuffed, and drugged and were driven to the Barriga upgrade. There they were shot and buried in a pit that had been dug the previous day. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On July 1, 1976, Diego MATUS DE LA MAZA, who had an engineering degree from the University of Chile and was not

politically active, was killed. Agents of the Joint Command had arrested him June 19. The agents mistakenly thought he was Félix de la Jara Goyeneche, a MIR leader code-named "Diego," who had previously disappeared in the hands of the DINA. Matus was the fiancé of de la Jara's sister. On July 1, Diego Matus's body was found half naked in a ravine near the beach at San Sebastián. It bore obvious signs of torture, such as many burns on the chest, the testicles destroyed, electrical burn marks on the lower lip, tongue, and palate, and the right arm broken. The autopsy report says that the cause of death was strangulation. The Commission came to the conviction that Diego Matus was executed by government agents in violation of his human rights.

On July 15, 1976, at around noon, Mariano León TURIEL PALOMERA, a hydraulic engineer and member of the Young Communists central committee, was arrested in the street. He had been arrested by DINA agents in June 1975 and was seen at Villa Grimaldi. There has been no information on him since his second arrest by the Joint Command. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 21, 1976, Raúl Gilberto MONTOYA VILCHES, the head of labor relations at CORFO who was an active Communist, was arrested by agents of the Joint Command in the presence of a witness as he was waiting for a bus. They took him to an unknown destination. There has been no information on his whereabouts since that day. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 26, 1976, Juan Antonio GIANELLI COMPANYY, an elementary school teacher who was a Communist leader of the teachers union, was arrested. The Commission received testimony that he was arrested by agents of the Joint Command who came to Girls School No. 24 in San Miguel, where he taught. They had been keeping the school under surveillance for some days. He was transferred to "The Company," and was then taken out, shot, and secretly buried at the Barriga upgrade. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 28, 1976, Nicomedes Segundo TORO BRAVO, an active Communist and a member of the Ramona Parra Brigade, was arrested by agents of the Joint Command as he was en route from his house to the Barros Luco Hospital. He was receiving

psychological treatment for his emotional condition after being held under arrest for a week by air force intelligence (DIFA) in September 1975. That day one of his sisters, Sonia Toro Bravo, and his father, Nicomedes Toro Muñoz, were also arrested. They were taken to a place where they could hear Toro Bravo screaming under torture, but they were then later released. Nicomedes Toro was subsequently taken to the Colina air base. He was held there until he was taken out, murdered, and secretly buried on the military property in Peldehue, as has already been noted in another case. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 30, 1976, Nicolás Alberto LOPEZ SUAREZ, a former national advisor to the CUT who was an active Communist, was arrested in the street after having lunch at a restaurant with the wife of Antonio Gianelli, the teacher who had been arrested a few days previously. The security agencies had been making great efforts to find Nicolás López. There has been no further information on him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 26, 1976, an active Communist who was a former local representative in the government of President Allende, Víctor Modesto CARDENAS VALDERRAMA, was likewise arrested on the street. He was taken to "The Company," and there has been no further trace of him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On November 2, 1976, Carlos Humberto CONTRERAS MALUJE, a pharmacist and a member of the Young Communists central committee, was arrested. Agents of the Joint Command had previously arrested a large number of people. One of them had agreed to meet Carlos Contreras on November 2. It was that information that enabled them to arrest him.

The Commission has evidence that he was taken to "The Company," and under heavy torture, he said that he was scheduled to meet someone on Calle Nataniel the next day. When his captors took Carlos Contreras out to meet that contact on November 3, he escaped and hurled himself under the wheels of a passing van in the presence of numerous witnesses. A police patrol happened to be passing by, and began to carry out the standard procedures applied when a person has been hit by a

car. In the meantime Contreras was shouting out his name and address and pleading to be rescued from his captors. A few moments later the agents from the Joint Command arrived and had the police hand him back to them. He was put into a light blue Fiat 125 and taken back to "The Company." A witness has testified to the Commission that he was treated harshly by his captors and was murdered that night at the Barriga upgrade.

On January 31, 1977 the appeals court in Santiago accepted the appeal for protection introduced on behalf of Carlos Contreras. In view of the many statements by witnesses, including police, establishing that he had been arrested by security agents, the court ordered the Interior Ministry to have him released. The Ministry reported that Carlos Contreras was not under arrest, and hence could not be released. In the court procedure prompted by his arrest, it was established that the vehicle used belonged to the Chilean Air Force, and was assigned for the exclusive use of the head of intelligence. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

Repression of members of the Communist party by other agencies or undetermined agencies

On July 9, 1974, José Luis BAEZA CRUCES, 41, a street vendor who was a member of the CP central committee, was arrested. He was apprehended along with three other people at a house in Santiago that was used for party meetings and contacts. Those involved in the arrest were identified as members of the air force intelligence service and were being directed by a well known-intelligence chief. José Baeza was taken to the Air War Academy where several witnesses saw him. Their statements contradict the official account provided by the interior minister to the effect that José Baeza had not been arrested. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 1, 1974, a street vendor and active Communist, José Luis MORALES RUIZ, 21, disappeared in the city of Parral as he went off to work. Shortly afterward a co-worker came to tell his wife that he had been arrested. She says she made inquiries at the police station, and that one time they told her "the buzzards got that poor guy." All efforts to locate him have proved unsuccessful. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 14, 1974, the active Communist Pedro Juan MERINO MOLINA was arrested at his home in the city of Coronel in an operation involving soldiers and civilians. He was later taken to Santiago along with other people arrested in that area. Witnesses indicate that they were taken in a truck that stopped at Colonia Dignidad en route to Santiago. Merino was finally taken to Cuatro Alamos. He disappeared there while in the hands of the DINA. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 25, 1974, two policemen arrested Adán VALDEBENITO OLAVARRIA, 25, a merchant and a member of the Young Communists, at his home in Coelemu and in the presence of his wife. Since then it has proved impossible to determine his fate or whereabouts. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On November 15, 1974, Osvaldo del Carmen CERNA HUARD, 22, an active Communist, was arrested in Temuco. Those making the arrest were plainclothes agents (later identified as belonging to the investigative police) who were conducting a joint operation with soldiers. Since that moment it has proved impossible to determine his fate or whereabouts. The special judge who investigated the case declared himself incompetent, since persons with military immunity were involved. The Commission believes that Osvaldo Cerna disappeared at the hands of government agents who thus violated his human rights.

On April 10, 1975, Aladín Esteban ROJAS RAMIREZ, 30, a miner and member of the Young Communists, disappeared in Copiapó. He had been arrested the day before at Regiment No. 23 in Copiapó where he was tortured. He was released and warned to report back to the regiment the next day, and did so. Since that moment there has been no further information on him. In the court procedure the official in charge stated that on April 9 Aladín Rojas had been arrested because he was the president of the Young Communists in Tierra Amarilla, and that he had been released on April 12 because there was no proof of guilt on his part. The Commission has come to the moral conviction that he disappeared as a result of actions committed by government agents in violation of his human rights.

On September 4, 1975, Juan Segundo CORTES CORTES, a worker and active Communist, was arrested. Evidence gathered

by the Commission indicates that he was arrested in an operation by security agents in the southern part of Santiago during which a number of party activists were arrested. There has been no further information on him since that day. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On October 26, 1975, Luis Alberto CORVALAN CASTILLO, an agricultural engineer who was active in the Young Communists, died. He was arrested September 14, 1973, and held at the National Stadium where he was tortured with beatings and the application of electrical current. Witnesses have said that he was treated with particular brutality on September 17. He was later transferred to the Chacabuco prison camp, and was released July 30, 1974. He then went into exile and lived first in Mexico and later in Bulgaria. Doctors in Bulgaria told him that his health was very frail because the torture to which he had been subjected had aggravated a heart problem that he had had since childhood, although it had been held completely under control until that torture. He was advised to lead a sedentary life, but he died in Bulgaria on September 4, 1975. The Commission has come to the conviction that the government agents who tortured him while he was under arrest in violation of his human rights were responsible for his death.

On November 6, 1975, several agents who said they were from the investigative police arrested Juan Luis RIVERA MATUS, a labor leader at Chilectra [electric power company] and an active CP member, in the presence of many witnesses at the corner of Calles Santo Domingo and San Antonio in Santiago. They put him into a truck without a license plate and took him toward an unknown destination. There has been no further information about him to this day. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On November 21, 1975, police from Comuy arrested two active Young Communists, Osvaldo Segundo BARRIGA GUTIERREZ and Hernán Eusebio CATALAN ESCOBAR in the area of Las Cascada, Pitrufoquén. According to testimony given by witnesses, they were forced to get off the bus on which they were travelling and were taken away to an unknown destination. Both are disappeared to this day. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

Early in the morning on December 14, 1975, a group of police and civilians in Quilacahui, Osomo (Tenth Region) searched the home of José Avelino RUNCA RUNCA, 60, an active Communist. According to eyewitness testimony that the Commission received, they took Runca out of his house, shot him twice and took him away. Several days later his body was found where it had been left in the brush. The death certificate states that the cause of death was peritonitis caused by a penetrating bullet wound to the abdomen. Newspapers at that time reported that José Runca had been killed in a gun battle between leftists and police. Evidence in the Commission's possession has enabled it to come to the conviction that José Avelino Runca was executed by government agents in violation of his human rights.

On February 2, 1976, Ulises Jorge MERINO VARAS, an active Communist, was arrested by security agents in front of the cafeteria of the La Granja municipal building where he worked, according to testimony given by witnesses. Since then there has been no further word on his whereabouts. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On April 6, 1976, according to evidence in the Commission's possession, Rafael Segundo ARAYA VILLANUEVA, a mine worker leader and an active Communist, was arrested in the streets of Copiapó by security agents. His whereabouts remain unknown to this day. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On April 29, 1976, Moisés Eduardo MUJICA MATURANA, an active CP member, was arrested on the street by security agents. His wife and numerous passers-by witnessed his arrest. Since that day there has been no further information on him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

Also on April 29, 1976, Basilio EUGENIO EUGENIO, also an active Communist, was arrested. Evidence in the Commission's possession indicates that security agents arrested him on the street in the district of Renca and took him toward an unknown destination. He has been disappeared since that day. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On May 3, 1976, three agents arrested Miguel Luis MORALES

RAMIREZ, an active Communist and a labor union leader, at the corner of Calles Catedral and Teatinos in the presence of witnesses. He was taken to an unidentified prison site and then disappeared. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On May 7, 1976, according to evidence in the Commission's possession, two other active CP members, José Manuel GUGGIANA ESPOZ, a former regional superintendant of schools, and Juan Elías CORTES ALRUIZ, a leader of the union at the San Juan de Dios Hospital, were arrested on a public thoroughfare. Their current whereabouts are unknown. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On May 18, 1976, the car in which Rodolfo Marcial NUÑEZ BENAVIDES, an active Communist who was the former leader of public employees in Osorno, was riding was stopped by a Peugeot. According to witnesses, four men got out and arrested him. That afternoon one of these agents was involved in a search operation conducted in Benavides' house. There has been no further information on his whereabouts. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 22, 1976, Juan Héctor MORAGA GARCES, a former CUT youth leader who was an active CP member, was arrested in the street. Officials at the police station in the Roosevelt shantytown in Pudahuel told his relatives that he had been arrested for being drunk and had been taken to Captain Yáber section of the prison. At the prison, however, they were told he was not being held. He has been disappeared since then, and there has been no further word concerning him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 3, 1976, Eduardo Enrique HERNANDEZ CONCHA, an active Communist, was arrested in San Bernardo in the presence of witnesses. There is no information on where he was held prisoner and what happened to him after his arrest. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 5, 1976, according to information in the Commission's possession, Gabriel del Rosario CASTILLO TAPIA, the former

secretary of the labor union at the Pedro de Valdivia nitrate works and a regional CP leader, was arrested in the street. To this day his whereabouts remain unknown. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 6, 1976, José Eduardo SANTANDER MIRANDA, an active Communist and former labor leader in the CUT and at the General Treasury of the Republic, was arrested near his home in the presence of witnesses. The arresting agents forced him into their vehicle and took him to an unknown destination. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 11, 1976, an active member of the CP, José Edilio FLORES GARRIDO, who was studying public administration at the University of Chile, was arrested. He was put into a blue Peugeot and driven to an unknown destination, which in a court process was determined to be a property of the Chilean Navy. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 18, 1976, at about 7:00 p.m. the taxi carrying Rosa Elena MORALES MORALES, an active Communist, and Berta Laporte was intercepted by a car. Three agents got out and arrested them. They were both taken to an unidentified detention site. Berta Laporte was released at midnight, but Rosa Morales was not and remains disappeared to this day. The Commission is convinced that her disappearance was the work of government agents who thus violated her human rights.

On September 2, 1976, Lila VALDENEGRO CARRASCO, the wife of the former CP mayor and alderman in Puente Alto, Sergio Bone, was arrested in the presence of witnesses. At that time security agents were making great efforts to find Bone. Lila Valdenegro was arrested at her home in Valparaíso by agents who were driving an unlicensed car. That same night during the curfew period their house was ransacked and searched. The Commission is convinced that her disappearance was the work of government agents who thus violated her human rights.

On September 9, 1976, three active Communists who were construction workers union leaders, Aníbal Raimundo RIQUELME PINO, Alfonso del Carmen ARAYA CASTILLO, and Francisco Juan GONZALEZ ORTIZ, were arrested in Santiago. The first two were arrested that afternoon near the Plaza Pedro de Valdivia.

Francisco González was arrested that night after attending a meeting of the Industrial Federation of Building Trades, Wood, and Construction Material. On September 22, an employee of the company in which Aníbal Riquelme and Francisco González worked was arrested and taken to an unidentified prison site. There she was brought in for simultaneous cross-examination with Aníbal Riquelme and then released. Since that date there has been no information on the whereabouts of these three men. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On October 11, 1976, according to evidence in the Commission's possession, security agents arrested Gabriel CASTILLO CERNA, a psychiatrist and active Communist, while he was walking in the street. He had previously been held prisoner by security agencies in 1975. There has been no further information on his whereabouts. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On April 29, 1977, Pedro Daniel CASTRO SEPULVEDA, 38, a worker, was arrested by police from Chillán. Castro, who had connections to a group of persons who painted slogans against the military government, was arrested in the street in the presence of witnesses. Since that moment his family has had no information on him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

d. Victims from the Socialist party
Cases in which the DINA was responsible

Socialist party (SP) members suffered persecution throughout the 1974-1975 period. Its members were targeted for disappearance and killing because many of them had held leadership positions reflecting their party's prominence in the Allende government, in public administration, and in professional and grassroots organizations. Repression in 1974 could be described as unsystematic since it reached a diverse group of people who had various lesser responsibilities in the Socialist party up and down the country. By 1975, however, when the party had an organized structure, repression became more focused on its top leaders and culminated with their capture and disappearance. In late 1975 and early 1976 several leaders who had replaced them were pursued and disappeared.

On January 3, 1974, air force personnel arrested José Manuel RIVAS RACHITOFF, Rebecca ESPINOZA SEPULVEDA, José PEREZ HERMOSILLA, and two other persons near the Plaza of the Constitution. They all worked at-or had recently been fired from-INDAP, and all except Rebecca Espinoza were active Socialists. They were taken to the El Bosque air force garrison where they were interrogated. An official letter signed by an air force general to the criminal tribunal investigating their disappearance acknowledges that they were turned over to the DINA.

The DINA took them to Tejas Verdes. According to statements by witnesses that the Commission has received, José Rivas and José Pérez were held in one cell at that prison site. Both had obviously been tortured, so much so that Rivas "could not go to the bathroom by himself," and "blood was coming out of his mouth." Other witnesses have testified that Rebecca Espinoza was also held there, and they say that she likewise had been tortured. None of the three was released, and there has been no further information on them. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On January 22, 1974, DINA agents arrested José Guillermo ORELLANA MEZA in Santiago. He worked as a night watchman at the Barros Luco Hospital and had Socialist party ties. He was arrested along with other hospital employees. All of them were released except José Orellana; there has been no further word on him since he was arrested. The Commission has established that he was taken to Tejas Verdes. According to testimony in the Commission's possession, he was taken out to be tortured three times and did not return from the last such session. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 27, 1974, Joel HUAQUIÑIR BENAVIDES, 28, a member of the Socialist party central committee was arrested in the north. He was taken to Santiago where he was seen at various detention sites, including Londres No. 38 and Cuatro Alamos. A Santiago newspaper mentioned his arrest and connected it to alleged weapons in the north. The interior minister acknowledged that he had been arrested, and in an official document to the court that was considering the appeal for protection introduced on his behalf, said that he was "affected in fulfillment of orders given in Exempt Decree No. 285." Some days later he said that "he has been released" by virtue of Exempt Decree No. 414. However, all

trace of Joel Huaiquiñir was lost after he was seen at Cuatro Alamos. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 30, 1974, Gumercindo Fabián MACHUCA MORALES, 28, a painter, was arrested in Peñaflores by known DINA agents. His wife witnessed the arrest. Several MIR and Socialist activists who were friends of his had been arrested a few hours before. From that moment there has been no word about any of them. In view of the method used, Machuca's political involvement, and the fact that the agents were driving DINA automobiles, the Commission has come to the conviction that he disappeared at the hands of government agents who violated his human rights.

Also on July 30, another member of the Socialist party, Alejandro Arturo PARADA GONZALEZ, 22, was arrested by DINA agents. He was the regional secretary of the Young Socialists. Since that day his family knows nothing of his whereabouts. Testimony by witnesses and evidence held by the Commission indicates that he was a prisoner at Londres No. 38. The Santiago appeals court judge who investigated Parada's case declared himself incompetent and passed the matter to the military justice system, since he believed that there was a presumption that DINA agents had been involved in these events. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 1, 1974, Sergio Sebastián MONTECINOS ALFARO, 28, was arrested. He worked as a tailor and was the labor union coordinator in the western zone of Santiago for the political parties that had made up the Popular Unity. He was taken out of his home by DINA members and was last seen at Londres No. 38. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 15, 1974, Rodolfo Alejandro ESPEJO GOMEZ, 18, a high school student and an active Socialist, was arrested. He was arrested by three DINA agents who had with them one of his friends. Some hours later the same agents had Rodolfo Espejo along when they went to the home of Gregorio Antonio GAETE FARIAS, 24, a worker and high school student, and arrested him. When the courts made inquiries, in both instances officials at the time denied that they were being held prisoner. Nevertheless, testimony by witnesses has made it possible to establish that they were held at Londres No. 38 and Cuatro Alamos. Nothing

further has been known about them. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

On August 16, 1974, Oscar Manuel CASTRO VIDELA, 40, a photographer who was active in the Socialist party, was arrested. DINA members took him from his house, presumably in order to obtain information that would enable them to seize other party activists. It has been possible to establish that he was held at Londres No. 38 and Cuatro Alamos, and was taken out of that location toward an unknown destination. Since that moment there has been no word about him. The judge of the appeals court in Santiago who investigated Castro's case declared himself incompetent in this case and passed the matter to the military justice system, since he believed that there was a presumption that DINA agents had been involved in these events. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On August 17, 1974, Antonio Sergio Ernesto CABEZAS QUIJADA, 28, a Socialist, was arrested. He had been tried in September 1973 and sentenced to sixty days in prison. Before that he had been the government representative at Comandari S.A. He was abducted from his house in the presence of his wife and the woman who worked for them. His name was included in the "list of 119" DINA disinformation operation. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 1, 1974, Elsa Victoria LEUTHNER MUÑOZ, 32, a member of the Socialist party who had been secretary to an ex-Communist congresswoman, was arrested while underground. A few hours after her arrest, DINA agents went to her mother's house to ask her to hand over a sum of money that Elsa Leuthner had sent her children, as she did periodically while she was underground. There has been no further information on Elsa Leuthner. The Commission is convinced that her disappearance was the work of government agents who thus violated her human rights.

On September 6, 1974, Edgardo Agustin MORALES CHAPARRO, 38, a member of the Socialist party and president of the union at Cormu, disappeared. He was detained at his home in Santiago by members of the DINA that same day. There has been no news of him since that day. The Commission is convinced that his disappearance was the work of agents of the state, who thus

violated his human rights.

On September 10, 1974, DINA members arrested Claudio Santiago VENEGAS LAZARO, 18, a student who was active in the Socialist party. In the next few days, DINA agents took Claudio Venegas with them as they arrested different people. Since then nothing is known of his whereabouts. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 24, 1974, Claudio Venegas was used in order to arrest Eduardo ALISTE GONZALEZ, 19, a high school student with Socialist party ties, at his own home. His relatives recognized one of those making the arrest as a known DINA member.

Officials denied that they had been arrested, and efforts made through the court system produced no results. Claudio Venegas' relatives initiated criminal proceedings for unlawful arrest and kidnapping, but in 1980 the judge declared himself incompetent to continue the investigation and ordered that the documentation be sent to the military justice system. Since September 1974 there has been no information on Claudio Venegas or Eduardo Aliste. In view of all the evidence, the Commission believes that government agents, specifically from the DINA, were responsible for their disappearance in violation of their human rights.

On September 24, 1974, about twenty soldiers who said they were from the Tacna Regiment arrested Luis Armando SILVA SILVA, 20, an electrician and an active member of the Socialist party, along with his pregnant wife, María Eliana Castro, and a neighbor woman. The two women were released that same day. Officials at the time acknowledged the arrest of Luis Silva in the court process that followed his disappearance. An official document declared that he had been arrested for "being involved in subversive activities," and that after being interrogated he was sent to Tres Alamos, and was handed over to the DINA. The interior minister said that the DINA had released him on November 31. However, the commander of the Tacna Regiment said he had been released by the DINA on October 7, 1974, thus contradicting the statement by the interior minister. This Commission cannot accept those accounts, not only because it is unacceptable that officials should confuse the dates in this fashion, but also because there is no proof that he was actually released nor any reason to presume that he was. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 3, 1974, the merchant Gastón Eduardo CIFUENTES NORAMBUENA, 25, a member of the Socialist party, was arrested in the context of a wave of repression against mid-level leaders of that party. He was taken to the Eighth station, along with his secretary and two brothers. All except Gastón Cifuentes were released. Nothing further has been known about him, except that when his secretary was arrested a second time, they told her that he had "run away." The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 31, 1974, in the streets of Santiago, a group of DINA agents arrested Claudio Francisco THAUBY PACHECO, 24, a student at the University of Chile who was apparently a member of the Socialist party central committee, and Jaime Eugenio ROBOTHAM BRAVO, 23, a sociology student and who was active in the Socialist party. It has been established that both were taken to Villa Grimaldi. There has been no word about them since mid-January 1975. The Commission came to the conviction that Claudio Thauby and Jaime Robotham disappeared at the hands of DINA agents in violation of their human rights.

As has already been noted, in July 1975 the Chilean press reported that two bodies had been found in Buenos Aires. One was said to be that of Jaime Robotham. His relatives went to Argentina and established that the report was false. The Commission is convinced that this was a ploy intended to spread disinformation or to conceal matters. That conviction is reinforced by the fact that his name also appeared on the "list of 119" published at that same period, which was also a DINA disinformation ploy.

On January 2, 1975, Rodolfo Arturo MARCHANT VILLASECA, 28, an air conditioning technician, was arrested. He was active in the Socialist party and had been a union leader at the Enafri Company. On the day of his arrest, DINA agents came looking for Rodolfo Arturo Marchant at his brother's house. Not finding him at that moment, they waited until he arrived and took him prisoner. Some days later his captors brought him along as they were looking for other party members. Since his arrest his relatives have not been able to determine his whereabouts. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On March 4, 1975, Alfredo ROJAS CASTAÑEDA, 34, who had been

the head of the state railroad company during the Allende government, was arrested at his home. DINA agents took him away, and even used his Yagan car, which then became part of the DINA fleet. On the basis of a number of accounts from witnesses, the Commission has been able to determine that Alfredo Rojas was taken to several clandestine prison sites, including Villa Grimaldi. The interior minister told the courts that Alfredo Rojas had been arrested on the basis of Exempt Decree No. 904, dated March 14, 1975-several days after he was abducted-and that he had been released on the basis of Exempt Decree No. 933, dated March 26, 1975. That account is not credible, not only because the decree is dated after his arrest, but because the Commission has received reliable testimony from witnesses proving that he was held after the date of the decree releasing him and that he was tortured. The foregoing is confirmed by the fact that the judge assigned to investigate this and other cases of disappeared prisoners declared himself incompetent and sent the documentation to the military justice system, since he thought that the facts of the case made it possible to detect that people covered by military immunity had been involved. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On March 6, 1975 or thereabouts, Ariel Adolfo MANCILLA RAMIREZ, 26, a civil engineer who was a leading member of the Socialist party central committee, was arrested. Since September 11, 1973, he had been working underground to organize party cadres. He was arrested at the house of a Socialist party activist. He tried to avoid being arrested by giving another name, but he was recognized. He was then taken to "a meeting point." He devised this idea on the spot. He told his captors that he was due to meet another member of the central committee. Once they were on the road he threw himself under a bus which was passing by. The various accounts from witnesses are consistent in indicating that he was at Villa Grimaldi. One of his legs was smashed and his head was bandaged and he had been tortured while in that state. A DINA doctor who examined him said he needed an operation, and he asked the prisoners to help. One of them said, "We had to hold Ariel down while [the doctor] set about cutting dead and infected tissue. I was one of those who helped the doctor do this alongside our cell and on the ground." He was then bandaged and taken to "the tower." Nothing has been heard of him since then. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On May 5, 1975, Guillermo Hernán HERRERAMANRIQUEZ died. He was studying the social sciences in the department of education at the University of Chile, was teaching at Liceo No. 28 [high school] in Maipú, and was active in the Socialist party. He was arrested by DINA agents Saturday March 3 [sic] near the Central Station. So as not to be taken to a secret prison, he said that he had to go home to make an important telephone contact with a party leader. The agents therefore took him to his own house. When he got there it was clear that he had been tortured: he was pale and was holding his hands to his stomach. One of the agents showed his DINA identification card to the family. He told Herrera's father that he had to cooperate in order to help relieve the situation of his son. They had to wait for the telephone call, since what the DINA wanted was to catch the "big fish," not the "worms" like his son. The father indicated his willingness to cooperate. The agent said they had had to "soften up" his son a little so he would talk.

From that moment on, the whole family was kept imprisoned in their own house under a full time guard. Herrera was left in one room, handcuffed to the bed. They could not leave the house. An agent had to go with them even to buy bread. They even had to prepare meals for the guards, one of whom was a woman. That remained the case until Monday, when the father became aware that his son's condition was worsening. He began to vomit a large amount of blood. The father demanded that they get him medical care. Seeing the seriousness of the situation, the agents dressed him, wrapped his head in a blanket and took him out to a car without offering any explanation.

In the afternoon the father's boss came to the house. He was an army officer, since the father was a civilian who worked for the army. The officer informed him that his son was dead. The official account reported his death as a suicide. The Commission has come to the conviction that that claim is false, and that he died from the torture he had received from the DINA agents in violation of his human rights.

Disappearance of the Socialist Party Political Commission

In June and the beginning of July 1975 the entire political commission, which led the central committee of the Socialist party, was arrested. Their liaisons and couriers were arrested along with them. In some cases it is very difficult to accurately specify the dates of arrest since these people were underground.

Sometime prior to June 24, 1975, Ricardo Ernesto LAGOS SALINAS, 24, an accountant and member of the political commission of the Socialist party central committee, was arrested. He had been a leader of the youth branch of the party, but had then been obliged to take on more important responsibilities when a number of the older leaders left the country. He was underground. DINA agents arrested him before that date, since there is proof that on that day his captors took him somewhere else to arrest another member of the party. The Commission obtained a number of accounts from witnesses all of whom agree about the time and place. They say he was held at Villa Grimaldi, and that his torture left him in poor physical condition. The appeals for protection introduced on his behalf were unsuccessful because officials at that time said he was not being held prisoner. The investigation carried out by a specially appointed judge concluded when he declared himself incompetent and transferred the case to the military justice system. The Commission came to the conviction that Ricardo Ernesto Lagos suffered a human rights violation attributable to government agents who made him disappear.

Two or three days after the arrest of Ricardo Lagos, Michelle PEÑA HERREROS, 27, a university student with whom he lived, was arrested. She was an active Socialist and was eight months pregnant. Witnesses whom this Commission finds trustworthy have said that despite her pregnancy Michelle Peña was at "the tower" in Villa Grimaldi in 1975. There has been no further information on her since that time. The Commission is convinced that her disappearance was the work of government agents who thus violated her human rights.

In the early morning of June 25, 1975, Exequiel PONCE VICENCIO, 40, a dock worker who was a former head of CUT and a member of the political commission of the Socialist party central committee, and his liaison, Mireya Herminia RODRIGUEZ DIAZ, 33, were arrested together in an apartment that they were renting in the back part of a house in Santiago. Exequiel Ponce had gone underground on September 11, 1973, and had sent his family out of the country. At the time of his arrest he was occupying one of the most important positions in his party in Chile. This Commission has received a good deal of testimony from witnesses enabling it to come to the conviction that they were arrested and taken to the Villa Grimaldi DINA facility. Since that moment there has been no further word on them. The Commission is convinced that their disappearance was the work

of government agents who thus violated their human rights.

Also on June 25, Carlos Enrique LORCA TOBAR, 30, a physician, a former member of congress and a member of the political commission of the Socialist party central committee, and Modesta Carolina WIFF SEPULVEDA, 34, a social worker, were arrested at a laundromat on Calle Maule where contacts were made and orders were passed on within the Socialist party. Wiff was functioning as a liaison with the leadership, and was also responsible for carrying out some party tasks. DINA agents searched Modesta Carolina Wiff's house a few hours after she was arrested. All the appeals for protection attempted in order to secure their release were in vain. Likewise the criminal process that the relatives initiated as a result of their being apprehended concluded when the criminal court declared itself incompetent and ordered that the trial proceedings be sent to the military justice system. The Commission has received enough testimony to enable it to hold the conviction that these two people were arrested and taken to the Villa Grimaldi DINA facility. Since then there has been no further word about them. The Commission is convinced that their disappearance was the work of government agents who thus violated their human rights.

Sometime around July 7, 1975, Rosa Elvira SOLIZ POVEDA, 24, a nursing student, was arrested as a consequence of the previous arrests. She worked as a liaison with the leadership group of the Socialist party, and between it and other parties. She lived with Sara Donoso, who is also disappeared, in an apartment in the downtown area of Santiago. Both worked at the same clinic of the National Health Service on Calle Independencia. The Commission is convinced that her disappearance was the work of government agents who thus violated her human rights.

On July 15, 1975, DINA agents arrested Sara de Lourdes DONOSO PALACIOS, 25, a nursing student, outside that same clinic. Testimony received has made it possible to establish that Sara Donoso and Rosa Soliz performed similar tasks within the Socialist party, and that both were under the orders of Modesta Wiff. Their disappearance was a direct result of the repression unleashed against the party leadership. The Commission came to the conviction that her human rights were violated by government agents who subjected her to forced disappearance.

On September 6, 1975, police arrested Gustavo Guillermo RAMIREZ CALDERON, an active Socialist. He was taken to the Cuatro Alamos prison camp, and was turned over to DINA agents

there. Later he was transferred to Villa Grimaldi. The Interior Ministry acknowledged that he had been arrested and that he had been at Cuatro Alamos, and claimed that he had been released on November 18, 1975. Nevertheless, Gustavo Guillermo Ramírez was last seen at Villa Grimaldi on that very date and has been disappeared since then. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On January 17, 1976, Octavio Julio BOETTIGER VERA, who had majored in political science and administration at the University of Chile and was active in the Socialist party, was arrested at the corner of Calles Antonio Varas and Providencia in Santiago. He was taken to Villa Grimaldi; all trace of him was lost a few days later. The Interior Ministry denied that he had been arrested, but the Santiago appeals court prosecutor said that "it should be recognized that Boettiger was arrested by government security personnel on January 17, 1976, but official documentation obliges the court to regard the fact of his arrest as unproven. The only remaining possibility is that security personnel may have overstepped their obligations...or fallen into a culpable excess, and arrested him." The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 16, 1976, DINA agents killed a Spanish economist and United Nations official, Carmelo Luis SORIA ESPINOZA, who was active in the Socialist party. He had been arrested the previous day. The next day agents threw his car into the El Carmen canal near La Pirámide. The keys were in the ignition, the doors closed, some of the windows were broken, and there was no radio and no seats but the driver's, and a bottle of pisco [liquor] was left there to make it look like an accident. Soria's body was thrown into the canal and was found on July 17 a kilometer away from where the car was found. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 14, 1976, three DINA agents shot and killed Eduardo CHARME BARROS, member of the Socialist party political commission, on Avenida La Paz. They were driving a Chevrolet, and passers-by were astonished to see them putting him in the trunk. The next day his body appeared at the Medical Legal Institute. The Commission came to the conviction that Eduardo Charme was executed by government agents in violation of his human rights.

On April 30, 1977, the young activist in the Socialist party, Vicente Israel GARCIA RAMIREZ, was arrested. He had been married the previous day, and while on his honeymoon at the apartment of a relative in the city of San Fernando, he was arrested at about 8:00 a.m. by a group of DINA agents, who had broken in by force. Garcia and his wife were blindfolded and taken immediately to Santiago. Vicente García has been disappeared since then. At the moment of his arrest Vicente García was working underground for the Socialist party. In this operation his wife and several members of his family were initially arrested. In fact they even saw and heard him at a prison site. Although those in charge of the DINA and the government officials whom the courts consulted denied his arrest, this Commission was able to come to the conviction that Vicente García's disappearance was an act of violence that took place when he was in the hands of DINA agents and was a human rights violation for which government agents were responsible.

Repression of members of the Socialist party by other agencies or undetermined agencies

On July 2, 1974, Victor Osvaldo ZEREGA PONCE, who had majored in economics and was active in the Socialist party and a member of its political commission, was killed. He was arrested in June 1974 a few days after his brother had been arrested and interrogated over his whereabouts. They held him in the underground part of the Plaza de la Constitución in Santiago, where some of the blankets had the acronym "SICAR" [police intelligence service]. Witnesses who saw him there say that on one occasion he was very much beaten up, apparently for having tried to escape when he had gone to a particular location with his captors. A female prisoner said that on July 1 or 2 she was told that he was being transferred to Valparaíso. His body was found July 4 at Los Lilenes beach on the central coast. The death certificate says that the cause of death was a bullet wound in the right side of the chest perforating the liver and right kidney, being dropped into the water, and ultimately drowning. The Commission has come to the conviction that he was executed by government agents who thus violated his human rights.

On July 23, 1974, Manuel Antonio BOBADILLA BOBADILLA, 42, a vendor and photographer who was active in the Socialist party, disappeared. Witnesses say that he was arrested at his workplace in Santiago. The Commission is convinced that his disappearance was the work of government agents who thus

violated his human rights.

On August 16, 1974, security agents arrested the vendor and active Socialist, Juan Miguel MURAMORALES, 24, on the street in Santiago. His destiny and whereabouts have been unknown since then. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 2, 1974, Gumercindo ALVAREZ PIZARRO, a worker at Mantos Blancos who was an active Socialist, died. On August 29 his house in Antofagasta had been searched by civilians who identified themselves as members of the Chilean Air Force. They arrested him and took him away. Four days later police went to his house and told his relatives that Gumercindo Alvarez was in the hospital in very serious condition. At the emergency ward the staff told them that he had been brought in dead the night before in a police truck. He had been severely beaten, had no fingernails or toenails, and his neck had a mark as though from a small diameter wire. The fact that his body had such marks enabled the Commission to come to the conviction that Gumercindo Alvarez died of torture he had undergone from government agents in violation of his human rights.

On September 6, 1974, Omar Lautaro MANRIQUEZ LOPEZ, 56, a radio repairman who was district secretary of the Socialist party, was arrested in Coelemu by police and security agents. Since that day there has been no further word on him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On December 26, 1974, soldiers arrested Marcelino Rolando LAMAS LARGO, 23, who was active in the Young Socialists, at his home in Iquique and in the presence of a number of witnesses. He had been held under arrest in Pisagua from December 1973 to the end of May 1974. There has never been any definite information on his whereabouts, and hence the Commission is convinced that he disappeared at the hands of government agents. Furthermore, the mother of another person whom the same soldiers had already arrested when they came to arrest Marcelino Lamas has testified that she stood in front of the customs office in Iquique where both her son and Lamas had been taken. She says that some hours later, she saw them take Lamas out of the customs office. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On January 31, 1973, Hugo Enrique ALFARO CASTRO, a blind teacher who was on vacation in Tocopilla, his wife's birthplace, died. He was active in the Socialist party. On January 27 his house was surrounded by police, and he was arrested along with other people. They were accused of holding a clandestine meeting to plot against the government. They were listening to an anti-government cassette. The official account was that he hung himself in one of the jail cells at the police station. That account must be dismissed, since normally in police stations, a prisoner is stripped of anything that could be used to commit suicide, and so they are very unlikely to do so. That is even more the case in this instance since Alfaro was blind. The foregoing is further confirmed by the statement of a witness who says that while imprisoned he heard two people talking while dragging the victim along. He heard one of them ask the other, who must have been a doctor, what he was going to do. The other man said he was going to "change his diagnosis, that's all." Moreover, the doctor at the hospital where he was sent after his death privately told the family that he showed clear signs of torture, including the application of electric current. For all these reasons the Commission has come to the conviction that he died of the torture he underwent at the hands of police agents.

On February 17, 1975, the former mayor of Cañete during the previous government, Manuel Elías JANA SANTIBAÑEZ, an active Socialist, was killed. He had been arrested February 13, 1975 after having met with the intendant of Arauco. His wife, who was waiting outside, was given a message supposedly from him that she should go home, and that he would return later. There was no word of his whereabouts for about four or five days. The police then told the family to pick up his body at the naval hospital in Talcahuano. It was turned over to them in a sealed coffin. The Commission has had access to statements by witnesses indicating that he was held at the gymnasium of the Talcahuano naval base. He was taken out the very day of his death. The other prisoners were told he was being taken to the hospital. On the death certificate the cause of death is said to be suicide by hanging at the Talcahuano navy base. Nevertheless, the previous facts, which indicate that shortly before his death he was taken from the prison site, that he was still alive, and that it was said that they were taking him to the hospital, enable the Commission to come to the conviction that he was executed by navy personnel in violation of his human rights.

On June 26, 1975, the former alderman of Santa Cruz who was an

active Socialist, Manuel Jesús COLOMA ACUÑA, died. He had been arrested October 8, 1973, and sentenced to ten years in prison by a war tribunal. He was serving his time at the prison in Santa Cruz. His wife noticed nothing unusual about him when she took him his food on June 25, as she did every day. However, the next day they told her that he had been taken to the hospital in serious condition and had later died. One person told her that he had seen her husband covered with blood and with a head wound. The death certificate says he died of a cerebral hemorrhage. Officials did not allow his relatives to see the body, and ordered that he be buried in Talca, 100 kilometers away from Santa Cruz. These circumstances lead the Commission to the presumption that his captors may have been responsible for the events that led to the death of Jesús Coloma.

On August 1, 1975, Jaime Raúl OLIVARES JORQUERA, an active Socialist (who some say belonged to the Elenos faction) died while he was being held under arrest at the offices of the Brigade for Investigating Attacks on the Investigative Police. The press was told that he had been killed in a gun battle with members of the investigative police. However, his death certificate says that the cause of death was asphyxia or breathing stoppage due to vomit being drawn into the respiratory system. That certificate contradicts the official account. This false information and the other circumstances surrounding the event lead this Commission to the conviction that government agents were involved in the death of Raul Olivares, and hence it regards him as a victim of human rights violations.

On August 31, 1975, Patricio Fernando RIVAS SEPULVEDA, a former detective who was a member of the Socialist party, was arrested by police in the city of Angol. In the presence of witnesses he was forced off a bus on the way to Collipulli and was taken to the police checkpoint in Angol. From that point on all trace of him was lost. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 12, 1975, Luis Eduardo VEGA RAMIREZ, a leader of the Ranquil Small Farmer Confederation who was also an active member of the Socialist party, was arrested in the city of Curicó in the presence of witnesses. The agents who arrested him said they were acting under orders from Santiago. He has been disappeared since that day. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On October 27, 1975, two operational groups of the police intelligence service (SICAR), raided the workshop shop of José Domingo QUIROZ OPAZO, an active Socialist who was part of the Elenos faction, in Santiago. According to testimony examined by the Commission, the agents brought the five people in the shop under control, and then took Quiroz to one of the rooms in the shop. There they put him up against the wall; an officer shot him in the head, and another officer killed him off. The commander of the operation immediately ordered the troops to shoot at the walls to make it look like a gun battle. That is how the matter was presented to the press at that time. The Commission came to the conviction that José Quiroz was executed by government agents in violation of his human rights.

In the early morning of October 22, 1975, agents arrested Horacio YAÑEZ JIMENEZ, an active Socialist, at his home in San Bernardo in the presence of witnesses. They put him into a white pickup truck and took him toward an unknown destination. He has been disappeared since that day. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On November 17, 1975, Miguel Enrique RODRIGUEZ VERGARA, an active Socialist was arrested at his home in Santiago in the presence of his family by three agents who took him toward an unknown destination. He remains disappeared to this day. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On May 15, 1976, according to evidence in the Commission's possession, Ernesto Enrique PAREDES PEREZ, an accountant and active Socialist, was arrested on the street in Santiago. To this day he is still disappeared. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

e. Victims from other political groups, or who were not politically active, or whose political position is unknown

1. Cases in which the DINA was responsible

e.1.1) Activists from the MAPU

Persecution of active members of MAPU (United Popular Action Movement) was generally the consequence of repression

aimed at the major organizations of the Chilean left, primarily the MIR. MAPU members suffered human rights violations basically in those cases in which they had relationships of some sort with the MIR.

On September 14, 1974, Luis Eduardo DURAN RIVAS, 29, a vendor and MAPU activist, was arrested. He was apparently responsible for putting together an underground newspaper which was sent outside the country. On this occasion he went to ask a MIR friend for money, unaware that the DINA had set up a trap at his house. He was arrested and subjected to harsh torture. Several other members of the MAPU were then arrested. Since then there has been no news about his whereabouts. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 17, 1974, Héctor Patricio VERGARA DOXRUD, 32, a civil engineer and MAPU activist, was arrested. He supervised Luis Durán's work in editing the clandestine newspaper, which was largely put together in his offices. Other members of MAPU were arrested with him, but they were later released. On the basis of testimony it has received, the Commission has been able to establish that Héctor Vergara was held prisoner at José Domingo Cañas with other MAPU activists, including Luis Durán. They were later taken to Cuatro Alamos. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On March 15, 1975, Luis Enrique GONZALEZ GONZALEZ, 27, a MAPU activist, was arrested a few blocks from his house. He was jailed in Santiago; apparently DINA agents shot and wounded him on the street. Someone who happened to see the event told his wife what had happened. The Commission has come to the conviction that Luis González disappeared as a result of actions for which the DINA was responsible and in violation of his human rights.

On May 26, 1976, Elizabeth Mercedes REKAS URRRA, who was four months pregnant, was arrested along with her husband, Antonio ELIZONDO ORMAECHEA, a MAPU activist, according to her brother, Andrés Constantino Rekas Urra. The latter was arrested on the street on May 24, and immediately taken to a place that he identified as Villa Grimaldi. There he was interrogated about the activities and whereabouts of his sister Elizabeth, his brother-in-law Antonio, and their mutual friend Juan Bosco MAINO CANALES. He was told that he would be released

only when they had been arrested. The next day his captors took him from Villa Grimaldi to where his sister and brother-in-law worked so that he could point them out. He was later taken back to Villa Grimaldi. On the 26th, while still at Villa Grimaldi, Andrés Rekas heard the distinct sound of his brother-in-law's Citroneta. A few moments later, he heard a woman screaming and realized that it was his sister Elizabeth Mercedes. He was released that same day. A few days later he went to the apartment of his sister and brother-in-law, and saw that they were not there; it was all torn apart, and had obviously been ransacked.

The notary public Rafael Zaldívar drew up a document on the condition of the apartment of this married couple. He also noted that Juan Maino's glasses, watch, and a magazine were on the dining room table. Maino was a MAPU leader who was arrested that day in the apartment.

On December 30, 1980, Carlos Montes was arrested by CNI agents. During questioning he was shown a document he had signed that was on Juan Maino the day he was arrested. When Carlos Montes was arrested, the Interior Ministry told the court that he was a high level MAPU leader, and that "after the arrest of one of its most important members, Juan Maino," Montes had gone underground to avoid being arrested. The Commission holds the conviction that Elizabeth Rekas, Antonio Elizondo and Juan Maino were arrested and underwent disappearance at the hands of government agents in a grave violation of their human rights.

e.1.2) Activist from the Christian Left

On June 26, 1976, several armed agents arrested José Santos HINOJOSA ARAOS, who was active in the Christian Left. According to witnesses, he was taken to Villa Grimaldi. Nothing further was heard of him after April 1977. However, on June 27, 1976, the agents who took part in his arrest went back to his house and told his family that he had escaped and left a policeman wounded. A family member wrote down the license number of the car they were driving and gave it to the court. The court in turn made a formal request of the municipality to which that number was assigned and was told that the license number had been assigned to the Diego Portales building, presidency of the republic, DINAR section. It is important to note that upon receiving an official inquiry from the court, the assistant director of logistics at the DINA stated that all the license numbers of DINA cars were listed in the Motor Vehicles Registry with the acronym DINAR, which meant National Rehabilitation Directorate

[Dirección Nacional de Rehabilitación]. In response to a formal request from the courts for information on the DINAR, the Interior Ministry replied that it had no information on it. When the Interior Ministry was formally asked for the name of the official in charge of Villa Grimaldi in April 1977, it replied that the CNI had reported that when it took over the site it was empty, and had no staff and that there was no documentation of any sort, and hence it was unaware of who had been occupying it. In view of all the foregoing, the Commission is convinced that Hinojosa underwent forced disappearance at the hands of government agents in violation of his human rights.

e.1.3) Activist from the Radical party

On August 3, 1974, Juan Aniceto MENESES REYES, a university student who was active in the Radical party, was arrested in Santiago by DINA agents. He disappeared from the DINA facility at Londres No. 38, where witnesses saw him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

e.1.4) Victims who were not, or were not known to be, politically active

In the month of January 1974, Félix Marmaduke VARGAS FERNANDEZ, 31, a personal bodyguard of former president Salvador Allende, was arrested in Santiago. His captors took him to the prison camp at the Tejas Verdes Engineering School in San Antonio, and he disappeared from that site. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 16, 1974, Sergio Edrulfo CARRASCO DIAZ, 18, an accounting student, disappeared. He was arrested at his home in Santiago in the presence of witnesses, presumably by DINA members. Since that day there has been no information on him. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

2. Cases in which other agencies or undetermined agencies were responsible

On February 7, 1974, Carlos Hugo ZELAYA SUAZO, a union representative at the wine company where he worked, was arrested in Santiago by soldiers. Evidence gathered by the

Commission indicates that the troops came to the wine company and asked the owner for Carlos Zelaya. He voluntarily presented himself to the soldiers, and they took him away under arrest. Since that day his whereabouts remain unknown. His relatives have testified that he was held prisoner at the Tacna Regiment. The evidence gathered enables the Commission to come to the conviction that Carlos Zelaya was arrested by government agents, and that he disappeared as a result of their actions in violation of his human rights.

On March 14, 1974, José Guillermo BARRERA BARRERA, 30, a leader of the Patriotic Transportation Movement (MOPARE) in Curacaví, disappeared. In September 1973 police from the headquarters in Curacaví had arrested him along with other persons and had taken them to the Barriga upgrade, where all the prisoners were shot to death, except for José Barrera and one more person who were merely wounded and managed to escape after their executioners had left. Subsequently he went with his wife and two children to the northern part of the country. While he was working there, his brother called him to say that he had talked to a number of government officials who had told him that there would be no problem should he return. In order to be even more certain, José Barrera had a meeting in Talagante with the area police chief who told him that there was no objection to his returning to Curacaví with his whole family. Hence he returned on March 14, but that very night police from the Curacaví police headquarters and army troops arrested him at his house. Since then nothing further has been known about José Barrera. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On April 19, 1974, Jorge Eduardo VILLAROEL VILCHES, 35, likewise a MOPARE leader in Limache, was arrested by police. He had previously been arrested in September 1973 and had been held for a week at the El Belloto air base. He was then released and continued to live in Limache with his wife and three children. According to the testimony of a witness that the Commission received, after arresting him, the police turned him over to security agents who took him away. Since then nothing further has been known about him. In view of the evidence gathered, this Commission holds the conviction that Jorge Villarroel disappeared while being held under arrest by government agents in violation of his human rights.

On August 6, 1974, the bodies of Eduardo Exequiel MUÑOZ TAPIA, a vendor, and Luis Segundo TOLEDO GONZALEZ, a

worker, were found at the bottom of the Maipú lagoon. Around the neck of each was a sign that read, "For being an informer-The Resistance." Muñoz had been arrested August 1, and Toledo the following day, by civilians who said they were from the investigative police. The Commission has come to the conviction that they were killed for political reasons in violation of their human rights, but it does not have enough evidence to determine who was responsible.

On August 10, 1974, plainclothes agents arrested the student Dignaldo Herminio ARANEDA PIZZINI at his home in the La Reina district. He disappeared, and there is no evidence that he was held at any of the detention sites. The Commission believes that the testimony by witnesses indicating that he was arrested is enough to enable it to come to the conviction that Dignaldo Araneda disappeared at the hands of government agents who thus violated his human rights.

On August 13, 1974, civilians who did not identify themselves arrested Hugo Antonio CONCHA VILLEGAS, 29, who was married and had three children and worked at the Comandari company. Until September 11, 1973, he had been president of the Professional Union of Workers and a member of the Revolutionary Workers Front (FTR). He had been arrested previously several times after the military coup, and had been tortured every time. Once he had to be taken by ambulance to an emergency ward after being left abandoned by his captors. He was put on trial at a war tribunal in 1974 for breaking the State Security Law, but the case was dropped for lack of evidence. The last time he was arrested, his captors said they needed him to identify a person. The evidence gathered enables the Commission to hold the conviction that Hugo Concha disappeared at the hands of government agents in violation of his human rights.

On August 16, 1974, Sergio Emilio VERA FIGUEROA, 27, who was married and had one son, was arrested by security agents who came that morning to the downtown bookstore where he worked. Apparently he was arrested because his wife, who later left the country, was active in the MIR. Since then nothing further has been known about him. The Commission holds the conviction that Sergio Vera was imprisoned by government agents and consequently has disappeared.

On August 24, 1974, plainclothes agents who said they were from the Military Intelligence Service (SIM) arrested Gary Nelson

OLMOS GUZMAN, a shoemaker, at his grandmother's house in the San Miguel district. There is no evidence on his fate since that moment. The Commission believes that it is possible to come to the conviction that Gary Olmos disappeared at the hands of government agents in violation of his human rights. That conviction is based on the following: evidence that he was arrested; the fact that during this period many people were secretly arrested and held prisoner; the lack of further indications of where he is despite inquiries made by his family, the courts, human rights organizations, and the Commission itself.

On September 7, 1974, Asrael Leonardo RETAMALES BRICEÑO, a merchant, was arrested where he worked at the agricultural fair in Maipú, by unidentified agents who had previously come looking for him at this same location. His house was later searched by agents who acknowledged that he was under arrest and said that he was at Tres Alamos. A policeman at the prison camp also said that he was being held in solitary confinement in Cuatro Alamos. Asrael Retamales disappeared while being held by the DINA at Cuatro Alamos where he was observed by witnesses. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 11, 1974, Víctor Fernando OLEA ALEGRIA, 24, a worker, disappeared in Santiago. He was arrested in the presence of witnesses that day, and there has been no further word of him since then. The Commission came to the conviction that he suffered a human rights violation at the hands of government agents who made him disappear.

On November 17, 1974, Juan Belarmino YAÑEZ ORELLANA was killed when a military patrol shot at the taxi in which he was riding at the intersection of Calles Alberto Magno and Manuel Montt in Santiago. The taxi driver was held under arrest for two weeks at Tres Alamos. Hence the Commission has come to the conviction that Yañez was executed by government agents in violation of his human rights.

On December 5, 1974, unidentified agents in plainclothes arrested Luis Hernán FUENTES GONZALEZ at his workplace at the train station in San Bernardo. Luis Fuentes disappeared that day, but there is no evidence on places where he might have been held prisoner. The Commission believes that testimony by witnesses to his arrest taken in combination with the fact that there has been no further word about him, leads to the honest

conviction that Luis Fuentes disappeared at the hands of government agents who thus violated his human rights.

On December 9, 1974, Claudio Enrique GONZALEZ NUÑEZ, an employee at the University of Chile School of Health who was not known to be politically active, was arrested by plainclothes agents at his workplace in Santiago. There is no information on where he was taken. The Commission is convinced that Claudio González disappeared at the hands of government agents, who thus violated his human rights.

On December 23, 1974, plainclothes agents searched the home of Héctor Pedro Maturana Espinoza, a teacher, in La Villa Portales in Santiago. When he arrived there he was arrested, and there has been no further word about him. The Commission believes that it is possible to come to the conviction that Héctor Maturana disappeared at the hands of government agents in violation of his human rights, since there is proof that he was arrested and bearing in mind the background of his case.

On April 5, 1975, Segundo Elías Llancaqueo Millán, a farmer at the Juan Huelipán agricultural cooperative, was killed. Early in the morning that day members of the police and investigative police took him from his house and shot him. He had spent a year in hiding after the military coup. This information, in combination with those of other similar cases in which agents in charge of public order illegally killed Mapuches in this area, enable the Commission to come to the conviction that Segundo Llancaqueo was executed by public servants in violation of his human rights.

On May 29, 1975, Carlos Antonio Vargas Arancibia, 36, an electrician who was active in the Revolutionary Radical Youth in the city of Limache, was arrested. Nothing has been heard of him since the moment of his disappearance. The Commission came to the conviction that he disappeared at the hands of government agents who thus violated his fundamental rights.

On June 5, 1975, Zoilo Galvarino Olivares Guerra, 35, a worker who was active in the youth organization of the Radical party and was connected to Vargas, disappeared in Viña del Mar. Testimony by several witnesses proves that security agents were following him. Since that moment it has not been possible to determine his whereabouts. The Commission believes that it can reasonably be presumed that his disappearance was the work of government agents in violation of his human rights.

On September 15, 1975, Luis Hernán TREJO SAAVEDRA, a CUT leader, was arrested in the city of Curicó. The military prosecutor's office in the city acknowledged that he had been arrested, and said that he had been turned over to officials in Santiago. His whereabouts remain unknown to this day. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On September 10, 1975, Juan Segundo TRALCAL HUENCHUMAN, a farmer, and his family were forced out of their house by police from the Pillalebún checkpoint. The police shot at them with bursts of automatic weapons fire for no reason whatsoever. Tralcal, his wife, and their youngest daughter were wounded. Juan Segundo Tralcal later died at the hospital in Lautaro where he had been taken by the police themselves. The Commission holds the conviction that he was executed without any due process of law by government agents who thus violated his human rights.

On the night of January 13, 1976, police and soldiers carried out a joint operation in the La Pincoya, Patria Nueva, and El Rodeo settlements located in the Conchalí district. A number of people were arrested in that operation, including Adán del Carmen CANCINO ARMIJO, who was apprehended at his home and taken with a group of other people in buses to a place known as Las Siete Canchas. At that point everyone else was released, but Cancino's whereabouts remain unknown to this day. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On March 24, 1976, Patricio Amador ALVAREZ LOPEZ, a minor, was killed. He had been arrested with three other youths the night before in front of Night School No. 4 by three agents who were driving a pickup truck. A few blocks away the other youths were released. Alvarez's body appeared the next day at the Medical Legal Institute, where it had been taken by police. It was established that the cause of death was a penetrating bullet wound through the chest, and that the body was badly bruised on the head, torso, and extremities. On April 27 in response to an inquiry from the family members, the Interior Ministry responded that it did not have any evidence on Alvarez. Later, however, in its "Observations on the Report of the United Nations Ad-Hoc Working Group on the Situation of Human Rights in Chile," the government reported that he had been killed in a gun battle with police on March 24 of that year. In view of testimony given by other

people who were imprisoned with him, evidence of the repression that his family suffered, and contradictions in the official accounts, the Commission has been able to come to the conviction that Alvarez was executed by government agents without any due process of law and in violation of his human rights.

On May 28, 1976, Héctor Manuel SAGREDO ARANEDA, who was not known to be politically active, was arrested before witnesses at his home by police who were carrying out a large scale operation in the area of Hualpencillo, Talcahuano. Since then there has been no word on his whereabouts. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 2, 1976, Julio del Tránsito VALLADARES CAROCA, an agricultural accountant, was arrested in La Paz, Bolivia. Bolivian officials handed him and other Chileans over to Chilean officials on the border at Caraña on November 13, 1976. There has been no further trace of him since that date. The Interior Ministry acknowledged that Valladares had been arrested. However, when the court ordered that the names of the arresting agents be provided, it refused to do so "solely on the grounds of security." The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On July 18, 1976, Jorge SAN MARTIN LIZAMA, 20, who was unmarried and not politically active, was killed. In the judicial inquiry into this case, the police from Curacautín who were involved in the events, stated that they had gone to the area of Chorrillos in response to a report of a robbery taking place in one of the houses. When they arrived they found the intruder, who attacked them by throwing a clay flowerpot through the window at them. In response one of the police shot and killed San Martín. However, the autopsy report contradicts the police account, when it says the body had a cut on the neck that suggested an attempt at surgical cutting of the veins. It described it as "an oblique 35 millimeter cut whose edges were a centimeter apart and with a smooth bottom. The wound shows no sign of having been treated and crosses the middle third of the carotid artery." Besides that cut the body had two bullet wounds, one of them shot at close range, according to the coroner. For these reasons this Commission has come to the conviction that Jorge San Martín Lizama was executed by government agents in violation of his human rights.

On September 8, 1976, the body of Domingo Enrique

MARTINEZ VALENZUELA, a vendor, was found on the banks of the Mapocho River in Santiago. Witnesses testify that he had been arrested early in the morning of September 5, 1976, at home by soldiers in black berets. The Commission came to the conviction that Domingo Martínez was executed without any due process of law by government agents in violation of his human rights.

Those disappeared in Arica for alleged espionage

On May 14, 1977, Pedro Segundo MELLA VERGARA, a surveyor, was in a bar in Arica along with his wife and a friend. As they were leaving, Pedro Mella was arrested by two people in civilian clothes who did not identify themselves but were able to call on a police truck patrolling the area for help. Mella was taken to the First police station in Arica. When they investigated these events, police officials testified to the court that the people in civilian clothes who arrested Pedro Mella were SIM (Military Intelligence Service) agents from Arica who told them that he was under suspicion for espionage. They asked the police not to register the arrest and took him away.

The next day, May 15, 1977, Sergio OVIEDO SARRIA was arrested at the customs office in Chacalluta. On May 31, 1977 Isidoro Segundo CASTRO VILLANUEVA, was arrested at the club for army subofficers in Arica (formerly the Hotel Tinos). On July 31, 1977, Juan José PAILLALEF PAILLALEF was arrested at the bus station in Arica.

SIM officials in Arica admitted to the judge of the Third Criminal Court of Arica that on May 14, 1977 they had held Pedro Mella under arrest for an hour, in order to open a photo file on him. They said he had been released and that his house was not searched. However, neither Pedro Mella nor any of the other three people listed ever returned to their homes after being arrested. In light of the evidence it was able to examine on these events, the Commission came to the conviction that these four people disappeared involuntarily in Arica as the result of the activity of government agents.

f. DINA agents who disappeared at the hands of their own colleagues

This Commission has investigated and examined two cases of DINA agents who disappeared at the hands of this agency because they were judged to be traitors. They were even subjected to "tougher" treatment than ordinary prisoners. The manner in which this intelligence service was created during the

months after September 11 can help explain these events. The Commission's investigation has led to the conclusion that the DINA was formed with members of all branches of the armed forces and police. The criteria for choosing the members at that time were not strict, and hence it was not necessarily the best men who were sent. In some cases, as we will specify below, and in others that the Commission has discovered, there was no scrutiny of the political past of each member of the armed forces or police who was sent to serve at the DINA, nor of their family. That is the origin of the strange and contradictory fact that certain people were serving as DINA agents or prison guards and were guarding or investigating people whose political sympathies they shared. Moreover, the Commission has examined some cases of people who were sent to the DINA without receiving any explanations of where they were going or what they were supposed to do. They were simply told to report to Tejas Verdes. One person was euphemistically told that he "was going to have a vacation" at that beach resort.

Approximately June 24, 1974, Rodolfo Valentín GONZALEZ PEREZ, 19, a Chilean Air Force enlisted man and a DINA agent, was arrested by the DINA. He was ordered to do guard duty at the rooms of the military hospital where there were political prisoners. At the same time his brother, a left activist, had taken asylum in the Argentinean embassy. The DINA was unaware of this fact. Rodolfo González was in contact with prisoners in the hospital and tried to help them, taking information back and forth between them and their relatives. According to the testimony received by the Commission, he was very confused in his personal life. He was discovered and taken to "the tower" in Villa Grimaldi, where he was subjected to harsh torture. He threw himself out a window to end his torment, but he was given medical treatment and put back in prison. Since then there has been no further information on him. This Commission has come to the conviction that Rodolfo González disappeared at the hands of government agents-the very organization for which he worked-who thus violated his human rights.

On March 14, 1975, Carlos Alberto CARRASCO MATUS, 21, a DINA agent and guard at the solitary confinement area known as Cuatro Alamos, was apprehended by his colleagues. Apparently he belonged to a left party before September 1973. Many people who were held there have testified with admiration and affection that there was a guard named "Mauro" who was kind and tried to encourage them, by making their lives there a little more endurable. The DINA learned what he was doing and obtained

proof that "Mauro" was Carlos Carrasco, and that he was providing the names of prisoners and information about them to left parties and their families. He was jailed and brutally tortured. Some witnesses have said that one of the DINA leaders beat him to death with a chain in one of the back courtyards of Villa Grimaldi. This Commission has come to the conviction that he disappeared at the hands of the DINA in violation of his human rights.

g. Chileans killed or disappeared outside the country

1. By DINA activity or involvement

The murder of General Carlos PRATS GONZALEZ (ret.) and his wife Sofia CUTHBERT CHIARLEONI

General Carlos Prats (ret.), 59, the former commander-in-chief of the Chilean Army, left the country and went to Buenos Aires, in his own words "at a moment of danger...early in the morning on September 15, 1973, when he was fortunately warned on time that groups who were out of control were trying to locate and kill him, taking advantage of the impunity offered by the chaotic situation of the country at that time." His wife, Sofia Cuthbert, 56, followed him a few days later.

This statement by Carlos Prats, and others that will be quoted in this section of the report, as well as the whole context, are closely connected to certain other suggestive aspects or well-founded presumptions that this Commission took into account in arriving at its conviction. Taken one by one, they are not equally compelling, nor are they equally established. Taken all together, they have led the Commission to its conviction as here presented.

In Buenos Aires General Prats (ret.) knew that he was under surveillance by informers, who, in his mind, "had come over from Chile to look for the hint of something that could stain his honor or that would make it possible to portray him as the general who was working on behalf of Marxism." Efforts were made to closely monitor his activities in Buenos Aires, and agents of the Chilean government expressed open or veiled criticism of him in Chile and elsewhere.

These reasons weighed heavily in prompting General Prats and his wife to leave Argentina and move to some European country. Hence in July 1974 Sofia Cuthbert de Prats asked the Chilean consul general in Argentina for passports and said that

they were going to travel to Brazil. Her passport had been withheld as she was leaving Chile, and General Prats', which was that of a government official, had expired. According to General Prats' family, the only ones who knew that they were planning a trip were those Chilean diplomatic officials.

They did not obtain their passports. The official explanations, which can be read in the documents that the Commission has examined, do not give any credible reason for any refusal or delay. That is even more the case in view of the fact that the Chilean ambassador in Argentina sent the Chilean Foreign Ministry a telex to the effect that General Prats had received a death threat, with a request that it also be forwarded to the top army leadership. The threat was made in the form of a telephone call from someone with a Chilean accent "with a forced Argentinean accent," according to General Prats. The anonymous caller mentioned the trip to Brazil; relatives of the Prats say that they had mentioned this idea only to embassy officials. A friend of the Prats told the Chilean ambassador of this threat on September 4, 1974, and he immediately sent the telex. The Commission has verified all of this.

Some weeks later, on September 30, 1974 as General Prats and his wife were about to park their car at its site on Calle Malabia, a bomb placed under the transmission was activated by remote control and exploded, killing them both instantaneously. This Commission has gathered a vast amount of information on this terrorist act that killed General Carlos Prats and his wife, Sofia Cuthbert. Specific people are mentioned in this information. Nevertheless, the Commission has held to its obligation not to directly identify alleged individual perpetrators, except in communications with the courts, where it is proper to do so, as explained earlier in this report. In this case, adhering to that norm means that the account will be more complex, but such a procedure is absolutely necessary if each part of this report is to remain faithful to the Commission's decision.

Information on the Prats case includes the following: study of the file of the criminal process that is being prepared on these events in Argentina; study of the file prepared when the Argentinean government asked the United States government to extradite to Argentina the former DINA agent mentioned below; study of various other relevant legal cases in United States courts; statements by witnesses and expert testimony on the car bomb that killed General Prats and his wife in comparison with the car bomb explosion in Washington D.C. in September 1976 that killed

Orlando Letelier and Ronnie Moffit; public and private documents such as statements by witnesses, including statements made confidentially to this Commission, in Chile and elsewhere about trips of DINA agents insofar as such trips are relevant to this case; other actions of the DINA in Chile and elsewhere; communications and statements by DINA agents on such activities outside the country, and specifically on the Prats case; statements and other efforts by the Chilean government with regard to these activities in general and aspects that are relevant to the Prats case in particular.

Having weighed this evidence, the Commission has come to the honest conviction that General Prats and his wife Sofia Cuthbert were killed in violation of their human rights by a terrorist action for which agents of the Chilean government—who may reasonably be presumed to have belonged to the DINA—were responsible. In coming to this conclusion, the Commission has borne in mind the following:

* The judicial investigation carried out by the federal judge in Argentina, involving two officials who belonged to the DINA. On April 11, 1983 preventive detention was ordered for one of these DINA agents, and an order was given to ask the United States government to extradite him, since he was responsible in principle for aggravated homicide in conjunction with the use of a false passport. This agent who is a U.S. citizen, sometimes used a false U.S. passport, under the name of "Kenneth Enyart." On May 15, 1989 in that same case the Argentinean legal system ordered that a second DINA agent be charged and arrested for his participation in this double murder. This person, who was a Chilean citizen, was living in Argentina at that time. There is abundant proof that he was carrying out important tasks for the DINA in Buenos Aires.

* In 1978 in a United States court the DINA agent who sometimes travelled under the name of Kenneth Enyart pleaded guilty to the charge of placing the bomb that killed Orlando Letelier and Ronnie Moffit. This same agent came to Buenos Aires under the name of Kenneth Enyart some weeks before the assassination attempt and left Argentina for Uruguay a few hours afterward, that is, on September 30, 1974, according to reliable proof. There is reliable proof that he entered Chile on October 1. There is also proof that the DINA agent mentioned above who lived in Buenos Aires also left Argentina that same day.

* The agent who used the passport with the name of

Kenneth Enyart was expelled from Chile on April 8, 1978 at the request of the United States government for his involvement in the murder of Orlando Letelier and Ronnie Moffit, which took place there. With regard to what Chilean and United States officials and their legal representatives did in connection with this expulsion and the various legal efforts and trials that took place in the United States since that time and until very recently, the following facts are clear:

* Testimony by witnesses whom this Commission regards as trustworthy indicates that shortly before this DINA agent was expelled from Chile, representatives of the Chilean government asked the United States government to send them a letter formalizing their request to have him expelled. The Chilean representatives asked that the letter should include among other accusations that he had entered Chile under a false U.S. passport with the name Kenneth Enyart; it also expressly asked that the letter not mention that he had used that same passport to enter other countries.

* On April 7, 1978 the Chilean government signed an agreement with the district attorney of the District of Columbia in the United States restricting the use that could be made of information obtained in investigating the Letelier case with regard to actions of Chilean citizens in the United States. That agreement, along with the agreement by which the aforementioned DINA agent pleaded guilty to a charge in the Letelier case were then interpreted scrupulously on various occasions in United States courts in the sense that severe prohibitions or restrictions were placed on the questions that could be posed to this agent on various matters, including the Prats case.

* It is clear from legal memoranda and court files that this DINA agent was so concerned about possible questions on the Prats case during the investigation or court actions in the United States that should that happen he was prepared to take the Fifth Amendment, which in the U.S. Constitution enables one to refuse to answer a question on the grounds that it may be self-incriminating.

* The Commission was able to examine the sworn courtroom testimony of a U.S. citizen, from which it can clearly be inferred that this DINA agent had confessed to him that he had been involved in the killing of Prats and his wife.

* The method used in both the Prats and Letelier cases was to place a bomb on a similar part of the victims' cars. It has also been proven that the DINA had begun to work in Buenos Aires in 1974 before this murder attempt, and that, as has been noted, one of its agents returned from Buenos Aires to Chile hours after the murder of these two people.

* Finally, the Commission has not been able to formulate a plausible hypothesis on the motive that someone other than agents of the Chilean government might have had for killing Carlos Prats and Sofía Cuthbert nor has it found any evidence of such motivation. On the other hand, a plausible hypothesis of motivation can be formulated on the basis of the actions of such agents of the Chilean government both in Chile and elsewhere, particularly in Argentina and in the United States; it is also possible that they were worried that General Prats' influence on the Chilean political scene might reach unmanageable proportions. The Commission emphasizes that this last observation is intended only to shed more light on matters, and that its conviction is grounded on the combination of factors previously set forth.

The murder of Orlando LETELIER DEL SOLAR and Ronnie MOFFIT

On September 21, 1976, Orlando Letelier del Solar and Ronnie Moffit were killed in Washington D.C., when a bomb placed under their automobile exploded. Ronnie Moffit's husband, Michael Moffit, who was also in the car, escaped without injury.

Orlando Letelier, 44, had been ambassador to the United States for the Allende government. He had also served that government as foreign minister and minister of defense. He was serving in the latter post on September 11, 1973. Orlando Letelier was arrested that same day at his office in the ministry of defense. He was held imprisoned for a long period of time, first at the Tacna Regiment, and then at the Military Academy. He was then taken to the Dawson Island prison camp for eleven months. Next he was held for a time in the Air Force War Academy basement, until he was finally transferred to the Ritoque prison camp. He was then released and went into exile.

He first travelled to Venezuela and then to the United States, where he worked at the Institute for Policy Studies in Washington D.C. During that period he also returned to his work within the Socialist party. He played a very important role within the party and

in opposing the Chilean government outside the country. Shortly before his death, the Chilean government stripped him of his Chilean citizenship. Ronnie Moffit, 25, was a U.S. citizen and a colleague at the Institute for Policy Studies.

In the investigation into these events by the U.S. justice system, three of those persons involved pleaded guilty. They all stated that DINA agents were involved in the planning as well as the execution of the murder. The highest officials of the agency were involved in preparing the crime, and they entrusted its execution to one of their agents who had previously been assigned other jobs outside the country. After an initial unsuccessful attempt to obtain false U.S. passports in Paraguay, they used false Chilean government passports issued by the Foreign Ministry.

Two agents who had gone to the United States for this mission kept the victim-in principle only Letelier himself-under surveillance. In executing the crime, they were aided by members of a clandestine anti-Castro group in the United States, who provided help in both making and placing the car bomb. It was they who activated the remote control device that set off the explosion. According to the autopsy reports, Letelier died of bleeding caused by the loss of his lower extremities, and Moffit died of blood in her lungs, and a cut in her throat and right carotid artery.

Once it was clear that Chilean agents had been involved in this terrorist action, there were a number of maneuvers in the country to prevent the crime from being solved. These included having people not involved report in response to the subpoenas presented by the U.S. government, and, according to witnesses, destroying testimony on who was responsible after it had been presented to the Chilean military prosecutor who was pursuing the investigation.

The Commission has studied and weighed the abundant evidence on this case in Chile and elsewhere. This includes the documentation of case 192-78 in the Chilean military justice system which deals with falsifying passports and other crimes related to the Letelier case, as well as the court records and other documentation on the case in the United States in its various phases and levels. On its own the Commission has obtained a number of further statements relevant to the case.

On these grounds, the Commission has come to the honest

conviction that the human rights of Orlando Letelier and Ronnie Moffit were violated, and that they were victims of a terrorist act committed by agents of the Chilean government, namely DINA agents who planned this terrorist action and executed it with help from other persons.

The BEAUSIRE case

On November 2, 1974, Argentinean police arrested Guillermo Roberto BEAUSIRE ALONSO, as he was landing at Ezeiza airport in Buenos Aires on a flight from Chile. He had dual citizenship (British and Chilean), was studying economics, worked at the stock exchange in Santiago, and was not politically active. Both he and his family were being pursued by the DINA in an effort to get to his sister Mary Ann Beausire and Andrés Pascal Allende, her common-law husband. At that moment Guillermo Roberto Beausire's mother and other relatives were being held at the José Domingo Cañas DINA facility. She has stated that she heard her son's voice there four days after he was arrested. Many witnesses have testified before this Commission that they saw Guillermo Roberto Beausire during his captivity in Chile. He was held at the following detention sites: José Domingo Cañas, Villa Grimaldi, and La Venda Sexy (the Discotheque). He vanished from this last site on June 2, 1975. The Commission came to the conviction that Guillermo Beausire disappeared at the hands of the DINA in violation of his human rights. It also believes that his case illustrates the degree of collaboration existing between the DINA and Argentinean security services in late 1974.

Repression against the MIR in Argentina

Even before the March 1976 military coup in Argentina a high level of collaboration existed between the Chilean and Argentinean security services. The large number of messages sent indicated that the contacts between the External DINA in Buenos Aires and Santiago were intended not only for purposes of exchanging information, but for aiding in the seizure of Chilean activists. The documents the Commission was able to examine in connection with the cases of Jean Yves Claudet Fernández, Jorge Fuentes Alarcón, and others were very revealing.

On November 1, 1975, security agents arrested Jean Yves CLAUDET FERNANDEZ, who had dual French and Chilean citizenship and was active in the MIR, at the Hotel Liberty in Buenos Aires. He had been judicially processed in Chile after September 11, 1973. After a short period of exile in France he was

now in Argentina, where he was actively involved in reorganizing the MIR and doing important work on the organization's intelligence team.

The Commission came to the conviction that those who abducted him were DINA members acting on their own or in coordination with Argentinean security agents. It learned that the DINA sent a number of items such as photographs to help its agents in Buenos Aires locate Jean Claudet. The arrest of a MIR courier nicknamed "Daniel" provided the security agency with the information it needed to locate Claudet in the hotel in Buenos Aires. The Commission is convinced that Claudet's disappearance was the work of government agents who thus violated his human rights. On the basis of the unmistakable references made by a DINA agent in Argentina in written statements that the Commission was able to examine, it believes that there are serious reasons for presuming that Jean Ives Claudet was executed in Argentina and that the DINA was involved.

On May 16, 1975, Jorge Isaac FUENTES ALARCON crossed the border between Argentina and Paraguay on a bus. Sitting next to him was Amílcar Santucho, brother of the top leader of the ERP (Revolutionary People's Army) in Argentina. The Paraguayan police arrested them both and took them to Asunción. The documents clearly indicate that the Chilean intelligence services were very interested in capturing Jorge Fuentes, a sociologist, because he was working as a MIR courier in the Southern Cone and was directly connected to Edgardo Enríquez and Jean Claudet in setting up the Revolutionary Coordinating Body. This was a kind of common effort involving various movements throughout the area that advocated armed insurgency. The Chilean agents were so interested in Jorge Fuentes that they had him transferred from Asunción to Villa Grimaldi in Santiago. Many witnesses have testified that Jorge Fuentes arrived with scabies all over his body, and was in poor condition from being tortured. The evidence indicates that various agencies were involved in capturing this MIR leader: the Argentinean intelligence services provided information on Jorge Fuentes' false passport, the U.S. embassy staff in Buenos Aires kept the investigative police in Chile advised of the results of his interrogation, and the Paraguayan police allowed him to be transferred secretly. Many witnesses have provided consistent testimony on the fact that Jorge Fuentes was held at Villa Grimaldi. He was treated for his scabies while being tortured and subjected to degrading treatment. The Commission is convinced that his disappearance

was the work of government agents who thus violated his human rights.

On April 10, 1976, around sundown, Edgardo ENRIQUEZ ESPINOZA, the number three MIR figure and brother of the secretary general who by this time was dead [Miguel Enríquez], was arrested as he left a meeting of the Revolutionary Coordinating Body in Buenos Aires. At the same time the Argentinean federal police, working directly with agents from the DINA foreign department, also arrested a young Brazilian woman, Regina Marcondes, who is also disappeared, and a number of other Chileans who belonged to the MIR. Edgardo Enríquez was transferred to the Argentinean concentration camps El Olimpo, Campo de Mayo and the Navy Mechanic School, near Buenos Aires.

Although Chilean authorities have emphatically denied that Edgardo Enríquez was arrested, the Commission, on the basis of testimony from trustworthy and serious witnesses, has come to the conclusion that this leader, who was under the protection of the UNHCR [United Nations High Commissioner for Refugees] was taken from the Argentinean prison camps to Villa Grimaldi in Santiago. To further corroborate that conviction, it may be noted that the Commission was able to examine a confidential report from the DINA to its external branch in Buenos Aires dated December 23, 1975, which notes that at this time, four months before his seizure, the DINA had the MIR leader and a number of his fellow workers surrounded and ordered its agents to "transfer him to Chile after capturing him." The Commission received testimony from another witness that a telex had been sent to advise that the mission had been completed. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

In July of 1976, Patricio BIEDMA SCHADEWALDT, the last MIR leader connected to the Revolutionary Coordinating Body whom the security agencies had detected, was arrested. Patricio Biedma was a sociologist who was Argentinean in nationality but had made his home in Chile since 1968. Because he was being pursued for political reasons in Chile after September 11, 1973, he returned to Argentina. He remained active within the Chilean MIR, however, and was working alongside its top leaders.

It has been established that Patricio Biedma was arrested in a house-to-house sweep in Buenos Aires in July 1976. He was taken to several sites, including Automotores Orletti, which

belonged to the SIDE, a security agency with which the DINA had close ties. A member of the Chilean military interrogated Patricio Biedma there, according to the testimony of a number of Argentinean prisoners. Biedma's fate is probably connected to that of Edgardo Enríquez and Jorge Fuentes. While imprisoned, Patricio Biedma told a witness that he was worried that he was going to be taken to Chile.

In the light of these and other documents provided to it, the Commission came to the moral conviction that Patricio Biedma was in fact abducted by agents who acted under the protection of Argentinean officials. It is reasonable to assume that after the closing of the Automotores Orletti site in mid-1976 he could have been handed over to the DINA agents who were in Buenos Aires. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

Repression against Socialists

After the March 1976 coup in Argentina, Chilean security services and Argentinean paramilitary and military groups worked together more systematically in carrying out abductions and disappearances. The Commission examined such collaboration in the disappearance of three activists of the Socialist party who were exiled in Mendoza.

On April 3, 1976, Luis MUÑOZ VELASQUEZ, former regional secretary of the Socialist party in San Bernardo and candidate for alderman, Juan Humberto HERNANDEZ ZASPE, former president of the Federation of Students of Industry and Technology, and Manuel Jesús TAMAYO MARTINEZ, a sociologist and Socialist leader who was working closely with members of the party central committee and whose role was to be a liaison between Carlos Lorca and Ricardo Lagos (who are now disappeared) and another faction within the party, were arrested together with other Chileans on the streets of Mendoza. These three men were friends. They had come to Argentina in 1974 from Chile where they were being pursued for political reasons. They were all working at the Modernflood company in Mendoza and were in charge of reorganizing a Socialist Coordinating Committee. They were also involved in activities of what was called the Socialist party "Commission of Consensus." A number of eyewitnesses have testified that the Argentinean federal police and DINA agents worked together in this operation. Witnesses have said that the three prisoners were taken by land from Mendoza to Villa Grimaldi in late April 1976. The Commission believes that the three

Socialists disappeared in Chile while they were in the hands of their captors, who were DINA agents, and that their human rights were violated.

On July 27, 1976, Luis Enrique ELGUETA DIAZ was arrested together with his common-law wife and her sister twenty-five days after they arrived in Argentina. Both of the women were of Argentinean nationality. He had taken refuge there after he was expelled from the University of Chile music department due to his known MIR involvement in Santiago. Before leaving he told a friend the address of a relative at whose house he would be staying in Buenos Aires. His friend, Sergio Fuenzalida was arrested in Santiago by DINA agents on June 28, 1976, along with six other people, all of whom are still disappeared. The Commission came to the conviction that Elgueta, who was being energetically pursued in Chile after the DINA operation that wiped out his friends' group in Santiago, was turned over to DINA agents in Buenos Aires. The Commission is convinced that his disappearance was the work of government agents who thus violated his human rights.

On May 23, 1977, Humberto CORDANO LOPEZ, a nurse and member of the Communist party who had gone into exile in Comodoro Rivadavia after September 11, 1973, was arrested. Reliable and consistent witnesses have stated that he was arrested that day near the Hotel Céntrico in Comodoro Rivadavia. Humberto Cordano belonged to the Argentinean Committee for Solidarity with Chile in that province and had worked on behalf of Chilean prisoners. Hence DINA agents were known to be following him. From testimony by witnesses and other evidence, it can be deduced that a Chilean DINA collaborator who was assigned to spotting Chilean refugees in that border province informed on Humberto Cordano. The Commission came to the conviction that government agents were responsible for the human rights violation he suffered, namely being abducted and then disappearing.

On May 16, 1977, the Chilean-Swiss student Alexei Vladimir JACCARD SIEGLER was arrested in Buenos Aires. He had arrived in Argentina the previous day and was due to leave for Chile the following day. According to documentation provided to the Commission, Alexei Jaccard was carrying money destined for Chile. Ricardo Ignacio RAMIREZ HERRERA, who was in charge of the organization and finances of the Chilean Communist party in Buenos Aires, and Héctor Heraldo VELASQUEZ MARDONES, another Chilean Communist, were arrested in the same

operation. In a single day the Chilean and Argentinean agents captured three Chilean citizens and five Argentines who were members of the Chile Solidarity Committee in Argentina. These latter were providing housing for the Chileans. All eight are still disappeared.

The Commission came to the conviction that Alexei Jaccard had been arrested on a public thoroughfare and taken to Argentinean federal police facility. There he was interrogated and taken to the Navy Mechanic School in Buenos Aires. The active role played by the DINA and the Chilean government in this case begins with the unlawful arrest of three people on foreign soil with the complicity of an Argentine security services and continues all the way to the supplying of false information to Swiss diplomats who were looking for one of their citizens.

The Chilean international police provided the Argentinean Foreign Ministry with false information claiming that Ricardo Ramirez had made trips in 1977 and 1983. The Argentinean courts had requested the information. Another report that the police sent this Commission, which is in line with the facts, indicates that his only trip was from Santiago to Germany in March 1976, when he left as a political exile with the aim of living in Hungary.

In light of this and other evidence, the Commission was able to prove that after the arrest of these three Chilean Communists in Buenos Aires, Chilean and Argentinean security agencies fired a barrage of false documents and misinformation in order to cover up for one another against the pressure of the Swiss government which was insisting on learning what had happened to one of its citizens who was in transit. Therefore, the Commission believes that Ricardo Ramírez and Héctor Velásquez, as well as Alexei Jaccard, suffered human rights violations in a foreign country and that agents of the Chilean government were involved in those violations.

On July 2, 1975, in Bahía Blanca, Argentina, a group of armed civilians abducted Víctor Eduardo OLIVA TRONCOSO, a MIR activist who was exiled in Argentina under the protection of the UNHCR (United Nations High Commissioner for Refugees). That same day the body of this 22-year-old student was found with 35 bullet wounds. It was identified by a UNHCR representative and a relative.

Weighing the evidence specific to this case, and taking into

account the context of proven DINA actions in Argentina at this time, the Commission came to the conviction that the DINA was involved in the violent death of Víctor Oliva, even if its agents may not have been the material authors of his murder. The method of execution fits the pattern of operation of the Argentinean extremist group the Triple A, which worked in coordination or collaboration with the DINA. The Commission also believes that it is very likely that this murder was part of a DINA disinformation maneuver. The most widely known episodes of that maneuver occurred shortly after the killing of Víctor Eduardo Oliva (the "Colombo" case and the "list of 119" mentioned earlier). It was probably also intended to intimidate Chilean left activists who were living in Argentina.

2. Cases in which it cannot be said that a Chilean agency was involved in the events

The Commission examined a number of cases in which the human rights of Chileans were violated in Argentina in which it cannot come to the conviction that agents of the Chilean government were involved. The circumstances in which these people were living, the fact that the Chilean political situation was the major reason why they left the country, and the proven collaboration between groups and agencies in Argentina with Chilean government agents, provide the background for the Commission's decision to study such cases and mention them, so as to provide a complete picture of the truth, its antecedents and circumstances, as it was enjoined to do. However, the Commission is not thereby stating that the Chilean government or its agents were responsible for the specific events recounted here. Such persons are nonetheless being declared to be victims of the situation of political violence in Chile, because of the way in which events in Chilean political life were influential in placing them in such a dangerous situation, as well as for other reasons already discussed.

g.2.1) Anti-refugee actions

Chileans who had been pursued after September 11, 1973 felt in danger even after taking refuge in Argentina. As political tension was mounting in that country-and was to culminate with the March 24, 1976 coup-paramilitary groups, security groups or groups directly connected to the federal police were being formed.

In 1975 all trace was lost of Leandro LLANCALEO CALFUQUEN, a farmer and member of the Communist party who was the secretary of the union in Puerto Domínguez and who had

taken up legal residence in Mendoza, Argentina in 1974. In Chile he had been pursued after September 11, 1973. In 1975 his family lost contact with him, even though previously he had communicated regularly. The Commission was unable to come to the moral conviction that agents of the Chilean government were responsible for the disappearance of Leandro Llancaleo. Nevertheless, given all the circumstances and his political history, the Commission was able to come to the conclusion that Leandro Llancaleo underwent forced disappearance in Argentina within this general political context.

On January 24, 1975, Sergio Eduardo MONTENEGRO GODOY, a former government employee who was an active member of a left group (which his relatives were unable to specify), was killed. He was held at the National Stadium after September 11, 1973. After he was released, certain civilians repeatedly visited him at his home. In March 1974 he went to Argentina as a political refugee under United Nations protection. With money provided by the U.N., he and two other exiles set up a grocery store in Buenos Aires. On that day two men shot Sergio Montenegro at his business, but left without taking anything. The Commission has come to the conviction that Sergio Montenegro was killed in violation of his human rights within the context previously described. However, it is not in a position to state that agents of the Chilean government were responsible.

In July 1976, all contact with Miguel Iván ORELLANA CASTRO, 27, a MIR activist who had been exiled in Cuba, ceased. He disappeared as he was en route to Buenos Aires to a political meeting after he secretly entered the country. Given the context in which Miguel Orellana was arrested and the connections between the security agencies of both countries, this Commission decided that he is to be regarded as having suffered a grave human rights violation in a foreign country, but cannot state whether Chilean agents were involved in the events.

On September 24, 1976, Rachel Elizabeth VENEGAS ILLANES, a governess who was active in the MIR, was arrested in Buenos Aires. There has been no further information about her. She had been tried by the military prosecutor's office in Victoria and sentenced to a long period of house arrest, and then left Chile. In Buenos Aires a few days before her arrest, she received a visa to go to Holland. The Commission has come to the conviction that the arrest of Rachel Venegas was a human rights violation which took place in the context described above. However, it cannot state that agents of the Chilean government

were responsible.

On April 6, 1977, the former aeronautical director of the Chilean Air Force, Jorge SAGAUTA HERRERA, 51, was arrested by Argentinean security forces at a friend's house in Buenos Aires. When in the course of the raid he was found to be carrying a list of Chilean political prisoners the agents took him away and made him disappear. The Commission has come to the conviction that his case was a human rights violation which took place within the context described above; however, there is no proof that agents of the Chilean government were responsible.

g.2.2) Actions against Argentinean-Chilean married couples

On April 15, 1976, Frida Elena LASCHAN MELLADO, a Chilean who was married to Miguel Angel ATANASIU JARA, an Argentinean, and their newborn son, Pablo ATANASIU LASCHAN, were arrested in Buenos Aires. Both parents were students and MIR activists. This young couple had left Chile in the post-September 11, 1973 period, after Frida Laschan, a CORA employee in Lautaro, was arrested by police in that city and put on trial by the military prosecutor's office. Both were afraid and sensed that they were under surveillance in Argentina. The Commission is convinced that this couple and their child underwent forced disappearance in Argentina in violation of their human rights in the context described above. However, it cannot state beyond all possibility of error that agents of the Chilean government were responsible.

In the early morning of July 16, 1976, members of the Argentinean army arrested Guillermo TAMBURINI and María Cecilia MAGNET FERRERO, in their apartment on Calle Córdoba in Buenos Aires. He was a physician of Argentinean nationality and had fled the post-September 11, 1973 repression. She was a Chilean sociologist who was active in the MAPU and came to Buenos Aires in late 1973. This couple often told their friends that they felt they were being pursued. Guillermo Tamburini was hit by a bullet during the arrest. In light of the evidence it has studied, the Commission judged that Guillermo Tamburini and María Cecilia Magnet disappeared in the context already described in violation of their human rights, and that Argentinean government agents were involved. It does not have the evidence that would enable it to say that agents of the Chilean government were responsible.

On January 10, 1977, José Luis APPEL DE LA CRUZ was abducted by a group of armed civilians on a public thoroughfare in

the city of Cipolletti in the province of Neuquén, Argentina, before the eyes of his wife, Carmen Angélica DELARD CABEZAS, and their daughter. Carmen Delard disappeared from the police station in the city when she went to file a complaint on the disappearance of her husband. A week later, on January 17, her sister Gloria Ximena DELARD CABEZAS was arrested at her home in Buenos Aires along with her husband Roberto CRISTI MELERO, and their two sons. Gloria Delard was pregnant with her third child. The patrol of federal police agents took them to the Navy Mechanic School, and they then disappeared. The two sisters, Carmen and Gloria Delard, and their husbands were students and MIR activists at the University of Concepción. Since they were being pursued in Chile after September 11, 1973, they accepted the offer of a family friend, a former army colonel, to help them cross the border, and they went to live in Neuquén and Buenos Aires.

After they were arrested, the grandparents located the children from both marriages at various orphanages. The only information about the Gloria Delard's third child came in the form of unconfirmed reports that it was born while she was being held prisoner; her parents were not able to locate it. The Commission has come to the conviction that both couples were subjected to forced disappearance in violation of their human rights in the context already described. However there is not enough evidence to state that agents of the Chilean government were involved.

On May 19, 1977, Oscar Lautaro HUERAVILO SAAVEDRA, 23, a Chilean office worker who was not known to be politically active, was arrested in Buenos Aires along with his Argentinean wife, Mirta Mónica ALONSO, who was six months pregnant. The child was born in prison and was later reclaimed by the grandmother. The couple disappeared in violation of their human rights in the context described above. There is no proof that Chilean agents were involved.

On May 19, 1977, José Liberio POBLETE ROA, a member of the "Christians for Socialism" community, was arrested with his Argentinean wife, Claudia POBLETE HLACZIK, and their eight-month-old daughter. The couple and their daughter disappeared. Witnesses have said that they were held at the El Banco and El Olimpo prison sites in Buenos Aires. All trace of them was lost in mid-1979. The Commission came to the conviction that their captors violated their human rights. However, there is no proof that Chilean agents were involved in what happened.

On May 29, 1977, the Chilean couple, Matilde PESSA MOIS and Jacobo STOULMAN BOERTNIK, who were not politically involved and had no political ties, were arrested as their flight landed in Buenos Aires from Santiago and before they went through the international police checkpoint. The couple was later registered at the Hotel Winston Palace in Buenos Aires, which at that time was used by the Argentinean secret services. The Commission is convinced that their human rights were violated. Their case, however, does not fit into the context described above, since they were not politically active. The Commission verified that the DINA was aware of this case, but it does not have grounds for attributing this disappearance to agents of the Chilean government.

B. Human rights violations committed by private citizens for political reasons during the January 1974 – August 1977 period

1. Overview

In this period the Commission encountered only six cases in which government agents suffered human rights violations committed by private citizens for political motivations. It can therefore be said that violent activity was on a lesser scale.

Three of the six people were military, two were police, and one belonged to the investigative police. In all cases in which it was possible to determine who was responsible, it turned out to be MIR members. Hence it can be said that the MIR was the only armed left movement operating in the country at that time. In this respect it should be noted that during this period the regime's security services enjoyed complete mastery over the political movements that had supported the previous regime and had some capacity for a violent response. This was the period when the MIR, the Communist party, and the Socialist party were under the harshest repression. Their structures fell apart and their members fled the country or were under continual pursuit.

It is helpful to pause to consider the discussion that arose within these groups in Chile and elsewhere over what kind of strategy to use against the military government. Two directions were proposed, and they were to have considerable influence over the country's political future. The crucial question was whether a return to at least the kind of democracy that had existed before September 11 would be achieved through a peaceful or through a revolutionary route. It seems accurate to say most of that portion of the public that yearned for the previous democracy and wanted traditional political concepts to come back into force advocated a

peaceful or non-violent route. Various factors came into play. Given a combination of circumstances in the realms of politics, economics, and human rights, the unquestionable fact that the strictest measures were being relaxed, international influences, the broadening of freedom of expression and in other areas, it would gradually become possible for the political parties to reclaim the values of democracy, set up groups of a political nature, and encourage solidarity between the social organizations that were being established for demanding people's rights and meeting their needs. Over time these ideas grew, and during the 1980s they culminated in major agreements between political groups and other associations. These agreements in turn led to protest demonstrations. All of this was called "social mobilization."

Having endured very harsh persecution and having lost many of its major leaders, the Socialist party found itself facing internal dissention and was split: one part remained in alliance with the Communist party and advocated popular rebellion with links to armed struggle. The other portion distanced itself from that alliance with the Communists and preferred to be part of the process of political and social reorganization that was taking place in the country. This group was well represented in all the agreements reached by the opposition into the 1980s. This line of work eventually led to the subsequent unification of both sides of the Socialist party.

For the Communist party, the connection between violence and nonviolence was quite crucial since it touched both poles of the kind of opposition it practiced. On the one hand, by following a peaceful route it had been able to grow within democracy; such a situation was quite necessary now that it was suffering such a harsh repression. Hence it proposed the idea of an "anti-fascist" front encompassing all opposition groups without any regard for doctrinal questions or political differences from the past. On the other hand, its own classic doctrine very forcefully advocated the violent route. That doctrine seemed all the more relevant in a struggle against a "fascist dictatorship." Furthermore, adopting such a stance at this point protected the party from ultraleft criticism. The upshot was a crisis toward the end of this period. Even though the crisis was not resolved until some years later, it is helpful to see how it developed and was translated into the party's embrace of "all forms of struggle."

Such terminology, however, never clarified the Communist party's relationship to armed struggle, and hence the parties that could be called democratic or centrist refused to include it in their nationwide alliances. That in turn accounts for the Communist party's concern to explain how these two positions could be reconciled with one another in some kind of synthesis. The general secretary of the party, in one of the

many statements in which he was to do this, said that "national uprising is to some extent a route by itself, and should not be identified schematically with either the armed route or the peaceful route. In practice, this route may prove close to one or the other and may be more or less violent, or more or less peaceful, depending on how broad the movement is, on the willingness or ability of the masses to struggle, on the changes that may come about in the behavior and attitude of the armed forces, and on the position the armed forces may take at decisive movements. There is no 'Great Wall' between the two forms of struggle. They are not unethical or irreconcilable but complementary." However, those in favor of the peaceful route always answered that somehow linking popular rebellion (to which those who were plainly advocating a struggle against a government they regarded as dictatorial did not object) with violent methods entailed accepting the methods of the ultraleft thereby becoming involved in criminal activity. The peaceful route then became impossible.

The MIR reflected on its advocacy of violence and confirmed that it was to be applied in Chile. They formulated "Operation Return," in which MIR members who were in exile or who had escaped decided to return to Chile to relaunch the struggle to overthrow the military regime. They would use the methods of armed struggle, social mobilization, and operations against selectively chosen targets.

In order to understand these matters properly and avoid the facile use of terms like "subversive" and "terrorist," certain distinctions must be kept in mind. In an authoritarian regime, any manifestation of criticism can acquire the nature of a rebellion, especially if it takes place in the form of street demonstrations, and may even push the unreasonable limits set by authority. It is unlikely that on this point there will be great differences between democratic and non-democratic opposition parties. However, when the idea is to use such operations to bring about situations like a "seizure of power by the masses," there are grounds for seeing it as subversion and for the rest of the opposition to have divergent strategic analyses. Finally when matters reach the point of selective assassinations, abductions and so forth, the line has been crossed into terrorism.

That is how the various positions lined up. The bulk of the opposition tended toward the peaceful route, toward building up from the social base a platform that sought to recover democracy without resorting to violent methods. However, both the Communist party and the MIR claimed that the military regime could be defeated only by force, although the Communist position put the accent much more on what it called "class struggle" instead of selective violent actions.

2. Cases

The Commission studied the following cases:

On September 20, 1974, army first corporal and squad commander José GONZALEZ ULLOA, 25, was killed. He died in a gun battle with unknown armed groups in Cajón del Maipo. Since he was carrying out the routine functions of his organization, and while he was doing so there occurred a gun battle with private citizens who were presumably operating for political reasons, the Commission came to the conviction that his death constituted a human rights violation.

On December 13, 1974, David NAVARRETE JIMENEZ, 20, an army second corporal, was killed. He was taking part in a raid on a building in Calle Estado in the district of Santiago. The occupants, who were MIR members, resisted the raid by shooting back. In that action Navarrete was "hit by a bullet to the chest and heart" and was killed, according to his death certificate. Considering these items of information, the Commission has come to the conviction that Second Corporal David Navarrete suffered a violation of his human rights when he died in a gun battle with MIR members.

On April 2, 1975, Gabriel RODRIGUEZ ALCAINO, 31, a driver at the investigative police homicide brigade was killed. Evidence in the Commission's possession indicates that he was killed as he was trying to stop a group of MIR activists who were painting anti-government slogans on a wall along Avenida Fernández Albano, in Villa Santa Isabel, La Cisterna. He was "hit with a penetrating bullet to the thorax and abdomen that damaged his intestines," causing him to die as he was being operated on at the Barros Luco Hospital. The Commission came to the conviction that Detective Gabriel Rodríguez was killed in a violation of human rights for which the MIR activists who attacked him were responsible.

On November 18, 1975, Patricio Hernán SALINAS CALDERON, 19, an enlisted man, was killed. Evidence gathered by this Commission indicates that on that day inside School No. 51 in the Bío Bío military neighborhood in Santiago, MIR members ambushed two enlisted men who were standing guard over the area. One of them was Salinas Calderón who died of "three penetrating bullet wounds to the sternum region." The other soldier was left wounded after being hit with a club. One of the attackers was killed on the spot. The Commission came to the conviction that Patricio Salinas was killed by MIR members in violation of his human rights.

On February 24, 1976, Tulio PEREIRA PEREIRA, 41, police second sergeant, was killed. Evidence in the Commission's possession

indicates that there was an armed clash that day between DINA agents and MIR members in a building located on the Pasaje Juan Ramon Jiménez in the La Florida district. He was hit in the chest by a bullet and was killed. The Commission came to the conviction that Tulio Pereira was killed in a shootout with MIR members, and hence regards him as a victim of political violence.

On April 28, 1976, Bernardo Arturo ALCAYAGA CERDA, 29, police first corporal, was killed. Evidence in the possession of the Commission indicates that on his way back home to the Neptuno shantytown in Pudahuel after being on duty at the police station, he was attacked by unknown subversives. They shot and killed him with a mounted weapon, and stole his uniform and weapons. His body was left completely naked on the Pasaje Violeta in that shantytown. The Commission has come to the conviction that First Corporal Bernardo Alcayaga suffered a violation of his human rights when private citizens operating for political motivations killed him.

C. Reactions of major sectors of society to the human rights violations that occurred between 1974 and 1977

1. The attitude of Chilean society

As the reasons for the disruption of public life that took place during the initial period began to subside, various sectors of society gradually began to make at least feeble efforts toward defending human rights as the instances of people arrested, tortured, executed, or disappeared gradually became known. This initial response was inadequate, and the normal channels of expression for the citizenry had been dismantled. Consequently, this reaction was unorganized, and by itself it had no practical results.

In any case this period saw a slow rebirth of the social network of solidarity (labor unions, professional associations, political parties, neighborhood associations, and so forth) that would later constitute the platform from which society as a whole would be able to react to the longstanding situation of human rights violations in the country.

However, any critical stance toward the regime, especially with regard to human rights, encountered further obstacles after the DINA was established on June 18, 1974. Its methods of repression-in using them it often bypassed government officials-made it very difficult to raise a critical voice and prevent acts that violated human rights.

2. The attitude of those making up the new regime

In this period there was no significant institutional criticism within the

regime on the issue of human rights. The civilian and military sectors of society who made it up had no public reaction to the human rights violations that were taking place, either because they were unaware of their real scope and circumstances or because they tolerated or approved them. Nonetheless, some civilians who were part of the regime or close to it and were concerned about such violations privately made significant efforts. They even tried to neutralize the all-encompassing powers granted to the DINA.

These efforts, combined with other parallel circumstances, such as pressure from the U.S. State Department over the murder of Orlando Letelier and Ronnie Moffit in Washington, D.C., led the government to dissolve the DINA in August 1977. That event marks the close of this period. These questions are further discussed in Part Two, Chapter One of this report.

3. The reaction of the churches

During this period church efforts in defense of human rights were primarily those undertaken by the Catholic church. The salient feature of this work was that of protest. It was expressed on three main fronts: teaching, primarily through statements of the Permanent Committee of the Bishops; concrete help and support for human rights victims, carried out primarily by the Committee for Peace and later by the Vicariate of Solidarity; and the ministry of priests, especially those working in poor areas.

a. Teaching activity of the Catholic church

The following quotations and observations from documents reflect that important effort:

* Statement and accompanying request to his honor, the head of state, from the Permanent Committee of the bishops (August 23, 1974). The document requested that "the state of war be ended and that for the sake of mercy and equity, the state authority grant a pardon as it sees fit, to all those in prison who have suffered the situations of political and social disorder through which our country has passed and which have obviously been so serious that the blame cannot be exclusively theirs...We also think that the road would be made considerably smoother if the trials that have been held during this period were reviewed in the ordinary justice system..."

* Chilean Bishops Christmas message (December 17, 1975). In this message the bishops noted "we respectfully request the supreme governor to grant a generous amnesty to those political prisoners who might be eligible for one because there is not

enough evidence against them, because they have already been held in jail for a long time without being brought to trial, or because it is urgent that they return to fill the void created in their families."

* Statement of the Permanent Committee of the Bishops on the expulsion of the two lawyers Jaime Castillo and Eugenio Velasco (August 16, 1976). The document stated that "an essential condition for the common good is that all members of a community have the absolute assurance that their opinions will be respected and that they will not be punished for their actions except as the result of a sentence in which an impartial and free judge arrives at a guilty verdict."

* Statement of the Permanent Committee of the Bishops on demonstrations in Pudahuel against three Chilean bishops arrested in Ecuador (August 17, 1976). In their document the bishops said, "We indignantly protest what occurred at the airport in Pudahuel, when a massive organized demonstration carrying slogans which insulted three Chilean bishops was allowed to take place with direct participation by known DINA members. The mission of any government is to zealously guard the freedom and honor of its citizens and not besmirch it."

Statement of the Permanent Committee of the Bishops, "Our Life in Common as a Nation" (March 25, 1977). This document was extremely important and raised very important issues in the following areas: the judiciary and the disappeared; freedom of expression; the Constitution and legislation. The document also stated that unless the fate of each one of those persons alleged to be disappeared was clarified once and for all, "families will not have peace, there will not be peace in our country, nor will Chile's image outside the country be unblemished. If abuses and arbitrary actions, which are sometimes inevitable, have been committed, it is better to acknowledge them and work out measures to avoid their recurrence."

- b. Specific action by the churches to aid and protect the victims of human rights violations
 - 1. Committee for Peace and the Vicariate of Solidarity

During this period the Committee for Peace had to intensify its activity. The state of siege continued and the DINA's activity brought an enormous increase in the number of arrests, and in the practice of torture and disappearance. Because the Committee was now operating in a public and institutional manner and was being accused of undermining the reputation of

the military regime outside the country, the government became increasingly hostile toward this agency. This situation was aggravated by particular incidents connected with the Catholic church. The most notable of these were the publication in the newspapers of certain statements by the secretary of the Chilean bishops council, Bishop Camus, the church's granting of asylum to members of the MIR who were wanted by the law and whose lives were in danger, and events at the house of the Columban fathers which led to the arrest of the British doctor Sheila Cassidy and the death of a housekeeper.

Between September and November 1975, ten employees of the Committee were arrested in what seemed to be a policy of persecution against it. On October 3, 1975 the Lutheran pastor and co-president of the Committee Helmut Frenz was prohibited from returning to Chile. Because of the difficult situation churches were facing due to the government's attitude, some of the remaining Protestants who had formed the Committee withdrew. The situation came to its most critical point in November 1975. General Pinochet sent the cardinal archbishop of Santiago a letter on November 11 asking that the Committee for Peace be disbanded. The reason he gave was that "Marxist-Leninists are taking advantage of it to create problems that are disturbing the civic tranquility and necessary calm, the maintenance of which is my primary duty as a ruler."

Although he stated that he opposed such a step and disagreed with the reasons given, the cardinal ceded to the request and dissolved the Committee for Peace as of December 31, 1975. The statistical summary of the Committee for Peace's work indicates that it had provided legal advice on a total of 6,994 cases of political persecution in Santiago; 1,908 cases of political persecution in the provinces; 6,411 cases of people fired for political reasons; and that 16,992 people had benefitted from its health care program.

The Bishops Vicariate of Solidarity was set up by means of Decree No. 5 of the archdiocese dated January 1, 1976. Its objectives were similar to those originally conceived for the Committee for Peace; the church could not close its doors to those who were being persecuted. The church's commitment to the newly created Vicariate of Solidarity was evident. A representative of the archdiocese was named to head the institution, and its offices were set up alongside the cathedral in Santiago. Under the direction of the same person who had been heading the Committee for Peace, Father Cristián Precht, the

Vicariate also became a highly professional and efficient agency. At this stage and throughout its existence it engaged in firm action to defend human rights and to protest their violation.

Relations with the church reached a crisis point again when one of the Vicariate's main lawyers was arrested, and when the already mentioned August 1976 demonstrations were organized against three Chilean bishops, and they were accused of being leftists and of meddling in politics when they arrived back from a meeting in Riobamba. It should also be mentioned that the government made efforts to prevent or hinder the arrival of funds for the Vicariate, but was not successful. Despite these difficulties, the Vicariate of Solidarity continued to develop and intensify its efforts.

2. The creation of FASIC (Christian Churches Foundation for Social Welfare)

FASIC was started by pastor Helmut Frenz of the Evangelical Lutheran church, and officially came into being on April 1, 1975 as an ecumenical institution committed to the everyday practice of human rights. Its purpose was to aid those serving time in jail, especially by helping them make requests to have their prison term changed to exile as authorized by Supreme Decree No. 504 of 1975. From this starting point, the agency expanded its help to include political prisoners and their families. FASIC's activity expanded yet further to include other victims of repression. It set up a program to provide medical and psychiatric help to torture victims, former political prisoners, and the relatives of those who had been killed and of those who disappeared after arrest or imprisonment.

It should also be noted that FASIC acted as a representative of the refugee service of the World Council of Churches, and as a specialized agency of the United Nations High Commissioner for Refugees in its program of family reunification. FASIC continued to do important work throughout the whole period of military government, and it maintained its ecumenical character as a program of the Methodist Corporation.

c. Ministry of priests and pastors

We should highlight the work of many priests and pastors who exercised their ministry in poor areas, and significantly directed their efforts toward promoting and defending human rights in both theory and practice. This work, especially by Catholic priests, helped to channel the reaction of these sectors to human rights

violations toward peaceful protest, and so to avoid generating a spiral of violence.

4. The attitude of the media

A climate of insecurity and fear within the media and those working in them during this period led to an attitude of self-censorship, which became the most common means of control. Even so, certain measures like prior censorship or the withdrawal of particular issues from circulation were sometimes used against those media that officials regarded as less sympathetic to the regime. In any case, the incipient degree of independence entailed in this situation made it possible to reprint in Chile what had been published elsewhere about human rights violations committed by the Chilean regime. That is what happened with regard to the case of the murder of General Prats and his wife and the crime committed against Orlando Letelier and Ronnie Moffit in Washington, D.C., thereby fueling speculation linking Chilean intelligence services to these crimes. The public could thus begin to draw its own conclusions.

It likewise made it possible toward the end of this period to start publications critical of the military regime, such as the weeklies Hoy and Apsi, as well as the Vicariate's newsletter, Solidaridad, which had a more limited circulation. These augmented the work that Mensaje had been doing in discussing and defending human rights. All of these helped strengthen the activity of providing news and opinion independent of the government. This was true even though during this period officials took measures against freedom of information, such as the initially temporary and then final closure of Radio Balmaceda, and other measures mentioned below.

Nevertheless, as a rule the media continued to offer the regime virtually unqualified support, either because they were under constraint, or constrained themselves, or did so spontaneously. They did not raise questions about the human rights situation in Chile. The press generally presented the official accounts of events connected to disappeared prisoners that were intended to hide the responsibility of agents of the Chilean government. Those accounts were presented as "the truth" about what had happened, even when there were often very good reasons for doubting them. For example, they gave wide circulation to accounts from the Argentinean magazine Lea and the Brazilian newspaper O Dia which reported that 119 Chileans whom human rights agencies said had been killed by or disappeared at the hands of the military government had been killed in alleged shootouts with fellow leftists.

The radio stations that continued to operate after the change of

government acted in a way similar to that of the newspapers, since with rare but important exceptions, they spontaneously opted to go along with a degree of ignorance of, or tolerance for, what was happening in the realm of human rights violations and refrained from protesting them. Television stations remained under complete state control; directly, in the case of National Television, or as a result of government control over the universities to which they belonged.

In short, the media during this period generally maintained an attitude of tolerance toward human rights violations and refrained from using their influence to try to halt them. Some significant events related to the media and freedom of information during this period include the following:

- * In 1974 the newspaper La Prensa disappeared due to economic problems;

- * In 1975 the newspaper Tribuna disappeared as a result of the National party's decision to disband;

- * That same year what had been the Horizonte publishing house and had published the Communist party daily El Siglo became a workers cooperative;

- * In 1976 Radio Balmaceda was ordered to close temporarily, and the weekly magazine Ercilla, edited by Emilio Filippi, was seized and closed for a week;

- * In 1976 the newsletter (later a magazine) Apsi and the newsletter Solidaridad of the Vicariate of Solidarity of the Archdiocese of Santiago began publication;

- * In 1977 Radio Balmaceda was closed for good, the newspaper La Tercera was suspended for a day, and the magazines Hoy and Análisis began publication.

5. The attitude of political parties

This period was generally similar to the previous period. Hence the political parties did not react in an organized or institutional way to the human rights situation in Chile, but rather some of their representatives reacted individually in a manner that more or less reflected the stance of their parties.

In any case we may note that perhaps the only organized reaction of a party during this period was what happened in mid-1974 when Radio Balmaceda, which represented the Christian Democrat party, was censored. In response, the party registered a complaint before the

Interior Ministry, mentioning human rights violations in the country. The stance taken by the Christian Democrat party prompted a decision to prohibit Bernardo Leighton from entering the country in October 1974, followed by a number of arrests and expulsions of party figures and the closing of Radio Balmaceda.

In general during this period political party activity was diffused and politicians were disregarded. In 1977 the situation came to its most critical point when Decree Law No. 1697 ordered all parties not yet disbanded to be disbanded. Their property was confiscated, and all activity connected to political parties was prohibited. This measure, in conjunction with the previous closing of congress and the canceling of the electoral rolls and even their physical destruction, all contributed to the weakening of any stance of the political parties on human rights, and prevented them from taking a stance of open protest. These points are also discussed in Part Two, Chapter One of this report ("Political Framework").

6. The attitude of professional people and their associations
As had been the case previously, during this period professional people did not react to human rights violations in any organized or institutional way. Professional associations could not do so, nor were they able to monitor the ethical behavior of their members. Hence as far as is known, reactions were limited to the individual behavior of particular professional people, who basically took one of the following attitudes.

* Partly as a result of the atmosphere of disinformation there was a degree of tolerance among some persons who, given their training, profession and position in society, might have been expected to become aware of what was happening and to act accordingly.

* Other professional people, however, assumed or maintained a critical position toward the human rights violations that were taking place. Among them we should single out those lawyers who were willing to defend the victims before the courts, administrative officials, and the government, and those doctors, social workers and other professional people who provided their professional services to the victims and their families. They did so despite the risks involved, both in terms of their own personal security and the discredit such activities might bring upon them in their social or professional circles.

In a presentation to the military junta, the Supreme Court, and the bar association in February 1975, twelve highly respected lawyers expressed their concern over the situation of systematic human rights violation in which the country was living, and especially over the way the law was observed in politically significant trials. In mid-1976 at the Sixth

Assembly of the OAS (Organization of American States), four well known lawyers presented to all the participating foreign ministers, including Chile's, a document protesting the human rights violations being committed in the country. Shortly thereafter, two of them were expelled from the country.

7. The reaction of the victims and their relatives and of human rights organizations

a. Organizations of victims and victims' relatives

The Committee for Peace worked to unite groups of victims of human rights violations and their relatives in order to help them to work together and in coordination. These groups were first formed as Christian reflection groups and later were organized into working committees according to the abuses suffered: the disappeared, those arrested, political prisoners, and so forth.

The first group that was formed and maintained a stable organization for a period of years was that of the Relatives of Persons Disappeared After Arrest, which was made up of women, and began to operate in late 1974 with twenty members. In March 1975 it had 75 members, and then in June the number rose to 270 and reached 323 members by the end of 1975. That figure represents a high percentage of all those affected, since it is estimated that around 1,000 people had disappeared in Santiago, and some of the women in the organization had lost more than one relative.

This organization was one of the first of its kind in Latin America. Its experiences and methods of protest served as an example for similar groups in Chile and other countries. The women involved in it became convinced that looking for their family members individually was not achieving anything, and so they decided to begin a series of peaceful demonstrations such as hunger strikes, street protests, and so forth in order to attract public attention. In doing so they were putting themselves in great danger. With a few men, and carrying photographs of their husbands, sons, daughters, and grandchildren they decided to break what they called "the circle of silence" surrounding the cases of their disappeared relatives. At that time there were practically no demonstrations against the regime, nor were there alternative sources of information. Thus the relatives of the disappeared were officially ignored, and they were harassed and repeatedly jailed. As time went on, the Relatives of Persons Disappeared after Arrest became organized in many parts of the country.

b. Human rights organizations

Other organizations gradually began to join the work of promoting and defending human rights carried out initially by institutions that had arisen in church circles, mainly the Committee for Peace and the Vicariate of Solidarity.

SERPAJ (Service for Justice and Peace)

SERPAJ was officially set up in Chile in November 1977. It defines itself as a body of Christian, ecumenical, and humanist inspiration, which promotes non-violence and the building of a society that will be democratic, will live in solidarity, and will respect human rights. It sought to organize educational programs for peace, democracy, and respect for human rights, to carry out actions of solidarity aimed at supporting the victims of repression and to participate in various campaigns to denounce human rights violations and promote human rights.

8. The attitude of other mediating institutions which played a significant role in the area of human rights during this period

During this period special laws prohibited the most important mediating institutions (labor unions, and student and community organizations) from democratically electing their own officers. The stance of their leaders was one of ignoring human rights violations. Accordingly during this period these organizations offered no public or official critical reaction to human rights violations, often because they had been completely dismantled.

9. The reaction of the international community

During the first two years of the military government, many Chileans left the country for political reasons. The number cannot be exactly determined, but it is estimated that the figure cannot be less than 20,000. Foreign governments accepted most of these people as refugees. Relations with many countries continued to deteriorate as a result of the problem of human rights in Chile. Thus in January 1975, Australia decided to suspend wheat shipments to Chile. In February Great Britain demanded improvements in the human rights situation as a condition for continuing to renegotiate the country's foreign debt.

Relations with the United States nonetheless remained relatively normal. During the Nixon and Ford administrations, the United States helped Chile renegotiate its foreign debt, and U.S. economic aid during 1974-1976 was several times what it was in 1971-1973. Agreements with the U.S. companies that owned the large copper operations that the previous government had nationalized were improved.

Both the election of President Carter, whose administration showed a particular concern for human rights in Chile, and the investigations into the killing of the former foreign minister Orlando Letelier and his co-worker Ronnie Moffit in Washington, D.C., in which DINA agents were involved, had a major impact on the military regime's repressive policies. The 1976 visit of the Treasury Secretary, William Simon, also had an impact, and led to the freeing of 49 political prisoners, including important leaders from the Allende government. By November 1976 the number of political prisoners had notably declined. In December 1976, the leader Luis Corvalán was exchanged for the Soviet dissident Vladimir Bukosky and in June 1977 Jorge Montes, another Communist leader, was exchanged for several prisoners in East Germany. The closing of the prison camps and the end of the DINA are regarded as partly due to United States pressure. In August 1977 the undersecretary of state for Latin American affairs, Terrence Todman, travelled to Chile. His arrival coincided with the announcement that the DINA was being disbanded and replaced by the CNI (National Center for Information).

We may note the following about international human rights organizations:

- a. The Organization of American States
The Interamerican Human Rights Commission of the Organization of American States maintained its concern for the lot of victims of the regime as evidenced in its periodic reports and its visits to the country.
- b. The United Nations
Beginning in 1974 the United Nations Human Rights Commission issued special reports on the human rights situation in Chile. This body played a very important role through these reports, resolutions in the General Assembly and in the Human Rights Commission, and the appointment of an ad hoc working group on Chile, as this chronology shows:

* Resolution of the General Assembly, November 1974 asking the government of Chile to fully respect the Declaration of Human Rights. It was approved by a majority of 90 votes in favor, 8 against, and 26 abstentions.

* Creation of the special ad hoc working group to investigate and draw up a report on the human rights situation in Chile, February 1975. The Chilean government authorized the visit, but when the members of the group arrived, that permission was revoked (July 4, 1975). The group finished its report in

December 1975.

* Resolution of the General Assembly, December 1975, approving the report and condemning the Chilean government for human rights violation, and likewise requesting that it adopt the necessary measures to protect basic human rights and fundamental liberties. The resolution was approved with 95 votes in favor, 11 against, and 23 abstentions.

* Resolution of the Human Rights Commission, February 1976, expressing its concern over human rights violations. It was approved by a vote of 26 votes in favor, 2 against, and 4 abstentions.

* Report of the special ad hoc working group, December 1976.

* Resolution of the General Assembly, December 16, 1976, which approved that report, took note of human rights violations in Chile, and requested that the military government take a number of measures in this regard. It was approved by a majority of 95 votes in favor, 12 against, and 25 abstentions.

* Resolution of the Human Rights Commission, March 1977, condemning the Chilean government for proven human rights violations.

* Report of the special ad hoc working group, December, 1977.

* Resolution of the General Assembly, December 16, 1977, which approved that report, condemned the Chilean government and proposed recommendations. It was approved by a majority of 96 votes in favor, 14 against, and 25 abstentions.

c. Other organizations

Non-governmental international human rights organizations such as Amnesty International, the International Commission of Jurists, and the International Association of Democratic Jurists, maintained a posture of ongoing concern for the pattern of human rights violations in Chile, and engaged in activities aimed at halting such violations.

Chapter Three: August 1977 through March 1990

A. *Human rights violations committed by government agents or persons working for them*

1. Overview: periods and significant dates

This Commission's founding decree stated that its purpose was to investigate the most serious human rights violations committed in Chile between September 11, 1973 and March 11, 1990. Each of the two earlier periods that the Commission has delineated, namely the final months of 1973 and the years 1974-1977 has salient characteristics in the area of human rights violations which remain relatively unchanged over the course of those periods.

Such is not the case of the 1978-1990 period, in which there are distinct stages which vary widely one from another in terms of the number of fatal human rights violations and the methods used. That is true of those committed by government agents and those committed by politically motivated private citizens. Furthermore, major political and institutional changes took place during this period (cf. Part Two, Chapters One and Two).

It is nonetheless appropriate to regard the period from August 1977 to 1990 as a unit, at least from the standpoint of the most serious human rights violations. During these "post-DINA" years, actions of political repression or counterinsurgency in which people were killed, were primarily the work of the National Center for Information (CNI). Moreover, starting in 1979 and through the rest of this period, there was armed opposition activity, primarily by the MIR and the Manuel Rodríguez Patriotic Front (FPMR) which also produced serious human rights violations, inasmuch as people were killed in terrorist actions or other types of attacks.

An examination of such grave violations makes it possible to distinguish the following stages and significant dates during this period:

* In August 1977 the DINA was dissolved, and the CNI was created. From August to November 1977 for practical purposes the newly created CNI was still the DINA, since the man who served as the new organization's director during its first few years had not yet taken charge.

* Between November 1977 and mid-1980 under its first director, the CNI concentrated more on political intelligence than on repression. The number of fatal human rights violations cases declined dramatically, as

can be observed in the statistics at the end of this volume.

* The MIR began its return in 1979 and did so more systematically from 1980 onward. Activists who had been living outside the country and had received weapons training returned secretly to prepare for armed struggle against the military government. Subsequently, the FPMR was organized in Chile, and later yet came the group known as MAPU Lautaro or "Lautaro."

* Under several directors, the CNI responded to these developments with much more intense repression or counterinsurgency from mid-1980 and through the rest of this period.

* Between 1983 and 1985 a series of national protests and public demonstrations were held. A number of persons were killed by government agents in the context of these events. The Commission has categorized the actions of government agents in most of these instances as the use of excessive force. Also in the context of these events, a smaller number of people were killed as the result of actions by private citizens from one side or the other. Those persons killed in these protests are treated in a special section in this chapter, which has its own introduction.

Between 1978 and 1981 there were some cases of disappearance, but they were not systematic in nature nor was the CNI responsible. Beginning in 1981 the CNI was responsible for a number of disappearances. The methods used were different from those used previously, and disappearance was employed selectively.

- a. The National Center for Information (CNI) as the main government agency responsible for political repression and counterinsurgency during the 1978–1989 period
 1. Origins, legal framework, and main institutional characteristics of the CNI

In mid-1977 the questioning of the DINA that had already begun to find expression in government and armed forces circles gathered momentum. The ideas of those in the government or close to it who advocated having another kind of intelligence service with more limited or restrained repressive functions gained prominence. Decree Law No. 521 which had legally established the DINA was repealed by means of Decree Law No. 1876 (August 13, 1977) which thus abolished the organization. The reason given in the law was "the desirability of structuring in accord with present circumstances the functions of an agency created during a situation of internal conflict that has

now been surpassed."

The CNI, which was established by Decree Law No. 1878 (also August 13, 1977), succeeded the now disbanded DINA, and took over its staff and property. The CNI ceased to exist legally in February 1990. The CNI was very similar to the DINA in terms of how it was defined, and its characteristics, functions, and purposes. The most important differences were its line of authority-it now fell under the authority of the Interior Ministry, rather than the junta, as had been (formally) the case of the DINA, and the fact that it had a broad new mandate to "maintain the existing institutional framework." Article One of Decree Law No. 1578 defined the CNI as a "specialized military body of a technical and professional nature."

Like the DINA, the CNI was an intelligence agency of the government. Nevertheless, it cannot be said to have been an agency completely shielded from any oversight as was the DINA. Like the DINA, however, the CNI had a very broad intelligence mission that extended beyond activities of political repression. It was a national agency which also carried out operations in other countries, although not of the same nature and scope as the unlawful foreign operations that the DINA had carried out. Like the DINA, the CNI systematically committed unlawful actions in carrying out its assigned functions, although the differences with regard to their composition and the number of repressive actions should not be ignored. This is especially true of the first period (1978-1980). Contrary to the DINA, during the 1980s, the CNI was confronted with armed actions committed by far left groups and in the context of a genuine insurgency effort, no matter what might have been the real possibility for success of that insurgency. (Of course that situation does not justify actions of an unlawful nature committed while combating counterinsurgency, nor does it justify unlawful actions committed by far left groups).

During the 1983-1985 period, many people were killed in protests, as this account will show. Aside from those deaths, the number of fatal human rights violations attributable to government agents during the 1978-1985 period is about 160. In this report most of them are attributed to the CNI.

The CNI's most important duties as laid down in Article 1 of Decree Law No. 1878 were as follows:

* "To gather and process on a national level all information from

different fields of action that the Supreme Government might require for formulating policies, plans, and programs."

* "The adoption of measures necessary to safeguard national security and the normal unfolding of the nation's activity, and to maintain the established institutional framework."

One important issue is the kind of measures that the CNI could take for safeguarding national security. Did it have the power to arrest? On this point Decree Law No. 1878 indicates that where Article 19 of the Weapons Control Law mentions the DINA, it should be understood to mean "the CNI." Hence it did have the power to arrest if it had a judicial order, and it could carry out a search in inhabited or uninhabited places where firearms, explosives, or chemical substances were said to be stored secretly, or when the crime of organizing private militias was being committed. Prior to the promulgation of Laws 18314 and 18315 (May 17, 1984), the CNI could carry out arrests only with a judicial order, and it could carry out searches only when there was a presumption that weapons were being stored secretly or the crime of organizing private militias was being committed. Law No. 18314 (which defined terrorist behavior) authorized the CNI and other security forces to make arrests when they had a prior order from the interior minister, the regional intendants, the provincial governors, or garrison commanders, without any need for a judicial order.

Law No. 18315 (May 1984) modified Decree Law No. 1878, which had created the CNI, by empowering the agency to arrest people and hold them at its facilities, at the discretion of the interior minister, by virtue of the powers given him by Transitory Article 24 of the Constitution. However, Article 90 of the Constitution did not regard the CNI to be one of the agencies constituting the public force. Law No. 18663 (October 1987) withdrew the CNI's authority to hold people in detention on its own properties.

2. CNI structure and staff

CNI functions went beyond repression and counterinsurgency and maintaining an apparatus for such purposes; it also engaged in intelligence, counterintelligence, and followed and analyzed the behavior of political parties and political and social organizations, the church, and religious movements and even infiltrated them. It therefore required a complex structure. The DINA was headed by a national director. Article 2 of Decree Law

No. 1878 states: "the CNI is to be headed by an officer of the rank of general or higher on active duty in the armed forces and security forces. He will be in charge of this service in both technical and administrative matters." The various general directors of the CNI from November 1977 all had the rank of army general. Like the DINA, it was staffed by members of the armed forces and security forces and some civilians.

Like the DINA, the CNI had many collaborators in government agencies, as well as assistance from professional people—including some doctors who worked for the CNI and periodically examined prisoners. The Medical Association found it necessary to reprimand certain professionals in the investigation it prepared for the case of Alvarez Santibáñez, which is described in this chapter.

Among the aspects more relevant to the purposes of this report is the fact that the CNI organized complete teams for following and suppressing political-military organizations like the FPMR and the MIR. Its metropolitan intelligence division had hundreds of staff members for that purpose. There was also a well staffed regional intelligence division. The CNI likewise had a structure for gathering intelligence in other countries, including infiltrating Chilean exiles, and continually exercising surveillance over organizations and persons who were supporting the opposition.

3. Functions of the CNI

The tersely worded guidelines in the law creating this agency issued in a wide variety of activities. A large portion of the CNI's capability and staff was devoted to producing pure intelligence or analysis. These studies encompassed matters of security as such, as well as general political information, and covered political parties, religious bodies, labor unions, professional associations, culture, international relations, and so forth. This information was intended to feed into the government's political decision making, but it also served the operational side of the CNI. The CNI also gathered political data on the citizenry. That information could be passed on to government institutions to use in making hiring decisions. It was also provided to some private companies.

The CNI's other significant function, one that touches the purposes of this report more directly, was its specifically operational function, namely to engage in direct action against left organizations which had taken the route of armed struggle

against the regime. In response it engaged in infiltration, surveillance, arrest, torture, and armed repression. As is noted further on, these means sometimes went to the point of killing people. There are grounds for presuming that organizations such as the September 11 Command, and the ACHA [Chilean Anti-Communist Association] which publicly took credit for some of the killings, were names that the CNI used to conceal its activities or those of people working for it. In engaging in these activities, the CNI was operating both within and beyond the legislation governing it. Some people were executed in compliance with orders from military prosecutors, but when people were arrested the evidence was often trumped up, for example, by putting weapons in their houses. Many of the gun battles reported never took place.

The CNI carried out yet another kind of direct action against mass anti-government demonstrations, especially during national protests and certain public demonstrations. Likewise, we should note that the CNI conducted threatening actions intended to constrain certain organizations and movements. It also infiltrated them and intercepted private communication to political, labor, or church leaders. The CNI played a role in attempting to create political or labor organizations that supported the government.

In all these activities it had utter assurance of its impunity. Its agents operated with false names, and did not give their identity even to the courts. Nor in practice were they compelled to comply with court orders issued against them. In practice they operated without being held accountable to the law; they enjoyed unrestricted powers of movement and resources.

4. CNI ties to other security services.

The CNI operated jointly with other security forces, such as the investigative police and the police, in operations like house-to-house searches in shantytowns. It also had serious frictions with these services, especially over certain instances of repression.

5. Financing and resources

The CNI's resources came from designated funding as specified in the Budget Law; it could also be assigned funds through special laws; and it could receive income from properties and resources it might acquire or receive under any

formality for its own ends. The national director administered this income and wealth, and he had broad powers for managing and utilizing property and money. The CNI handled sizeable amounts of money that were regarded as confidential and hence were outside the scope of normal oversight.

In addition, its important position in the government gave the CNI access to other non-material resources. For example, besides analyzing the media, the CNI had DINACOS [National Media Directorate] in order to give its own slant or version of events. In some cases it used media such as National Television to provide its own version of real or alleged gun battles.

6. CNI facilities about which there is information

The CNI inherited the DINA's property and buildings and set up others. In Santiago it operated in many places. The most well-known are those at Ave. República No. 517, where it had its general headquarters; Borgoño No. 1470, where it held prisoners and where a number of far left activists were killed in what were falsely claimed to be gun battles that took place when they allegedly tried to attack it; and Villa Grimaldi itself, which the CNI had held onto since the DINA era.

Secret Decree No. 594 of the Interior Ministry dated June 14, 1984 designated those CNI properties that were to be regarded as detention sites in both the regions and in Santiago in accordance with Transitory Article 24 of the Constitution.

7. Stages in the evolution of CNI activity

In 1977 the number of DINA acts of repression ending in disappearance or death declined. The reason might have been the climate of insecurity inside the agency as a result of questioning within government circles as well as international pressure, including pressure from the Carter administration in the United States. During this period change seemed imminent. One sign was the destruction and disappearance of the DINA files during this period, which is attested on good authority.

When the new CNI director took charge in November 1977, the agency was organized along lines different from those of the DINA, even though much of the staff was retained. Most of the staff members close to the director were changed, and the agency's functions were redesigned with greater emphasis on

intelligence and less on repression as such. During this period the state of siege was ended in the country and the amnesty law was issued. The most serious human rights violations declined notably (cf. statistics at the end of this volume).

The beginnings of the MIR's "Operation Return" and the consequent rise in armed actions like bank robberies and bomb explosions enabled those who were calling for harsher treatment to regain some ground. The MIR's July 1980 action of selective terrorism in which army Lieutenant Colonel Roger Vergara lost his life probably prompted the change of command in the CNI. The agency gradually but clearly began moving toward emphasis on actions of repression and counterinsurgency. The MIR, whose most notable action was the attempt to set up a permanent base in Neltume in 1981, was not alone in prompting this shift. The Communist party's decision to change its strategy toward the dictatorship by embracing the armed struggle and by creating the FPMR (Manuel Rodríguez Patriotic Front) also played a role.

Over the next few years one can observe a continual increase in arrests and human rights violations for which the CNI was responsible, culminating in 1986 and 1987. The left called 1986 the "decisive year": that was the year a large quantity of weapons was smuggled into the country and that was when an action of selective terrorism against the president and army commander in chief cost the lives of five of his bodyguards. In 1987 five members of the FPMR underwent forced disappearance, and in "Operation Albania" twelve of its members were killed; in both instances the CNI was responsible.

- b. Other agencies or groups
 - 1. Avengers of Martyrs Command (COVEMA)

In July 1980, Lieutenant Colonel Roger Vergara Campos, the head of army intelligence, was killed in an act of selective terrorism. What was called the Anti-subversive Command (CAS) was established as an initial response to the attack in order to coordinate the activity of various police and security forces groups which were assigned the task of determining who was responsible and arresting them. It encompassed the investigative police homicide and police intelligence brigade, the police OS-7, and the CNI metropolitan brigade. It was headed by an army general who was soon to become the director of the CNI.

This commando unit sought to investigate that case as well as other violent actions during this period, such as the robberies of branch banks on Calle Santa Elena. In a parallel action, on July 23 civilians who did not identify themselves arrested journalism students Eduardo Jara and Cecilia Alzamora. In the next few days a total of fourteen persons were secretly arrested. By August 5, all of them had been released. However, Eduardo Jara died on August 2-the very day of his release-due to the torture he had undergone while under arrest.

All these people were held prisoner by a group that had a wide range of resources at its disposal. It had numerous vehicles and sites in which to hold its prisoners, who were transferred several times while they were being held. These places were in the central and outlying areas of Santiago. They were very large, and gave the impression that many people were going about their normal working routine. This group was known as the Avengers of Martyrs Command (COVEMA), since that was how they identified themselves to their victims. The prisoners were questioned continually during this period about the killing of Roger Vergara and also in an effort to obtain data on left movements. The prisoners were constantly subjected to torture, mainly beatings and the application of electricity to various parts of their bodies.

The journalism student's death set off a great deal of public alarm, and the government declared its commitment to determine what had happened. In the ensuing court case, investigative police staff members were found guilty of torturing and unlawfully mistreating a female prisoner. She had recognized one of the places she was held as the investigative police Eighth station. The court determined that she was arrested by order of the Second Military Prosecutor's Office. However, the judicial investigation did not establish a connection between this prisoner and Eduardo Jara and his subsequent death, even though both were held together, and had been abducted by the same persons.

The group abusing all these prisoners was composed of agents from the investigative police. The trial revealed that besides that police station they had used the central headquarters on Avenida General Mackenna. In the legal process, the CNI and the police said that the investigative police, and specifically members of its homicide brigade, were responsible. As has already been noted, however, the CAS was made up of the homicide brigade, members of the police, and

the CNI. CNI staff were indeed involved in COVEMA. In fact the CNI director at that time publicly said CNI staff members had established COVEMA as an independent entity.

2. Police Communications Directorate (DICOMCAR)

This agency was created in September 1983 after the DICAR was disbanded. DICOMCAR had even more resources at its disposal. No doubt the purpose of the police in setting it up was to assure themselves a broader role in intelligence and counterinsurgency activities.

This new unit was assigned not only members of what had been DICAR, but of other police units as well. According to various accounts, its staff numbered between 100 and 150 agents, which included police who had previously been assigned to the CNI. The agency also had civilians with expertise in intelligence activities. It should be noted that former members of the Joint Command, which had operated in 1975 and 1976, particularly in conducting repression against the Communist party, were part of DICOMCAR. As its headquarters the DICOMCAR used the building on Calle Dieciocho previously used by the Joint Command and called "the Company."

The DICOMCAR was engaged in intelligence activities. It is known that each week it prepared a report for the head of the police. Some of its functions also had to do with matters internal to the police. However, it also engaged in repressive activities. There is proof that in 1984 this agency made many arrests. There are signs of connections between the DICOMCAR and the CNI that year, although there were also conflicts between these two agencies. This agency was run by a director and an assistant director, both of whom were police colonels. Operational tasks of repression or counterinsurgency were located in a department of external affairs.

The Commission examined evidence linking DICOMCAR personnel to the killing of Carlos Godoy Echevoyen, who died of torture at the police station in Quintero. However, it was its links to the slitting of the throats of three members of the Communist party in March 1985 that made the DICOMCAR most notorious. The discovery of this link was what brought about the disbanding of DICOMCAR and other important changes in the police, including the retirement of its general director.

Although there is a great deal of evidence to presume that the

DICOMCAR, which was made up of former members of the Joint Command, had reasons for being involved in this crime against the three Communists, and even though the CNI prepared a report to the judge investigating the case stating that the DICOMCAR was responsible, the involvement of other agencies cannot be ruled out.

c. Victims of the CNI and other repressive government agencies or groups

This chapter will later deal with those who were killed during the days of national protest. Victims of human rights violations committed by far left groups for political reasons will be discussed separately.

Victims of fatal human rights violations committed by government agencies or groups (primarily the CNI) were chosen much more selectively during this period than they had been previously. Most of them were members of the MIR, the FPMR, and the CP. They had either returned to the country secretly, or they were involved in the MIR or FPMR military structure, or they were engaged in support tasks for that structure. Some persons killed in these parties or groups were involved in other functions, such as handling foreign communication.

The motivation or justification for these repressive actions was basically the same as the motivations of the DINA or the Joint Command which have already been discussed. There was one difference, however: DINA logic justified killing activists in order to destroy the potential danger they represented, while for CNI members, who were combatting efforts at armed insurgency, the adversary or enemy was more tangible. From that standpoint, killing a prisoner or someone who may have been captured alive was understood as the kind of tough measure required in irregular warfare and which the adversary was also committing.

That difference, which is both objective and a matter of perception, by no means justifies in the least the unlawful behavior of the CNI when it executed people who had been captured or who could be captured without great risk. It is important to stress this difference, however, for it makes it possible to become familiar with all aspects of the truth being studied, and all facets of the self-justifications offered even though they always remain unacceptable. Doing so also provides a basis for evaluating what must be done in the future so as to instill in the armed forces and police respect for certain

basic norms. Such steps do not militate against the efficiency with which they are expected to carry out their functions, and there is no reason to think that they should do so.

In a number of cases studied during this period it can be observed that the motivation for executions or other grave transgressions was to carry out reprisal or to teach a lesson. The victims who were killed were chosen in order to exact revenge for an act of terrorism or some other attack. Moreover, during this period there are cases such as that of Tucapel Jiménez and that of the three Communists whose throats were slit in March 1985, in which more complex or obscure motivations seem to be at work.

d. Methods of repression

There are some differences between the methods of repression used during this period and those of the 1974-1977 period, as described in the previous chapter. The main difference is that the CNI used two approaches to political repression or counterinsurgency. It formally arrested people and turned them over to the military prosecutors offices, but it also committed human rights violations and then used disinformation to conceal them-or indeed present them-as legitimate actions of self-defense in armed confrontations.

1. Detection

The CNI proved to be extremely effective in gathering intelligence on the clandestine parties that were the primary target of its repression and counterinsurgency. It was probably able to infiltrate some people into those parties or movements, even into high level positions. Of course the accumulated effect of its experience and actions, along with the ongoing use of torture to extract confessions and data, provided much additional information. The manner in which some of these groups conducted their operations or attempts at insurgency unquestionably played into the hands of the CNI.

In any case it is clear that during this period the CNI was exercising surveillance over and following the members and liaisons of the groups it wanted to attack, sometimes over a long period. It was often in a perfect position to choose the exact manner, time, and place it wanted for the operation.

2. Arrest

Since it was now better able to gather information on those whom it was going to arrest, the CNI sometimes knew that the person was not particularly dangerous, and hence it did not deploy large numbers of police at the moment of arrest. However, in many cases it organized large operations with dozens of police, even more than a hundred, many vehicles, and a great deal of firepower. That kind of arrest was usually an operation designed to kill people rather than to arrest them. Similar large scale and very elaborate operations were sometimes arranged to kill people and then present what had happened as an arrest effort that had encountered resistance. In the primary operation that DICOMCAR is known to have organized, it also came out in force to make the arrest.

3. Torture

These agencies-the CNI, the DICOMCAR, and the group called COVEMA-practiced torture. CNI's use of torture was systematic but more selective than that of the DINAs which tortured practically everyone who passed through some of its secret facilities. The main torture methods continued to be the use of electricity, especially on the sensitive parts of the body, all kinds of beatings, and plunging the person's head down into water to the brink of asphyxiation, and then doing it again. There are also indications that DICOMCAR and COVEMA practiced torture, even to the point of death, as this Commission has verified and as will be noted in the case material.

4. Executions and forced disappearances

During the 1981-1989 period, disappearances were carried out in such a way that there are practically no witnesses who saw the events or the places where the victims were held. Executions-carried out primarily by the CNI-took place in different types of contexts:

* In some cases there really was a gun battle between the pursued and the pursuers, who were attempting either to arrest or kill their object. In some instances, those captured or wounded were then killed.

* In other cases, the activist being pursued was simply killed in an ambush, which was then presented as a gun battle.

* In a few instances there were other forms of execution, such as throat slitting, and kidnapping and execution with many

shots to the head.

5. Disposal of the body

The bodies of those said to have been killed in a gun battle-whether real or fictitious-were generally handed over to their relatives. In some other instances their bodies were left on different properties, along a road, or in a swamp. There is no information about what may have happened to the remains of those who disappeared during this period.

6. Methods for concealing the facts and issuing disinformation

From the case narratives presented here, one can discern a variety of procedures used after the fact to resolve difficulties over the illegality of the arrest and to prevent the victim from being identified, or more generally to conceal or distort what happened. CNI agents were so protective of one another that on a number of occasions when appearing in court they did not provide their real names but used assumed names or nicknames.

2. Cases

a. Fictitious gun battles

During this period the official explanation for the deaths of left activists was continually that they had been killed in gun battles with members of security agencies, primarily the CNI. This Commission has nonetheless been able to determine that a very large number of these gun battles never took place. The accounts given by officials were a way to evade government responsibility for these events.

We will now describe how those who were officially described as killed in gun battles were actually killed. Some people who were killed in genuine armed of the official report, the Commission has come to the conviction that Germán de Jesús Cortés was executed by CNI agents, and regards his death as a human rights violation for which government agents were responsible.

On August 2, 1980, Santiago RUBILAR SALAZAR, a company manager, was killed. He had left his house in Santiago on July 26 en route to Valparaíso, and was due to return two days later. He did not return. The day he was due to return his wife found that her house had been searched. CNI members arrested her

and her brother-in-law, and took them to their headquarters on Calle Borgoño for interrogation about Rubilar's activities.

The official account was that Santiago Rubilar was killed August 2 in a gun battle with police as he was fleeing in a car. He was reported to have taken the car's owner and her son with him as hostages. In the course of events one policeman and the hostages were said to have been wounded. Rubilar was also said to be wanted for robbing the branch banks on Calle Santa Elena on July 28.

When an appeal for protection was initiated on Rubilar's behalf, the Ministry of Interior sent an exempt decree for his arrest. This decree proves that the official report is false. That decree was dated July 20, 1980, that is, before the bank robberies; it also mentions, in addition to Rubilar, the two people he was said to be holding as hostages as he was running away on August 2, 1980. In view of this evidence, the Commission has come to the conviction that Santiago Rubilar was executed by government agents in violation of his human rights.

On November 7, 1980, the MIR activists Rubén Eduardo ORTA JOPIA, an electrician, and Juan Ramón OLIVARES PEREZ, a worker, were killed in Santiago. According to the official account, at 1:20 a.m., CNI members are said to have halted a Citroneta that was driving along Avenida Domingo Santa Maria near the Vivaceta Bridge. The official account assumes that the two people in the car were trying to attack the CNI garrison which was nearby. They fired a burst of automatic weapons fire at the agents when they approached. The report also says that the car was carrying a variety of weapons.

However, the Commission received testimony indicating that CNI agents had arrested both of these people earlier that day. The story that they had tried to attack a CNI garrison while driving an old Citroneta, and that none of the agents were wounded by the burst of automatic weapons fire shot at them is implausible. The bodies, moreover, showed signs of torture. For all these reasons, the Commission has come to the conviction that Rubén Eduardo Orta and Juan Ramón Olivares were executed by CNI agents in violation of their human rights.

On January 18, 1981, Leandro Abraham ARRATIA REYES, 36, a photographer and CP activist, was killed. He had returned to Chile legally in October 1980. The official account stated that as CNI members were trying to arrest Leandro Arratia in the early

morning, he resisted and climbed on top of a house at Calle Ricardo Santa Cruz No. 651 in the district of Santiago. The officers were forced to use their police weapons and shot him down. The Commission received statements by his relatives to the effect that early on the morning of January 14, 1981, security forces searched his house in the Conchalí district. They demanded that he cooperate with them by identifying old friends and providing information on their activities. His relatives also say that on January 16, an individual came up to him while he was waiting for a bus. There was no further word on him until the official account.

In the judicial investigation, a CNI agent who was involved in the operation in which Arratia was killed said that he had been assigned to investigate his activities. Furthermore, the autopsy report says some of his bullet wounds came from being shot from behind, and hence it is at odds with the official version. Keeping in mind the previous accounts, Arratia's political activity, the search of his house, the surveillance over him, and other evidence gathered, the Commission has come to the conclusion that he was executed by CNI members in violation of his human rights.

Neltume

In mid-1981, small farmers in the area of Neltume in the Tenth Region, reported that there was a guerrilla camp in the area. The guerrillas were MIR activists who had secretly returned to the country as part of what they called "Operation Return." They tried to set up a base in the Andes in southern Chile so that the leaders of their organization could later establish headquarters. With this information in hand, CNI agents dispatched from Santiago and members of the police and the army began an intensive operation.

In July 1981, members of the security forces discovered the camp, which was still being built. They seized a large amount of equipment and documentation. The guerrillas fled up into the mountains with agents in pursuit. In August the MIR decided to send two of its members down to the cities below to look for food and renew contacts with their fellow party members. CNI agents detected and caught them, however, and took them to Santiago. These prisoners revealed the site where they were to meet with their comrades and the password they were to use.

On September 13, 1981, agents used this information to kill

Raúl Rodrigo OBREGON TORRES, a surveyor, when he came to the site to meet with his comrades. The Commission holds the conviction that he was executed, and that the agents utilized their knowledge of the meeting place and the password. Hence the official version which, like other similar reports, was spread through DINACOS reports claiming that people had been killed in gun battles, is false.

On September 17, security forces killed Pedro Juan YAÑEZ PALACIOS, an electrician's assistant who had become separated from the group because he was in poor physical condition due to the adverse weather they had to endure, and because one of his comrades had amputated his frozen and gangrenous foot. Hence the Commission came to the conviction that it is highly improbable that he would have offered resistance.

Around this time the group split, and three members went toward the area of Remeco Alto, to the house of a relative of one of them, in order to obtain food. The people in the house themselves alerted the soldiers to their presence. The soldiers caught them in their sleep and killed them. Patricio Alejandro CALFUQUIR HENRIQUEZ and Próspero del Carmen GUZMAN SOTO, both workers, were killed inside the house, which was completely destroyed by the shooting. José Eugenio MONSALVE SANDOVAL, also a worker, managed to flee a few yards from the house, but was caught and executed. The Commission has verified that none of these three people offered resistance before being killed. This all happened September 20, 1981.

On September 21, the two members of the groups who had been arrested at the outset, René Eduardo BRAVO AGUILERA and Julio César RIFFO FIGUEROA, both of whom were workers, were executed. They had been brought to the site of the operation from Santiago. The official statement issued by DINACOS does not say how they died nor does it acknowledge the fact that they had been previously arrested. Other CNI reports state that they were arrested but were killed when they tried to escape. That story is hardly credible given the military deployment and the tight security to which they must have been subjected. The omissions in the official statement only confirm this point.

Finally on November 28, 1981, soldiers executed Juan Angel OJEDA AGUAYO, a medical assistant, in Quebrada Honda. The Commission finds credible the account of an eyewitness to the

events who says that there was no armed confrontation in this case either.

In considering these events, what was said in Part One, Chapter Two of this report should be kept in mind. The actions or intentions for which those killed may have been responsible and even considerations on the danger they represented must be clearly separated from the lawfulness or unlawfulness of the officials' actions in combating them. Of course governments cannot be expected to fail to combat an insurgency or to do so with inadequate means in order to comply with some standard of behavior. However, it is proper to demand that certain norms governing the use of force be observed under all circumstances.

Bearing this in mind, the Commission believes that in all of the Neltume events but one, the officials who had already arrested two of these people were in a position to apprehend the rest instead of killing them. Its participants may have seen Neltume as the beginning of a guerrilla struggle. However, given the ineptitude and poor condition of the MIR activists who were involved in this operation, and the vast superiority of government forces, it was actually more a police matter than one that was truly military. Since the rational alternative of arresting these people was present in each of these situations, it was not lawful to choose to execute them, let alone to kill people whom they already had physically in their power.

The only real gun battle involved Miguel CABRERA FERNANDEZ, a worker whom police found in Choshuenco and killed in a shootout on October 16, 1981. The Commission believes he was killed in the gun battle, and that his human rights were not violated.

In view of the foregoing, the Commission believes all the other cases were executions in which the human rights of those killed were violated.

On November 10, 1981, Juan Ramón SOTO CERDA, a student, who was active in the Socialist party, Luis Pantaleón PINCHEIRA LLANOS, an accountant who was active in the MIR, and Jaime Alfonso CUEVAS CUEVAS, a worker who was active in the Socialist party, were killed in Santiago. According to the official report, in the early morning hours security forces and four subversives had a gun battle. In the course of the shootout the car they were driving caught fire and three of them were completely burned up. An examination of the map of the events

prepared by the investigative police which is found in the case's judicial file established that the security forces did not shoot from the location from which they claimed they had shot, and that the victims could not have fired the shots that hit the CNI vehicle. In view of the evidence gathered, the Commission has come to the conviction that Juan Soto, Luis Pincheira, Jaime Cuevas, and a fourth person who remains unidentified were executed by CNI agents in violation of their human rights.

On December 11, 1981, Sergio Gabriel FLORES DURAN, 29, a MIR "Central Force" leader who was living underground in Chile, and María Verónica CIENFUEGOS CAVIERES, 28, a MIR activist, were killed. The official account of the events issued by DINACOS states that on December 11 during operations following the killing of three members of the investigative police, there was an armed clash with MIR activists at Calle Rivadavia No. 6674 in the San Joaquín district, and that these two people were killed. However, statements by witnesses and other information gathered by the Commission indicate that security agents were following Sergio Flores and María Cienfuegos for some time, and were keeping the building in which they lived under permanent surveillance. Hence they could have arrested them; they did not have to kill them. Indeed, the shape of the operation planned against them, with large numbers of personnel from the CNI, the police and the investigative police, backed up by two helicopters, and the fact that the whole thing was filmed, indicates that the objective was not to arrest Gabriel Flores and María Cienfuegos, but to kill them. In view of the foregoing, the Commission has come to the conviction that they were executed in violation of their human rights.

On December 17, 1981, Iván Alfredo QUINTEROS MARTINEZ, 31, a MIR activist and merchant, was shot down in a gun battle with security agents in front of Callejón Lo Ovalle No. 437, two blocks from bus stop 17 on the Gran Avenida, according to the newspaper. Witnesses have testified that he was riding a bicycle along Callejón Lo Ovalle when he was hit by a Suzuki van driven by CNI members. They threatened him and told him to get up but he could not and fell down again. They then shot him and left him in grave condition; he died shortly afterwards. The autopsy report says that he had been hit by five bullets. Taking into account the evidence gathered, as well as his political activism, the inaccuracy of the official statement, and the fact that he was followed because he was connected to María Cienfuegos and Sergio Flores who had been killed some days before, the Commission has come to the conviction that Iván

Quinteros was executed by CNI members, and it regards his death as a human rights violation for which government agents were responsible.

On April 28, 1983, Daniel MEDEL RIVAS, 30, who was active in the Socialist party, was taken off a long distance bus at the kilometer seven and a half bus stop on the road between Quillota and La Calera by CNI agents who shot and killed him. Taking all this evidence into account, the Commission has come to the conviction that Daniel Medel was executed by CNI members, and it regards his death as a human rights violation for which government agents were responsible.

Fuenteovejuna

On September 7, 1983, it was officially announced that in operations carried out in response to the killing of the army General Carol Urzúa, who had been the intendant [regional governor] of Santiago, there had been two armed clashes with MIR members connected to the killing. Initially the gun battle was said to have taken place when CNI agents on a routine patrol accidentally found three suspects on the corner of Calles Visviri and Fleming in the eastern part of Santiago. They were said to have responded to a call to halt by shooting and then running to take cover in a house on Calle Fuenteovejuna. They continued shooting at the agents, who received reinforcements from the police and the investigative police. After some time, there was an explosion inside the house where these people were burning documents, and one of them was killed. The other two were said to have suicidally come out firing and to have been gunned down. The next day the newspapers printed another official version, which, contrary to the first one, indicated that the gun battle took place when the government forces hurried to the building where they had taken cover. They had gotten the address through the confessions of other people involved in the murder of General Carol Urzúa. The report stated that the nearby houses in the neighborhood had been evacuated.

What happened was actually quite different. Security agents were aware that underground MIR members were living in the building. The attack on them was planned after the general was killed. A large contingent of security agents from CNI and other services was assembled. After a number of actions that day, including making arrests, they went to this building. There they set up a 50 mm. machine gun and immediately began to shoot.

Only after doing so for a few minutes did they ask those inside to surrender. In response Sergio PEÑA DIAS, a veterinarian, and MIR activist who had entered the country clandestinely, came out with his hands behind his neck. As he was approaching the fence in the front yard, two agents shot and killed him at short range with automatic weapons. These events, which the Commission learned through the account of an eyewitness, have enabled it to come to the conviction that Sergio Peña was executed by CNI members, and it regards his death as a human rights violation for which government agents were responsible.

After the killing of Sergio Peña, Lucía Orfilia VERGARA VALENZUELA, a MIR activist who had entered the country clandestinely and was inside the house, began firing out. The agents immediately went back on the attack. They also shot a flare, which set the house on fire. The other person in the house, Arturo Jorge VILAVELLA ARAUJO, an engineer by profession and a MIR activist who had also entered the country clandestinely, was burned to death. In view of the obvious true purpose of the operation, the Commission believes that these last two persons can also be regarded as executed.

Janaqueo

Also on September 7, there was an official report of another shootout which took place on Calle Janaqueo in Santiago. This case is connected to the previous one and to the search for those responsible for killing General Carol Urzúa. The report said that after the events at Fuenteovejuna, the government agents went to Calle Janaqueo No. 5707 to arrest other people. That proved impossible because those who were inside the building put up armed resistance. In the exchange of fire Hugo Norberto RATIER NOGUERA, an Argentinean who was active in the MIR, was shot down in the yard of his house, and Alejandro SALGADO TROQUIAN, a veterinarian and MIR activist, was killed two blocks from the house as he was fleeing.

With the evidence it has in hand, the Commission has proven that this story is false, since CNI agents shot and killed Salgado point blank as he was approaching his house. He did not offer any resistance. The agents immediately began to shoot with the 50 millimeter machine mounted on a jeep that they had used against the building on Fuenteovejuna. Hugo Ratier was inside the building. They killed him even though he had not attacked them. The agents had previously gathered the neighbors, approximately eighty people, in a local church. The Commission

came to the conviction that both of these people were executed by government agents in violation of their human rights.

On November 3, 1983, armed civilians arrested Víctor Hugo HUERTA BEIZA, 52, who was active in the Communist party, on a public thoroughfare in Concepción. Hours later he was killed in a gun battle with CNI agents, according to the official account. At 5:30 p.m. that same day his house was searched; hence he was presumably already in the CNI's hands. The autopsy report states that he was hit by more than ten bullets and that the immediate cause of death was "a cranial and cerebral wound fired from a nine calibre bullet, which from the shape of the wound may have been inflicted with a mounted weapon. The path of the bullet was from back to front." In view of the evidence gathered, the Commission has come to the conviction that Víctor Huerta was executed by CNI agents and that the report that he was killed in a gun battle was not true; hence it regards his death as a human rights violation for which government agents were responsible.

On December 29, 1983, Juan Elías ESPINOZA PARRA, 35, a MIR activist, was killed as he was walking east on Calle Andes and was arriving at Calle General Barbosa. He died of more than 22 bullet wounds, apparently fired by CNI agents. Some of the shots came from behind, according to the autopsy report. Juan Espinoza, who had entered the country clandestinely, was said to be one of those in charge of keeping records and organizing documentation at a MIR forgery shop. In view of the evidence it has received and statements by witnesses, the Commission has come to the conviction that security agents detected and followed Juan Espinoza, and that even though they could have arrested him, they executed him on a public thoroughfare; it therefore regards his death as a human rights violation committed by government agents.

On July 2, 1984, Héctor Patricio SOBARZO NUÑEZ, a teacher and MIR activist, and Enzo MUÑOZ AREVALO, an active Communist, were killed in Santiago. The official report reads: "On July 2 at 11:50 p.m., CNI agents detected suspects riding in a car along Avenida José Pedro Alessandri very close to the Departamental Traffic Circle. The suspects shot at the security agents from inside their car. The agents shot back and the ensuing gun battle ended with the death of Enzo Muñoz and Héctor Sobarzo."

The evidence gathered reveals that the official version is not

truthful. Witnesses have testified that at 11:30 p.m. Enzo Muñoz and Héctor Sobarzo parked the car at the Departamental Traffic Circle in front of the Don Camilo apartment complex. Sobarzo got out to make a phone call. At that moment armed men in plainclothes drove up in a large number of vehicles. They shot at Enzo Muñoz and arrested Héctor Sobarzo, put him in a vehicle, and shot him further on. In view of the evidence gathered, the Commission has come to the conviction that these people were executed by CNI agents, and it regards their deaths as human rights violations for which government agents were responsible.

On July 3, 1984, Ana Alicia DELGADO TAPIA, an agronomist who was active in the Communist party, and Juan Manuel VARAS SILVA, a mechanic and MIR activist, were killed in Callejón Lo Ovalle in a gun battle that followed the one described above. This official account notes that some hours after the other gun battle and as part of the effort to investigate recent attacks in Callejón Lo Ovalle, when the agents came to the 800 block and were carrying out a search, they had a gun battle with three men and a woman, in which Juan Varas and Ana Delgado were killed. The evidence gathered by the Commission, and particularly the fact that the official account of the deaths of Enzo Muñoz and Héctor Sobarzo was false, has enabled the Commission to come to the conviction that these two people were executed by government agents who thus violated their human rights.

In Valparaíso on August 12, 1984, Luis Enrique TAMAYO LAZCANO, 27, who was not politically active, was killed. According to the official account, at noon CNI agents came to Tamayo's house at Calle Tegucigalpa No. 200 in the Progreso shantytown in Cerro Los Placeres. When he saw the security agents he ran away and shot at them. They were forced to respond to his attack, and thus they killed him. However, the evidence gathered by this Commission indicates that the CNI agents violently broke into Enrique Tamayo's house and that he ran out unarmed. A security agent who saw what was happening, shot and killed him on the spot. In view of the evidence gathered, the Commission has come to the conviction that Luis Tamayo was not killed in a shootout, but was executed by CNI agents who thus violated his human rights.

Operation against the MIR leadership in the south

Between August 23-24, 1984, the CNI sent agents from Santiago to the southern part of the country to carry out an

operation aimed at eliminating MIR leaders in Concepción, Los Angeles, and Valdivia. Many of the MIR leaders had come into the country illegally and were working underground. Security agents had been following all of them, and hence they were quite clear on the activities in which they were engaged. The official reports issued on these cases all spoke of gun battles in which people were killed. With the various items of evidence it gathered, however, the Commission has come to the conviction that these people were executed.

The first event took place on the morning of August 23, 1984 in Hualpencillo, an area near Concepción. Luciano Humberto AEDO ARIAS, a worker, was executed near his house. Witnesses say that they shot him without ordering him to surrender, and that he offered no resistance.

Hours later the small bus in which Mario Octavio LAGOS RODRIGUEZ, a worker, and Nelson HERRERA RIVEROS, a merchant, were travelling was stopped in the Lorenzo Arenas section of Concepción. The bus had been followed from Talcahuano, and was halted in front of the fruit and vegetable market where there are always many people. Witnesses whom the Commission questioned said that Lagos and Herrera did not offer any resistance, and that they got off the bus unarmed, without hostages, and with their hands in the air. At that moment Mario Lagos was shot in the armpit, thus proving that his hands were up. The autopsy report on Nelson Herrera indicates that he was killed subsequently, with a shot to the head at short range, and while handcuffed as indicated by the marks on his wrists. A camera crew was filming all of these events with National Television equipment. The fact that the TV crew was already set up in that area before the events likewise indicates that this was not a chance gun battle but had been planned beforehand.

At 6 p.m. that same day, August 23, Mario Ernesto MUJICA BARRIOS, a bookkeeper, was shot and killed in the doorway of his house. Testimony examined by the Commission indicates that he did not offer any resistance when he was arrested.

At around the same time Raúl Jaime BARRIENTOS MATAMALA, an office worker, and Rogelio Humberto TAPIA DE LA PUENTE, a forestry engineer, were killed on the road between Valdivia and Niebla. An official report also spoke of a gun battle in this case and mentioned a third person who fled from the scene. The layout of the land makes that highly unlikely. The Commission has information indicating that these two men

were arrested in Valdivia and driven to this area to be executed by CNI agents.

The last of these events took place on August 24, and cost the life of Juan José BONCOMPTE ANDREU, an economist. He was caught at home by a large number of agents. He tried to escape through the back of his house but he was surrounded, shot repeatedly, and died on the spot. A number of witnesses have said that he did not offer any resistance, and that the agents killed him when he was completely at their mercy.

In view of statements from many witnesses whom it interviewed, as well as other evidence that has been gathered, and the implausibility of official accounts of how these events took place, this Commission is convinced that these seven people were executed by government agents in violation of their human rights.

On December 15, 1984, Fernando Gabriel VERGARA VARGAS, a MIR activist who had entered the country clandestinely, was killed. According to the official account, CNI members who were patrolling the area of Santa Elvira near Santa Elena, that day intercepted an individual who seemed to be engaged in suspicious activity. When he saw the security agents he shot twice, and they shot back and killed him. The Commission has evidence that CNI agents had been following Fernando Vergara, thus making it doubtful that he was caught by chance. Expert examination has likewise shown that the weapon he supposedly used to fire two shots was not working well, since it had a broken trigger, and presumably it was not used. In view of the foregoing, the Commission has come to the conviction that CNI agents followed, arrested, and executed Fernando Vergara, and it regards his death as a human rights violation for which government agents were responsible.

On January 3, 1985, Alan William RODRIGUEZ PACHECO, 28, a MIR activist, was killed. According to the official version, the events took place at around 11:15 a.m. on January 3, 1985, when security agents who were entering the property at Calle Victoria No. 2304 in the Maipú district were met by gunshots from inside. They shot back and a half-hour gun battle ensued, which ended when the house caught fire. Alan Rodríguez, who was using a mortar to defend himself, was burned alive.

Witnesses, however, say that on that day a large contingent of security forces came to this site, and they were backed up by a

jeep which had a mounted machine gun. CNI agents surrounded the house, which was built of light material, warned Alan Rodríguez to surrender, and then immediately began shooting. He offered no resistance. The official claim that he had a mortar is implausible since he would have caused a great deal of damage and would have injured many agents, but that did not happen. Likewise, since the house completely burned down, it is unlikely that such a weapon would have survived unscathed like the one later exhibited. Hence the Commission believes that Alan Rodríguez was executed by CNI agents who intended not to arrest but to kill him, and it regards his death as a human rights violation for which government agents were responsible.

On January 19, 1985, two brothers, David MIÑO LOGAN, 31, and Marcelo MIÑO LOGAN, 29, both of whom were active in the MIR, were killed. The newspapers reported that at 2:30 p.m. that day, as security agents were preparing to search the house that the Miño brothers were renting at Avenida Valparaíso and Calle Yungay in Quillota, they were fired upon. The two subversives were killed in the ensuing gun battle. However, a witness said that a large group surrounded the Miño brothers' house and began shooting at it. One of them was killed, and the other was executed when he tried to surrender. The Commission possesses evidence indicating that they did not offer resistance. In view of the evidence gathered, the Commission has come to the conviction that the Miño brothers were executed by CNI agents in violation of their human rights.

On March 29, 1985, Paulina Alejandra AGUIRRE TOBAR, 20, a MIR activist, was killed. According to the official account, on March 27, 1985, weapons were found at a house on Calle Pastor Fernández No. 16100 in Las Condes, where Paulina Aguirre lived. CNI agents removed the weapons and set up surveillance to arrest the occupant. She did not return until Friday, March 29 at 11:15 p.m., and she arrived on foot. CNI agents intercepted her, and warned her to halt and present identification. The account goes on to say that she did stop but then opened her purse, took out a gun and fired three times. They therefore shot back and killed her. The autopsy report says that Paulina Aguirre was hit by two bullets to the head, one in the neck, three in her right hand and two in her left forearm. In view of the large amount of evidence gathered and after examining the site itself, the Commission has come to the conviction that Paulina Aguirre could have been arrested, but instead CNI agents shot and killed her as she was coming home, even

though she offered no resistance. Hence it regards her death as a human rights violation for which government agents were responsible.

On March 29, 1985, two brothers, Eduardo Antonio and Rafael Maurico VERGARA TOLEDO, both of whom were MIR activists, were killed. The newspaper reported that, "On March 29, 1985, at 7:45 p.m. in the area of Las Rejas near Cinco de Abril, three armed criminals attempting to rob a store were caught by police who were patrolling in a van. Having been frustrated, the thieves fought back, and there followed a brief exchange of fire in which police Corporal Marcel Muñoz Cifuentes was wounded, as were Eduardo and Rafael Vergara Toledo. The latter two died on the spot. The third criminal managed to escape."

The evidence gathered by the Commission, including the autopsy reports, enables it to state that both brothers died of multiple trauma from bullet wounds, and that the body of Rafael Vergara had a bullet wound to the back of the neck fired at short range, which was the ultimate cause of his death. The Commission has come to the conviction that Rafael Vergara was executed by government agents when he was already wounded and in the power of his killers, and thus in violation of his human rights. The Commission was unable to determine exactly how the shooting took place, nor how Eduardo Vergara was involved, and thus has determined that he died as a result of the situation of political violence.

On July 1, 1985, Gilberto de las Mercedes VICTORIANO VELOSO, who had graduated with a degree in social work and was active in the CP, was killed. The official account stated: "On July 1, 1985, two individuals who were being pursued by a CNI operational group engaged in a gun battle with security forces which broke out at 10:05 a.m. at the intersection of Avenidas Los Morros and Alejandro Guzmán, near bus stop no. 31 on Gran Avenida. One of them was seriously wounded and died on the way to the Barros Luco Hospital. He was identified as Gilberto Victoriano Veloso. The other, Pablo Yuri González, was only moderately wounded."

This account is contradicted by what an eyewitness told the Commission. This person said that at about 9:45 a.m. a large number of armed civilians came to the area. At that moment the witness saw Victoriano Veloso running and being chased by several armed men. When he realized that there was no escape he shot twice, and was answered with bursts of automatic

weapons fire. The CNI agents told him to give up; when he threw his gun on the ground, they shot him down. In view of the foregoing as well as other evidence gathered, the Commission has come to the conviction that he was executed by CNI agents, and that his death was a human rights violation for which government agents were responsible.

On April 18, 1986, José Daniel MURGA MEDINA, 28, a MIR leader who was privately employed, and Juan Antonio DIAZ CLIFF, 41, who was also a MIR leader and was living underground, were killed in Santiago. The official account said they were subversive criminals who were killed after a battle with security forces. Witnesses have provided information indicating that what really happened was different. Juan Antonio Díaz was walking along Calle Gabriel Palma, when CNI agents shot him point blank. Others say that José Murga got off the bus at the corner of San Alfonso and Tucapel and was heading toward his house. When he crossed Calle General Jarpa witnesses say that they saw him stop in front of armed men in civilian clothing and raise his hands, and that he was then shot down. The autopsy reports indicate that Juan Antonio Díaz died of a bullet wound to the right lung which caused acute blood loss, and that José Daniel Murga died of widespread skeletal and visceral trauma from bullets. Taking into account the evidence gathered, the Commission has come to the conviction that CNI agents followed and executed Juan Antonio Díaz and José Daniel Murga, and it believes that killing them was a human rights violation for which government agents were responsible.

On December 8, 1986, Marcelino Carol MARCHANDON VALENZUELA, 28, an active CP member, was killed. According to the account provided by DINACOS, at 10:50 p.m. that day Marcelino Marchandon, a subversive, was killed when the CNI barracks on Avenida Santa María in Santiago repelled an attack. Witnesses have testified, however, that he had been arrested December 6 on the street by armed civilians and taken to a secret facility. The autopsy report says that the cause of death was facial, cranial, and encephalic trauma from bullets. Ten bullet wounds were found, along with a number of buckshot wounds. In view of the evidence received, Marchandon's political activity, and the fact of his previous arrest, the Commission has come to the conviction that Marcelino Marchandon was executed by CNI agents, and that his death was a human rights violation for which government agents were responsible.

Operation Albania

In June 1987 CNI agents carried out the so-called "Operation Albania" or the "Corpus Christi massacre" against members of the Manuel Rodríguez Patriotic Front (FPMR). These killings were justified to the public on the grounds that they were the result of several successive gun battles. The agents were also said to be carrying out a court order and in the presence of a military prosecutor. This latter claim was subsequently denied.

Events began to unfold early in the morning on June 15, 1987, when Recaredo Ignacio VALENZUELA POHORECKY, an economist, was stopped on Calle Alhué in Santiago a few yards from his mother's house. Without ordering him to surrender, the CNI agents who were lying in wait shot and killed him. Because this account has been affirmed in accounts by witnesses to which this Commission had access, it came to the conviction that he was executed by CNI agents and it regards his killing as a human rights violation for which government agents were responsible.

At approximately 6:30 p.m. that same day Patricio Ricardo ACOSTA CASTRO was killed on Calle Varas Mena where he lived by a bullet that caused cranial, encephalic and spinomedular trauma. Given the overall context and the manner in which he was killed with a single shot to the brain, the Commission came to the conviction that he was executed by government agents in violation of his human rights.

Shortly after midnight a few blocks away at Calle Varas Mena No. 417, a further action took place, and two people lost their lives. An FPMR guerrilla school was located at this address. At that moment three members were inside, and an undetermined number of students were toward the back of the building. For some time the building had been surrounded, and agents were in position in neighboring houses. At that moment a large number of agents knocked on the door and ordered those inside to come out. The agents almost immediately drove a vehicle into the door to knock it down and began to shoot from different directions. The people in the back of the house fled, and some were apprehended in the neighborhood. Those who were inside the house shot back at the agents for a time and then also tried to escape.

The first one, Juan Waldemar HENRIQUEZ ARAYA, an engineer, was killed when he tried to escape through the attic of the house next door (No. 415). The Commission cannot regard

his killing as a human rights violation, but rather it believes he died as a result of the situation of political violence, since he could not be expected to do anything but defend himself against his aggressors who obviously intended to kill him.

Wilson Daniel HENRIQUEZ GALLEGOS, a worker, who was wounded, sought refuge in the back yard of the house next door (No. 419), which the agents had left by this time. The woman who owned the house saw him and motioned to him to give up, but he refused to do so. Accounts by witnesses indicate that after some time another group of agents came in and made the family go into the bedroom. They seized Wilson Henríquez and began to taunt him: they beat him and dragged him out to the street; they said they were going to take him back inside so he would not catch cold. They then killed him. According to the autopsy report, his body bore twenty-one bullet holes. The Commission has come to the conviction that Wilson Henríquez was executed by CNI agents and regards his death as a human rights violation for which government agents were responsible.

Meanwhile in the Villa Olímpica area of the capital yet another person was killed by CNI agents. Julio Arturo GUERRA OLIVARES, an electrician, was in his apartment when security agents surrounded it. His captors started a gun battle, which was observed by witnesses. When it was over, he was executed by being shot at short range. In view of the foregoing, and taking into account the fact that he was at the mercy of his captors, this Commission regards his death as a human rights violation for which government agents were responsible.

The last episode took place early in the morning that same day on Calle Pedro Donoso in the Conchalí district and cost the lives of the greatest number of people: Esther Angélica CABRERA HINOJOSA, unemployed, Elizabeth Edelmira ESCOBAR MONDACA, a domestic servant, Patricia Angélica QUIROZ NILO, a student, Ricardo Hernán RIVERA SILVA, a driver, Ricardo Cristián SILVA SOTO, a student, Manuel Eduardo VALENCIA CALDERON, an electrical mechanic, and José Joaquín VALENZUELA LEVI, a student.

Once more the official account claimed that these people were killed in a gun battle. It also said that one person escaped and that some of the agents were wounded. The Commission has rejected that account by reason of the following considerations: there were no signs of shots having been fired from inside the building; bullet marks on the floor indicated that

some of the victims had been shot from above, presumably while they were in a squatting position; it is unlikely that someone would have fled from the house, as claimed in the official account, since the house is completely enclosed; it was not possible to verify that any agents had been wounded as had been stated publicly; and finally, the lack of CNI cooperation in the legal process that sought to clarify this situation should be taken into account. Not only did the agents involved not testify; their real names were not provided, nor were the weapons alleged to have been captured in the house brought forward. In view of the foregoing, the Commission has come to the conviction that these seven people were executed by government agents in violation of their human rights.

A further general observation should be made. It is not very likely that there would be so many gun battles leaving so many people dead in a few hours. Hence, these events were presumably planned in advance.

On December 20, 1988, Guillermo Eugenio RODRIGUEZ SOLIS, a street vendor, was killed. The CNI issued a statement that he was killed at 11:30 p.m. that day in a gun battle with CNI agents in front of the building located on Avenida Manuel Rodríguez No. 369. However, witnesses have said that there was no such gun battle, but rather that he was stopped, beaten, and shot by armed civilians. Moreover, the autopsy report says that there were no powder burns on his fingers, thus indicating that he had not fired any weapon. In view of the evidence gathered and statements by witnesses, the Commission has come to the conviction that Guillermo Rodríguez was executed by CNI agents and that his death was a human rights violation for which government agents were responsible.

b. Other executions

On March 18, 1978 the body of Jorge Lenin VERNAL HONORES, an active Socialist and former head of the housing department at the Pension Fund for Privately Employed Persons, was found. The DINA had held him under arrest in March and April of 1974. On March 16, 1978, he was again arrested at his home, and his dead body was found March 18.

The police report states that the body was found on the northern bank of the Mapocho River opposite Calle Barnechea. The autopsy report says the cause of death was asphyxiation due to being under water and encephalic cranial and spinomedular trauma. Further on it states that "the injuries could have been

caused as the body was being pulled through the current or it could have another cause, especially the fracture of the spinal column." That report is contradicted by the report and map prepared for the judicial investigation, which make it clear that the body was found on Calle Barnechea, some meters away from the Mapocho River.

A number of other anomalies in that legal process suggest that government agents were involved in these events. Among them are the following:

- * Falsified extrajudicial statements by relatives accompanied by police investigations purporting to show that Vernal was a habitual drunk; in the court they had to deny having made such statements.

- * The fact that the police could not tell the judge the name of the officers who found the body since they had failed to register the information and it was impossible to check it.

- * The speculation in the autopsy report and the report prepared by the investigative police Criminal Medical department propose contradictory hypotheses on what caused the injuries on his body. The former says that it could have been due to one or more blunt instruments or other devices or by the body being dragged through the water; the latter says it could have been a traffic accident and that he could then have fallen into the water.

Taking into account Jorge Vernal's political activism, the fact that he was being held under arrest when the events that cost his life took place, and the obstruction of the justice system, the Commission has come to the conviction that he was executed, that government agents can be presumed to have been responsible, and that his killing was a human rights violation.

On August 23, 1978, Alfonso Luis AROS PARDO, a taxi driver who was active in the Christian Left, was killed when he was held up, according to newspaper reports. His party work, the persecution that his relatives say he suffered, and the fact that when they received his body none of his valuable items such as a watch, a chain, and so forth had been taken, enable this Commission to reject the claim that it was a robbery and to state that Alfonso Aros was executed by government agents who were acting for political reasons in violation of his human rights.

On April 28, 1979, the body of José Aristeo AVILES MIRANDA, 72, a contractor who was not known to be politically active, was found in the Lampa district in front of the El Montijo estate in Renca. The previous day he had left his house in the Pudahuel district to do some errands. One of his sons had been held prisoner on Dawson Island after the military coup and had later gone into exile. The cause of the death of José Avilés according to the death certificate is cranial encephalic trauma. The press said it was an execution by the MIR and that the finding of the body had enabled the security services to trace a series of executions committed by that group.

The Commission has come to the conviction that José Aristeo Avilés was executed for political reasons in violation of his human rights but it does not have the evidence that would make it possible to identify who was responsible.

The Commission came to a similar conviction in the case of Arturo Ricardo NUÑEZ MUÑOZ, a MIR activist, who was arrested on May 17, 1979, and whose body bearing two bullet wounds to the head appeared the next day in the area of Quilicura. As in the previous case the newspapers reported that "the MIR claimed that it assassinated one of its activists."

On June 23, 1979, Alberto Eugenio SALAZAR BRICEÑO, a former sailor, and Iris Yolanda VEGA BIZAMA, a merchant, both of whom were active in the MIR, were killed in Concepción by a bomb explosion. The official account said that they were trying to place a bomb at the Radio National station when it exploded on them. The public was told that ten persons whom the CNI accused of being part of the group that planned the operation were arrested. The results of the judicial process to which these events gave rise refutes this account. On June 11, 1980, all concerned were absolved since they could not be proven to have committed any crime. Meanwhile, the investigation into the deaths of these two men established that there were signs that they had been murdered, but there was no proof that would make it possible to accuse particular persons. In view of these conclusions, the Commission has come to the conviction that Alberto Salazar and Iris Vega were executed in violation of their human rights; and taking into account their political activity and the falsity of the official statement, it attributes their killing to government agents.

On August 13, 1979, Mario Daniel ACUÑA SEPULVEDA, a public employee who was active in the Socialist party, was killed in La

Serena. According to the official account issued in a statement by the office of the regional intendant, there was an explosion on a piece of property that belonged to Acuña. The police alerted the CNI which went to search the property. When they identified themselves, someone inside the building threw a bomb and ran. They chased him through the yard but before they entered the house, a second explosion occurred inside and broke all the windows. They found Acuña dead in the bathroom and arrested another person.

This Commission has in its possession evidence enabling it to state that the above account is false. In the judicial process it was established that, contrary to the official account, it was a CNI agent who went to the police station in Tierras Blancas to report the supposed explosion and asked them to allow him to contact the CNI headquarters. Thus it was not the police who called the CNI. Furthermore, it is not likely that the only person to hear the explosion that precipitated matters should have been a CNI agent. Nor is it plausible that the operation should immediately move to Acuña's house, when it is clear that they had no proof that the explosion had occurred there.

The autopsy report notes the possibility that his death may have been the result of foul play. When an effort was made to consider this possibility by reexamining the body to check the condition of his hands and see whether it was he who had handled the explosive device, his hands mysteriously disappeared after the body was exhumed, and they could not be subjected to expert examination. The judge assigned to the judicial investigation declared himself incompetent when he determined that persons with military immunity were involved in these events.

The foregoing, combined with the fact that at that time members of the Socialist party did not advocate the use of violence, led the Commission to the conviction that Mario Acuña was executed by CNI agents.

On October 31, 1980, José Rienzi ZUMAETA DATTOLI, 38, who was active in the Socialist party, was murdered by a bullet to the forehead as he was about to enter his house. In view of the evidence gathered, the Commission has come to the conviction that politically motivated persons violated José Zumaeta's human rights, but it was unable to come to a conviction on who they were.

On July 8, 1981, Hugo RIVEROS GOMEZ, a painter who was part of the MIR's urban support structure and worked primarily in communication, was found dead. He had been arrested by the CNI in November 1980 and put into preliminary detention by the military prosecutor's office. He was released on bail in March 1981. While he was being held at the Borgoño barracks, he managed to look out of the corner of his blindfold and see the main features of the garrison and some of his captors. Once outside, he was able to depict what he saw in his drawings. Hugo Riveros's drawings, including the faces of more than a dozen CNI agents were sent outside the country, but the CNI intercepted one of the packages.

On July 8, 1981, at 2:30 p.m., four armed young men took Hugo Riveros from his house blindfolded and forced him into a dark blue car. The next night his body was found stabbed to death on a road near the hydroelectric station at los Maitenes in Cajón del Maipo. A group calling itself the Gamma Commando Unit claimed to have killed Hugo Riveros and Oscar Polanco (whose case follows), and indicated that they had acted in retaliation for the killing of a CNI agent a few days earlier in San Miguel.

Taking into account the evidence gathered, the Commission has come to the conviction that Hugo Riveros was abducted and then executed, presumably by CNI or other government agents, and that his killing was a human rights violation.

That same night, Oscar POLANCO VALENZUELA, an active Socialist, finished work at the San Juan machine shop in the Pudahuel district and was on his way to meet three friends. He left the office and walked toward Mapocho. He had come a short distance to the corner of Calles Molina Levin and Mapocho when he ran into a friend and had a short conversation. A blue car with three men inside slowly pulled toward them. Two men and a woman were in another car close behind. One of them called him over. Polanco went up to the car, and one of the passengers fired a burst of shots from a rapid fire pistol. Polanco fell to the ground fatally wounded as the vehicles vanished. A group calling itself the Gamma Commando Unit took credit for his killing, like that of Hugo Riveros (mentioned above), and said they were acting in retaliation for the killing of a CNI agent a few days previously in San Miguel.

Taking into account the evidence gathered, the Commission has come to the conviction that Oscar Polanco was executed on a public thoroughfare by unidentified killers, presumably CNI or

other government agents or civilians who were at the service of the government.

On March 19, 1982, at about 8:10 a.m., René BASOA ALARCON, 35, who had formerly been active in the Communist party, left his house, which was located at Calle Alonso de Trona No. 197 in San Bernardo. A few minutes later he was approached by three men who chased him about twenty yards. One of them took out a 32 calibre pistol and shot three times. One shot hit him in the occipital region, and he died instantly. This information is all registered in reports sent by the police and the investigative police to the court. Bearing in mind the fact that he had previously collaborated with the Joint Command in repression against members of the Communist party, the Commission has come to the conviction that René Basoa was killed by government agents or by private citizens acting for political reasons, and it regards his killing as a human rights violation.

Mamiña Case

According to the official report, at midnight on July 1, 1986, members of the police missing vehicles department with the help of other police units, carried out a search of the building on Calle Mamiña No. 150 and found the dead bodies of two sisters, Margarita Eliana MARTIN MARTINEZ and María Paz MARTIN MARTINEZ, and the adolescent Isidro SALINAS MARTIN, who was the son of one of them. The report also said that the three of them belonged to the FPMR and had killed themselves with shots fired at short range. The autopsy reports, however, indicate that:

* the body of Isidro Salinas had two shots in the head, one from long range and the other from short range;

* the cause of María Paz Martín's death was a bullet wound to the head; the bullet traveled through the brain from right to left, from above to below, and slightly toward the back; the shot came from a mounted weapon;

* the cause of Margarita Eliana Martín's death was damage to the brain and chest caused by perforating bullet wounds.

The weapons found on them were a 38 calibre Colt revolver in normal condition and a model D-64 pistol without a brand name with the carriage stuck and an unspent cartridge in the chamber.

In view of the evidence gathered, the Commission believes that the official version is untrue, since at least two of the three people who had allegedly committed suicide had two bullet wounds and the weapons in their possession showed no signs of use. Hence it has come to the conviction that the two sisters, Margarita Eliana and María Paz Martín, did not commit suicide, but rather were executed by police officers, and it regards their deaths as human rights violations for which government agents were responsible.

People killed under the state of siege

According to relatives who were eyewitnesses to what happened, seven hours after the president's car caravan was ambushed at 2:00 a.m. on September 8, 1986, a group of men in ski masks surrounded the house of Felipe RIVERA GAJARDO, an electrician and an active CP member, in Pudahuel. They took him out and put him in a taxi which headed toward an unknown destination. At about 4:00 a.m. a half dozen heavily armed men broke into the house of Gastón VIDAURRAZAGA MANRIQUEZ, a teacher and MIR activist in San Bernardo. They were joined by police and they took him toward an unknown destination, beating him as they did so.

At 5:00 a.m. three armed civilians came to the home of José Humberto CARRASCO TAPIA, a journalist and union leader who was a MIR activist, in the Bellavista neighborhood, and they took him away by force.

The bullet ridden bodies of these three abducted men were found some hours later.

The next day, that is, September 9 at 3:00 a.m., twelve armed men came to the property of Abraham MUSKATBLIT EIDELSTEIN, who worked in advertising and was active in the CP, in the area of Casas Viejas, and abducted him. His bulletridden body showed up a few hours later in an irrigation canal along the road to Lonquén. That same night armed civilians tried to abduct Luis Toro, who worked as a lawyer for the Vicariate of Solidarity.

A self-styled September 11 Commando Unit claimed the credit for these events. The minister secretary general of government told the public that the possibility that these crimes reflected an internal purge of the Communist party was not being ruled out.

In view of the political activism and work of the victims, and considering that the abductors identified themselves as police, that these events took place in the predawn hours in defiance of the strict military and police control then in effect, and that the perpetrators had considerable means at their disposal, the Commission has come to the conviction that these were politically motivated executions for which the government was morally responsible, either because its agents were directly involved in the events, or because they were in complicity with or tolerated these events; these violent killings were therefore human rights violations.

On January 19, 1988, the body of Juan Carlos HERNANDEZ ALARCON, who was active in the FPMR was found in a canal on the Nogal de Maipú property. He was carrying one of the organization's scarves. The cause of death was trauma to the chest and abdomen from perforating bullet wounds. In view of the foregoing, the Commission has come to the conviction that Juan Hernández was executed for political reasons, but the perpetrators are unknown.

On October 21, 1988 an FPMR group led by the top leaders, Cecilia MAGNI CAMINO and Raúl PELLEGRIN FRIEDMANN, attacked the small settlement of Los Queñes, leaving a police corporal dead, and then fled back into the mountains. On October 28, 1988, Cecilia Magni's body was found in the Tinguiririca River; that of Raúl Pellegrin was found on October 31, 1988. According to the autopsy reports, both bodies had injuries from blunt instruments and showed signs that electric current had been applied. The report on Raúl Pellegrin said that the cause of death was asphyxiation by being under water, and that the bruises on his back, judging from the distribution, depth and the lack of external wounds, must have been caused by blunt instruments.

Taking into account all the information received, the Commission has come to the conviction that Cecilia Magni and Raúl Pellegrin were caught while they were fleeing, and were tortured and executed by government agents, and hence it regards their deaths as human rights violations for which those agents were responsible.

On the night of September 4, 1989, the leader of the political faction of the MIR [see explanation in "current situation of groups practicing violence" on p. 685 of Volume Two], Jécar Antonio

NEHGME CRISTI, was murdered by men in civilian clothing as he was crossing Calle Bulnes heading toward the Alameda. The September 11 Commando Unit, which had also been involved in the killings that took place the night after General Pinochet's motorcade was attacked, took credit for this killing. The Commission has proof that he was being continually followed in the days before he was killed, and witnesses have said that they observed it the very day he was killed. The Commission has come to the conviction that Jécar Nehgme was killed by private citizens for political reasons in violation of his human rights, and that there are indications that government agents were involved.

c. Selective executions

Tucapel Francisco JIMENEZ ALFARO, a leader of the National Association of Public Employees who was a very important figure of the nationwide anti-government movement at that time, was stopped on February 25, 1982 in the taxi he was driving. He was taken to a secondary road 40 kilometers west of Santiago. There he was shot in the head and killed, and his throat was slit. The motive was not robbery, since he still had money on his person. He had been followed previously on a number of occasions, apparently by security agents, specifically members of the National Secretariat of Occupational and Sector Associations and the CNI. Subsequently there were a number of maneuvers aimed at covering up the crime and impeding the work of investigators. One person confessed to having committed the crime and then committed suicide; later however, it turned out that that person had been murdered, and the confession was false.

The Commission has come to the conviction that a crime was committed for political reasons, and that Tucapel Jiménez's human rights were violated. Although it cannot categorically state that government agents committed this crime, in weighing all the evidence, it honestly believes that the government is involved in his death, since even if the perpetrators were not government agents, they at least enjoyed government protection.

Triple throat slitting

On March 18, 1985, at a time when a state of siege was in effect in the country, Santiago NATTINO ALLENDE, who worked in advertising and was a Communist but was not known to have any responsibilities in the party, was abducted in the street in the wealthy area of the city. Early the next morning José Manuel

PARADA MALUENDA, who headed the department of analysis at the Vicariate of Solidarity, was abducted as he was taking his daughter to the Colegio Latinoamericano de Integración. At the same time Manuel Leonidas GUERRERO CEBALLO, who taught at the school and was a leader in the Association of Chilean Teachers (Agech), was abducted. He had been José Manuel Parada's friend for many years.

The kidnapers had an array of means at their disposal in these two operations. In the case of Santiago Nattino they said they were police and that they were arresting him because of economic problems. Witnesses say that a helicopter was involved in the other kidnapping and that traffic in the area was diverted. The cruelty of the action was made clear when a teacher who tried to stop it was shot point blank.

Connected to these two attacks was the abduction of Ramón Arriagada in February of that year. He had a degree in architecture. He was interrogated on the activities of Manuel Guerrero and José Parada. Both were involved in making an analysis of the structure and functioning of the Joint Command, on the basis of information obtained some time before from confessions of a former member.

The abduction was also connected to an operation against the Agech office at Londres No. 75 in the capital carried out on the night of March 28. Santiago Nattino received correspondence and had a telephone line at that location. Manuel Guerrero went there often because he was a leader of the organization. A number of teachers were taken out of the location and held in jail. The place where they were held was later discovered to be the DICOMCAR headquarters on Calle Dieciocho. This was the same site that the Joint Command had previously used under the name of "the Company."

Despite a great deal of effort expended, there was no word about any of those who had been abducted until March 30, 1985, when their bodies were found with their throats slit along the road between Quilicura and the Pudahuel airport. This crime had a major impact in Chile and elsewhere, and led to an extensive judicial investigation. Government officials initially explained the crime as the result of an internal purge within the Communist party. However, on the basis of the facts recounted and those gathered in the judicial investigation, the Commission has come to the conviction that Manuel Guerrero, José Parada, and Santiago Nattino were executed by

government agents because of their political involvement and hence in violation of their human rights.

d. Persons tortured to death

On August 21, 1979, Federico Renato ALVAREZ SANTIBAÑEZ, a teacher and MIR activist, was killed. Police had arrested him August 14 in Santiago when he was allegedly preparing to place a bomb. Those who took part in the arrest told another story, that he was simply distributing pamphlets. The CNI later accepted responsibility for having arrested him. On August 20 the CNI took him to the Third military prosecutor's office to make a statement. Lawyers who were there saw that he was in very poor physical condition. He was then taken to the prison infirmary, but the CNI refused to take him to a hospital. The next day he died at the Central Emergency Clinic where he had been rushed. When he was brought in, he was diagnosed as having multiple contusions, hemoptysis, and lung failure. The official explanation of his death was that when he was arrested, a police officer had been forced to hit him on the head in order to subdue him. However, on the basis of the evidence gathered, and particularly the inquiry that the Medical Association made into the behavior of the medical people involved which noted that the cause of death was not any blow to the head he might have received, the Commission has come to the conviction that Alvarez died of the torture he had endured while being held prisoner at a CNI garrison, and it regards his death as a human rights violation for which government agents were responsible.

On April 21, 1980, Bernardo Enrique SOLORZA GONZALEZ, died. Investigative police arrested him in Talca for committing common crimes. The official report stated that he had committed suicide by hanging himself. That was the cause of death listed on his death certificate. However, evidence and testimony gathered by the Commission indicate that he died as a result of the mistreatment and torture inflicted on him during his imprisonment. The Commission came to the conviction that Bernardo Solorza died of torture inflicted by government agents who thus violated his human rights.

On August 2, 1980, Eduardo JARA ARAVENA, a journalism student and MIR activist, was killed. He and Cecilia Alzamora had been abducted together on July 23 at the corner of Calles Eliodoro Yáñez and Los Leones. He was held prisoner along with other persons whom his captors, who identified themselves as members of the Avengers of Martyrs Commando Unit (COVEMA) connected to the killing of Colonel Roger

Vergara. While he was held prisoner he was subjected to tortures, such as being beaten all over his body, and receiving electrical current and other torture, all of which produced obvious serious effects, such as deep gashes on his wrists, burns on his ankles and lips, and bruises on his forehead and nose. While in prison he was continually groaning from pain, but that only prompted those holding him to beat him further. The prisoners were frequently transferred and they were later able to identify some of the detention sites as investigative police buildings.

Their captors released Jara and Cecilia Alzamora on August 2 in the La Reina district. He was then taken to Emergency Clinic No. 4, and died there that same day. The Commission has come to the conviction that Eduardo Jara died of the torture he endured while under arrest and that at least members of the investigative police were involved in it, and thus it regards his death as a human rights violation for which government agents were responsible.

On October 18, 1984, Mario FERNANDEZ LOPEZ, 49, a truck owner who was active in the Christian Democrat party, died. CNI agents arrested him at his home in the city of Ovalle early on the morning of October 17. He was taken to CNI buildings in La Serena and tortured by agents. The next day he had to be taken to the emergency ward of the regional hospital in La Serena, but he was already dying. He died at 10:30 p.m. as a result of violent blows to the abdominal wall which caused a hypobolemic shock due to tissue damage, according to the autopsy report.

In response, the CNI made a public statement that, "On October 18, the prisoner suffered a nervous breakdown and lost control over himself because his terrorist and subversive activities had been discovered, and he beat himself against the prison furniture. No one else was involved. He injured himself in unspecified ways, thus making it advisable to transfer him to the regional hospital in La Serena because his heartbeat and breathing had stopped." In the court case, two CNI employees were accused of unnecessary violent actions leading to death. In view of the evidence gathered, the Commission has come to the conviction that Mario Hernández died of the torture inflicted by CNI agents, and hence it does not regard the official report as truthful, and it regards these events as a human rights violation for which government agents were responsible.

On October 22, 1984, the body of Juan Antonio AGUIRRE

BALLESTEROS, 23, a baker who was not politically active, was found. At about 5:45 a.m. on September 4, 1984, a day on which people were being called out to participate in a national protest against the military government, police arrested Aguirre and some friends of his as they were on their way to work at the corner of Calle Bran-granza and Avenida Salvador Gutiérrez in Pudahuel. He was blindfolded and taken to a place where he was physically abused, according to testimony by people who were being held along with him. His body was found 51 days later at the Codegua marshlands in the area of La Leona in San Rafael de Melipilla. Officials have never acknowledged his arrest. Taking into account the evidence gathered, the Commission has come to the conviction that Juan Aguirre died of the torture to which he was subjected by government agents, and that his body was thrown onto unused land to conceal what had happened; it regards his killing as a human rights violation for which government agents were responsible.

On February 22, 1985, Carlos GODOY ECHEGOYEN, a student who was active in the Socialist party, died. He was in Quintero together with other young Socialist party activists when police from the local police station arrested them and accused them of being involved in a guerrilla training school. The young people were interrogated and tortured at the Quintero police station and then transferred to Viña del Mar. Later they were taken back to Quintero, and members of DICOMCAR who had made a special trip from Santiago took charge of the operation. The young people were beaten and electrical current was applied to them. Godoy died as a result of this mistreatment on February 22, 1985. In their official report, the police said that the cause of death was a heart condition. Information in the hands of the Commission, including his prior medical records and the autopsy reports, leaves no room to doubt that Carlos Godoy's death was the result of torture that government agents had inflicted on him in violation of his human rights.

On June 24, 1989, police arrested Marcos QUEZADA YAÑEZ, 17, a student who was active in the Pro-Democracy party (PPD), on the street in Curacautín, and took him to the checkpoint. A few hours later he died as a result of "shock, probably from an electric current," according to the autopsy report. Taking into account the evidence gathered, the Commission has come to the conviction that Marcos Quezada did not commit suicide--and hence it rejects the official report--but that he died as a result of torture applied by government agents in violation of his human rights.

e. Disappearances

On August 18, 1977, Sergio Hernán LEAL DIAZ, a minor industrialist in Rio Bueno who was active in the Socialist party, was arrested by plainclothes agents as he was arriving at the hospital in la Union, where the health department buildings were located. He had been arrested September 11, 1973, and had suffered further persecution afterwards. There has been no further word about him since the date of his last arrest. The Commission came to the conviction that he underwent forced disappearance at the hands of government agents in violation of his human rights.

On August 30, 1977, Luis Gerardo OTAROLA VALDES, an active member of the Communist party, was arrested at his home on Calle Teniente Montt, Lot 53, in Valparaíso. The house was searched, and he was taken away under arrest by six heavily armed plainclothes agents. His wife and daughter observed what happened. On August 31, 1977, Sergio Jorge HIDALGO ORREGO, was arrested at midnight at his house in the presence of his wife. A neighbor also observed the arrest and was able to identify three of the vehicles involved in the operation. The arrest of Sergio Hidalgo, who was active in the Socialist party, was part of an operation by the SIM from Valparaíso. On August 31, 1977, Raúl Iván CARCAMO ARAVENA, who was active in MAPU, was arrested on Calle Traslaviña in Viña del Mar. At least eight agents were involved in the arrest which took place on a public thoroughfare and was observed by witnesses. Finally on October 9, 1977, Hernán Leopoldo QUEZADA MONCADA disappeared after going out with a security agent with whom he previously had ties.

The Commission came to the conviction that all these people disappeared at the hands of government agents who thus violated their human rights.

On October 17, 1977, Jenny del Carmen BARRA ROSALES, a student and MIR activist, was arrested at about 9:30 p.m. after leaving a friend's house. On October 19, 1977, a group of plainclothes agents arrested Hernán Santos PEREZ ALVAREZ, as he was leaving preschool G-27 in the Teniente Merino shantytown where he worked. This young man, who was active in the Socialist party and a friend of Jenny Barra, was hit with brass knuckles and forcibly put into a vehicle. Many witnesses observed the abduction and they saw the license number of one of the vehicles. Inside they could see Jenny Barra already under

arrest and surrounded by three people.

The judicial investigation brought to light that the license plate of that vehicle had been issued free of charge by the municipality of Renca to the agency called DINAR, which gave an address in the Diego Portales building. These facts in combination with other evidence have enabled this Commission to come to the conviction that the arrest and disappearance of Jenny Barra and Hernán Pérez the work of DINA agents who thus violated their human rights.

On December 15, 1977, police came looking for Pedro Gonzalo MILLAS MARQUEZ, who was frightened and tried to run away but was caught and arrested. Before his disappearance he had previously been harassed repeatedly by police from the police station in Lautaro because of his previous support for the Popular Unity government. There has been no further word on him since that day. The Commission came to the conviction that Pedro Millas disappeared at the hands of government agents who thus violated his human rights.

On January 23, 1978, at 3:45 p.m. the army subofficer Guillermo JORQUERA GUTIERREZ was arrested by police from the Fourteenth station in Santiago on Calle Bustos No. 2021, which is near the Venezuelan embassy in Chile. According to the police report, this subofficer was trying to seek asylum and in the process he abused a police officer but did not cause serious injury. A few hours later police officials handed Guillermo Jorquera over to the army intelligence directorate as prisoner. He was a well-known intelligence specialist who had worked for the DINA outside the country and in the Foreign Ministry. He had worked on intelligence and security matters in the Foreign Ministry while Carlos Guillermo Osorio Mardones was minister. Osorio Mardones's tragic death which occurred shortly before these events is regarded as relevant to the asylum attempt, arrest, and disappearance of Guillermo Jorquera.

High level army officials told the courts that he had been released the day he was arrested, and no charges were made, and the matter was not brought to either the court system or the military prosecutor's office. That claim is not credible when seen in the light of the accusations made against him the moment he was arrested and the fact that there has been no further word about him. In view of the foregoing, the Commission concluded that there is sufficient evidence to conclude that he disappeared at the hands of government agents in violation of his human

rights.

In the early morning of February 8, 1978, members of the investigative police arrested Luis René CESPEDES CARO, at his home in the Angel Bugueño shantytown in the La Cisterna district in Santiago. They also arrested his brother and two other persons. They were all taken to investigative police headquarters on Calle General Mackenna in Santiago. The others were released in the predawn hours, but Cespedes was not released and has been disappeared since then. The Commission came to the conviction that Luis Céspedes disappeared at the hands of government agents who thus violated his human rights.

In early March 1978, police from the checkpoint of the Zañartu neighborhood in Chillán arrested Celindo del Carmen CATALAN ACUÑA in the Santa Elvira sector of the city. The youth's relatives observed him being arrested. Since then there has been no word on him. The Commission came to the conviction that Celindo Catalán disappeared at the hands of government agents who thus violated his human rights.

On February 20, 1980, police in Curicó arrested Fermín del Carmen MARTINEZ ROJAS and took him to the checkpoint at Barrio Norte in the city. Police officials told his relatives that he had been released that same day in order to get the money he needed for bail. This claim does not fit the usual way the police function in arrests, and does not explain why nothing further has been heard of Martínez. The Commission came to the conviction that Fermín Martínez disappeared at the hands of government agents who thus violated his human rights.

On November 15, 1981, at about 8:30 p.m. a group of ten young people were standing around on Avenida Departamental in Santiago when an investigative police van pulled up. Four civilians with automatic weapons got out and threatened to arrest them and take them away unless they left the area. One of the youths jokingly told the men that they would not all fit in the truck. The remark annoyed the police, and they responded by violently beating the young man and then arresting and taking away Hipólito ZUÑIGA ADASME and Pablo RODRIGUEZ LEAL. Both have been disappeared since then. The Commission came to the conviction that both of these people disappeared at the hands of government agents who thus violated their human rights.

On December 12, 1981, Oscar Elicer ROJAS CUELLAR, a MIR activist, was arrested in Santiago, very probably by CNI agents. He has been disappeared since then. After a war tribunal found him guilty in 1973, Oscar Rojas had been able to have his sentence reduced to exile. He served part of this punishment in exile in England. In 1980 he had returned to Chile clandestinely, since he was prohibited from entering the country. All the members of his MIR cell were killed in gun battles with the CNI, except for one survivor who is still in prison. CNI officials subjected this prisoner to exhaustive interrogation, including asking about Rojas' activities. That fact, taken in conjunction with other evidence on him, led this Commission to the conviction that he disappeared at the hands of government agents in violation of his human rights.

On December 20, 1984, Sergio Fernando RUIZ LAZO, a MIR leader who had secretly returned to Chile at the beginning of the month, was arrested in Santiago by CNI agents. Sergio Ruiz had been arrested by DINA agents in 1975 and was held prisoner at Villa Grimaldi, Cuatro Alamos, and Tres Alamos. He then lived with his family in exile in France. Officials had issued an exempt decree barring him from entering the country. Even though officials denied that he had been arrested, this Commission received information from witnesses and other evidence indicating that he was held prisoner at the CNI facility on Calle Borgoño before he disappeared. The Commission came to the conviction that Sergio Ruiz disappeared at the hands of government agents who thus violated his human rights.

The adolescent Rubén Simón SOTO CABRERA disappeared on January 18, 1983 in Valparaíso. In light of the evidence it was able to examine, this Commission believes that agents of the security services can reasonably be assumed to have been responsible. In 1973 his father, Gustavo Soto Peredo, who was active in the Communist party, and his brother Gustavo Soto Cabrera, a MIR activist, were arrested and then disappeared. The Commission came to the conviction that Rubén Soto disappeared at the hands of government agents who thus violated his human rights.

Five disappearances in September 1987

On September 1, 1987 army colonel Carlos Carreño, an engineer at Famae [military weapons factory] was kidnapped from his home in the La Reina district in Santiago by an FPMR group. A few hours later a whole series of operations was

conducted by the CNI and security forces who were working jointly and in collaboration with police personnel to locate him. Over the next few days house-to-house sweeps to locate the colonel were extended throughout the metropolitan area. In the course of these operations CNI agents arrested five young CP activists who appear to have been connected to the FPMR.

They were Jos' Julián PEÑA MALTES, an engineer who was arrested September 9, 1987; Julio Orlando MUÑOZ OTAROLA, a technician arrested on the street on September 9, 1987; Manuel Jesús SEPULVEDA SANCHEZ, who was arrested September 10, 1987 after leaving his house in Santiago at 7:00 p.m.; Alejandro Alberto PINOCHET ARENAS, an automobile mechanic, who was arrested in the street before witnesses in the course of a large operation on September 10, 1987; and Gonzalo Iván FUENZALIDA NAVARRETE, a furniture maker, who was arrested September 9-10, 1987 (CNI agents had searched the house of his fiancée on September 3 and had first asked what his nickname was).

Even though officials and the head of the CNI denied that these people had been arrested, this Commission can only regard it as a certain and true fact, in view of their political activity, the circumstances of their arrest, what witnesses say about how the arrest was made in the one instance in which there are eyewitness accounts, and the overall context of the moment. The Commission came to the conviction that all these people disappeared at the hands of government agents or of people working for government agents who thus violated their human rights.

On the night of November 14, 1989, Héctor Segundo PACHECO AVENDAÑO was arrested in the Lo Herminda de la Victoria shantytown, in Cerro Navia. He was involved in a human rights working group in the chapel of Our Lady of Hope in the shantytown where he lived. On two previous occasions he had protested that he was being pursued by unidentified persons and that they were keeping the local parish under surveillance. The Commission came to the conviction that Héctor Pacheco suffered a grave human rights violation, namely being arrested and then disappearing. It was not able to determine who was responsible for these actions, however.

- f. Persons killed in political violence
During this period a large number of people were killed in violence that derived not from a deliberate violation of human

rights, but from the overall situation of political violence in the country. This section presents those cases in which the victim of political violence was not involved in an armed confrontation.

October and November 1983 saw a resurgence of violent actions in Concepción. In some instances men in plainclothes who did not identify themselves and did not show any warrants were carrying out arrests. In addition people have testified that they were subjected to torture by government agents.

This was the context in which Galo and María Candelaria Acevedo Sáez, the children of Sebastián ACEVEDO BECERRA, were arrested on November 9, 1983, by unidentified armed civilians. Their father desperately went looking for them at different sites and asked for help from many quarters, suspecting that they were being held by the CNI. On November 11, 1983, when he had not received any information on them, as a form of protest and in order to pressure officials, Acevedo put kerosene and gasoline on his clothes in the city square; when a policeman tried to arrest him, he lit a match, and died a few hours later of the burns he sustained.

The Commission has determined that while Sebastián Acevedo certainly died as a result of his own actions, and that strictly speaking his death cannot be classified as a human rights violation, he was a victim of political violence, since he made the decision that cost him his life as an extreme measure to save his children from consequences that were not clear but which certainly could have been extremely serious, or as a desperate way to protest what was tormenting him as a father.

On April 30, 1984, Sergio Antonio QUINTANA MICHELSON, 32, an office worker who was not politically active, was killed. The official report states that on April 30, at about 1:10 a.m. soldiers on guard duty at Garrison No. 2 of the War Arsenals were pursuing a suspect and shot approximately twenty bullets in the air without halting him. One of those bullets hit the shack located at Isabel Riquelme No. 1626 which was occupied by Sergio Antonio Quintana and hit him in the neck. He died on the spot. On the basis of the evidence gathered, the Commission has come to the conviction that Sergio Quintana died of political violence.

On May 4, 1984, at about 8:00 p.m. a group of shantytown dwellers tried to break into the Baratísimo supermarket at the corner of Calles Teniente Cruz and José Joaquín Pérez in the

Pudahuel district, but they were immediately blocked by police from the western precinct. Later under circumstances that have not been clarified, Máximo Astolfo BERMUDEZ BALLON, and his father, Juan Rafael BERMUDEZ GAETE, who were unarmed, were shot to death. Taking into account the evidence it has received and especially testimony from witnesses, the Commission has come to the conviction that Máximo and Juan Rafael Bermúdez were victims of political violence.

On August 23, 1984, a group of subversives robbed the Italiana and Real gunshops at Nos. 164 and 169 Calle Arturo Prat in Santiago. As they were making their escape they ran into CNI agents in the area where the North-South highway passes Parque O'Higgins. Guido Héctor SEPULVEDA FERREIRA, who by chance was walking by, was fatally wounded. In view of the evidence gathered, the Commission has come to the conviction that Guido Sepúlveda died a victim of political violence.

On May 23, 1989, at the shopping center in Santa Rosa a group of youths broke into a store intending to rob it. At that moment two policemen assigned to Station No. 13 of La Granja who were patrolling the area tried to stop the robbery but were repelled by gunfire and were wounded. Macarena Denisse TORRES TELLO, a six-year-old girl, was hit in the shootout and died on the way to the hospital. In view of the evidence accumulated, the Commission has come to the conviction that Macarena Torres died a victim of political violence.

On Saturday November 26, 1989, at 9:00 p.m., Pablo Marcelo ROBLES ORTEGA, 16, who was not politically active, and a cousin stopped at a stand in the La Obra area and bought a bottle of liquor to take to a party. At that moment the power went off, apparently because of an explosion. A friend advised them not to go near the area of the monument, but they had to go that way to return to the cousin's house. As they were passing by they were both hit by bullets, and Robles died a few minutes later. In view of the evidence it has examined, the Commission has come to the conviction that Pablo Robles died a victim of political violence.

- g. Other deaths from political violence: persons killed in genuine gun battles

As was noted in Part One, Chapter Two of this report those whom the Commission regards as victims of political violence include:

persons who died while using weapons in self-defense trying to resist efforts by the DINA, the CNI or other security agencies when they could reasonably fear that their fate would be torture and death. This Commission holds that regardless of what might be thought of the ideas or political activities of those who were killed in this fashion, and even though being killed in such a clash cannot be regarded as a human rights violation in the strict sense, no one can be faulted either rationally or morally for defending himself or herself from being arrested when there is a well-founded fear that arrest will entail torture and death.

That chapter also states that those who commit suicide in situations like the one described above are also regarded as victims of political violence.

At this point we report on a number of cases of people who were victims of political violence during this period inasmuch as they were killed under such circumstances.

On August 4, 1979, Antonio Apolonio LAGOS RODRIGUEZ, a mining technician and MIR activist, was killed when CNI agents attacked his house in Arrayán. The shooting caused a fire in the house and set off an explosion. Lagos was burned to death. The Commission has come to the conviction that Antonio Lagos died a victim of political violence.

On November 27, 1979, Ricardo Delfín RUZ ZAÑARTU, a teacher and a MIR activist, was killed when the police were stopping and checking cars at the corner of Calle Pedro de Valdivia and Las Encinas in Santiago. When he realized what was happening he tried to escape in the taxi in which he was riding. He was killed in the ensuing clash with the police. The Commission has come to the conviction that Ricardo Ruz died a victim of political violence.

On January 16, 1978, Gabriel Octavio RIVEROS RAVELO, an engineer and MIR activist, was killed on Calle Pablo Goyeneche Iver No. 010 in Santiago. He was caught by surprise that day when CNI agents violently burst into his house shooting. They also fired tear gas bombs further into his house so he would surrender. He died of a bullet to the head which the autopsy report stated was the kind of wound typical of suicide. The Commission has come to the conviction that Gabriel Riveros died a victim of political violence.

In the morning of April 28, 1980, Oscar SALAZAR JAHNSEN, a

teacher, left his house and did not return at noon as he had said he would. He had been followed, and hence had preventively introduced an appeal for protection on his own behalf. That was the day on which the policeman guarding the flame of freedom on Cerro Santa Lucia was killed. At 8:00 p.m. CNI agents searched his house. The next day his family read in the newspapers that he had been killed in a gun battle with security services. The Commission has come to the conviction that Oscar Salazar died a victim of political violence.

On April 23, 1981, Juan TRUJILLO LUCERO, 24, a MIR activist, was killed in a gun battle with police. The newspaper said he had committed suicide when he realized that they had him trapped. Other accounts say he was killed during the gun battle. The Commission has come to the conviction that Juan Trujillo died a victim of political violence.

On August 16, 1981, Arcadia Patricia FLORES PEREZ, 27, a MIR activist who was part of its military structure, was killed. According to statements by witnesses, after her husband was arrested, investigative police tried to enter her house at Calle Petronila No. 644, but Arcadia Flores fought back shooting from inside. She was killed in the ensuing exchange of fire. The Commission has come to the conviction that Arcadia Flores died a victim of the political violence of that moment.

On August 17, 1981, at 7:40 p.m. Lisandro Salvador SANDOVAL TORRES, 26, a MIR activist, was killed in a gun battle with CNI agents when they tried to arrest him at the corner of Calles Rosas and Van Guard in the Risopatrón shantytown in the Santiago district. The Commission has come to the conviction that Lisandro Sandoval died a victim of political violence.

On January 6, 1982, Enrique Hernán REYES MANRIQUEZ, 36, a former first corporal of the Chilean Air Force who was head of the MIR central force, was killed at the central market in a shootout with CNI agents who had been following his tracks, according to evidence gathered by the Commission. The Commission has come to the conviction that Enrique Reyes died a victim of political violence.

On January 16, 1982, according to evidence gathered by the Commission, Ernesto ZUÑIGA VERGARA, 29, a MIR activist, was at the corner of Calles Teniente Cruz and José Joaquín Pérez in Pudahuel, when he realized that CNI agents were nearby. He went running and in the subsequent gun battle with

the agents he was fatally wounded. The Commission has come to the conviction that Ernesto Zúñiga died a victim of political violence.

On November 28, 1982, Dagoberto CORTES GUAJARDO, 33, a MIR leader, was killed in a gun battle with police who tried to arrest him near Calle Aldunate No. 5009 in Santiago. The Commission has come to the conviction that Dagoberto Cortés died a victim of political violence.

On February 7, 1983, as he was leaving his house, Fernando Eugenio IRIBARREN GONZALEZ, 26, a MIR activist, saw that CNI agents were following him; witnesses say he then ran toward the Plaza Manuel Rodríguez where he was surrounded, resisted, and was shot down by security forces. The Commission has come to the conviction that Fernando Iribarren died a victim of political violence.

On April 19, 1983, at about 7:00 a.m., two MIR activists who had secretly entered the country, Manuel Genaro FLORES DURAN, 28, and Germán OSORIO PEREZ, 30, were intercepted by security agents while they were crossing the street at Calle Villaseca No. 185 in the Ñuñoa district in Santiago. They were killed in the ensuing gun battle, according to evidence held by the Commission. The Commission has come to the conviction that Manuel Flores and German Osorio were victims of political violence.

On June 10, 1984, according to evidence held by the Commission, at the corner of Balmaceda and Almirante Barroso, investigative police thought Arnoldo FLORES ECHEVERRIA and Oscar TAPIA LEYTON looked suspicious. They were active in the Communist party. When they realized that they were being followed they ran away, and were then fatally wounded by the agents. The Commission has come to the conviction that Manuel Flores and Germán Osorio were victims of political violence.

On September 5, 1986, according to evidence held by the Commission, a group of shantytown dwellers tried to enter a bakery in the Villa Francia shantytown. Police moved in with helicopter support. Miguel Angel LEAL DIAZ, 18, was killed, although how he was killed remains unclear. The Commission has come to the conviction that Miguel Leal died a victim of political violence.

On September 16, 1988, according to evidence gathered by this Commission, at 1:05 p.m. at the corner of Calles Carrera and Lincoyán in the city of Concepción, Héctor Leonardo RAMIREZ PINO, 38, a member of the FPMR, was wounded in a gun battle between the CNI and civilians, and subsequently died. The Commission has come to the conviction that Héctor Ramírez died a victim of political violence.

On April 18, 1989, Iván PALACIOS GUARDA, 19, was killed, and Erick RODRIGUEZ HINOJOSA, 20, was wounded in a gun battle with security agents. According to the official account, at 9:10 p.m., in the 4000 block of Avenida San Pablo, electrical power went out. In a gun battle between CNI agents and civilians, Iván Palacios was killed on the spot and Erick Rodríguez was wounded and died later. However according to testimony by witnesses that the Commission has received, since early 1988 someone calling himself "Miguel" had been working his way into the shantytowns and into the youth group in which these two were involved. They say they have proof that Miguel was a security agent, and that he was pretending to be the MIR organizer for the area, and thus recruiting young people ages 18 to 24 to join the Resistance Command. In view of the evidence gathered, the Commission has come to the conviction that Iván Palacios and Erick Rodríguez were shot by CNI agents in a gun battle and died as victims of political violence.

On August 31, 1989, Marcelo Esteban BARRIOS ANDRADE, a history and geography student who was active in the FPMR, was killed. He was killed in a gun battle with members of the navy when they tried to arrest him at Cerro Yungay in Valparaíso. In view of the testimony it has taken and other evidence gathered, the Commission has come to the conviction that Marcelo Barrios was killed in a gun battle with government agents, and that he died a victim of political violence.

- h. Killings and disappearances in other countries
 - 1. Human rights violations in which it cannot be said that agents of the Chilean government were involved

The Commission examined a number of instances in which the human rights of Chileans were violated in Argentina in which it was unable to come to the conviction that agents of the Chilean government were involved. The circumstances in which these people were living, the fact that the Chilean political situation crucially affected their decision to leave the country, the proven collaboration of agencies and groups in Argentina with agents of

the Chilean government in other instances of repression, taken together constituted a background that prompted the Commission to examine these cases and to present them in order to provide a complete picture of the truth, along with its antecedents and circumstances, as it was enjoined to do. In doing so, however, it is not claiming that the Chilean government or its agents were responsible for the specific events recounted in this next section. The Commission is nonetheless declaring that these persons were victims of the situation of political violence in Chile insofar as events in Chilean political life had a bearing on how they came to find themselves in such jeopardy, and for the other reasons already set forth.

On September 11, 1977, Cherif Omar AINIE ROJAS, who had lived in Argentina since childhood and was studying chemistry at the University of Buenos Aires, was arrested in the Quilmes neighborhood. The next day troops from the joint armed forces raided his house and took his identification card. The Commission concluded that Cherif Ainie was arrested and disappeared in Argentina in violation of his human rights in the context mentioned above. Nevertheless, it cannot be said that Chilean government agents were responsible.

In 1978, the Chilean citizens Raúl TAPIA HERNANDEZ, Jaime Nury RIQUELME GANGAS, and Luis ESPINOZA GONZALEZ, were arrested in Buenos Aires. They were exiles and were working legally in Argentina. They disappeared in the context noted above in violation of their human rights. Nevertheless, it cannot be said that Chilean government agents were responsible.

In April 1978, Carlos Patricio ROJAS CAMPOS, an active Communist, disappeared. He had been persecuted in Calama and Tocopilla until 1977, when he took refuge in Buenos Aires. He regularly corresponded with his family in Chile by mail. Since that date there has been no word about him. In view of the insecurity in which Chilean political refugees were living in Argentina, his political activity and persecution in Chile before he fled, and the fact that human rights organizations in Argentina include him on their lists of victims, the Commission believes that it is quite probable that he disappeared in Argentina and that his human rights were violated, but it cannot say so categorically nor can it affirm that Chilean security agencies were involved in this matter.

On July 26, 1978, Cristina CARREÑO ARAYA, an active Communist, disappeared in Argentina. She had arrived from Hungary at the beginning of the month. On the 24th, she said she was being followed and asked for refugee status at the office of CEAS, the Catholic church agency that was working in coordination with the UNHCR. Although there is no doubt that Cristina Carreño's human rights were violated, since many witnesses have testified that she was held at the Argentinean police facilities of El Banco and Olympo in Buenos Aires, the Commission cannot say that agencies of the Chilean government were responsible.

On January 27, 1979, Oscar Orlando OYARZUN MANZO, an active member of the Chilean Communist party who had been a refugee in Argentina since 1974, was abducted by plainclothes agents and killed on the outskirts of Buenos Aires. The investigation into the case established that the abduction and subsequent killing of Oscar Oyarzún, who had just obtained his visa to go to Germany as a refugee, was a politically motivated execution in violation of his human rights. It took place in the overall context of Argentina described above, but it cannot be said that Chilean agents were involved.

2. Killings in Argentina for which Chilean government agents were responsible

On November 1, 1977, a patrol of civilian agents intercepted José Luis DE LA MAZA ASQUET, a MIR activist, on the street in Tucumán. He never reappeared. He had taken refuge in Argentina after the DINA had come looking for him at his home and his workplace in Rancagua. From 1975 to 1977 he lived in the provinces of Mendoza and Tucumán. Witnesses have said that a person in Argentina with DINA ties informed the Argentinean police about José Luis de la Maza's political past. The Commission believes that there are good grounds to believe that José de la Maza disappeared in Argentina in violation of his human rights and that agents of the Chilean government were involved in bringing it about.

On January 10, 1978, Argentinean police arrested Guido Arturo SAAVEDRA INOSTROZA, a student at the University of Buenos Aires and an office worker at the Textil Gloria factory. He has been disappeared since that date. This university student had left Chile in the post-September 11, 1973 period after he had been arrested at the Universidad Federico Santa María in Valparaíso. Evidence made available to the Commission has

enabled it to come to the conviction that Guido Saavedra suffered a human rights violation committed outside the country by agents of the Chilean government or with their participation. To arrive at that conviction it considered the high level of communication between Argentinean and Chilean security agencies at that time, which taken in conjunction with the evidence specific to this case, provides grounds for assuming that such was the case.

On February 19, 1981, José Alejandro CAMPOS CIFUENTES, a nursing student, and Luis QUINCHAVIL SUAREZ, a former Mapuche leader, both of whom were MIR activists, were arrested along the Chilean-Argentinean border in the area of Paimún. They had both attempted a clandestine entry into Chile in the so-called "Operation Return." War tribunals had previously sentenced them to prison terms, which were reduced to exile in 1975, and hence they were prohibited from entering the country.

The evidence gathered taken in conjunction with the CNI operations that ended in the dismantling of guerrilla activity in the area of Neltume in 1981 led this Commission to the conviction that José Campos and Luis Quinchavil were arrested on the border by Argentinean police who turned them over to Chilean security agents in whose hands they disappeared in violation of their human rights.

B. Human rights violations committed by private citizens for political reasons during the August 1977–March 1990 period

1. Overview

a. The victims

During the period between the end of 1977 to March 11, 1990, human rights violations committed by politically motivated private citizens cost the lives of 93 people. The causes of this obvious rise in the level of political violence will be examined and explained in the next few pages, which will also deal with the groups that were carrying out such actions.

Fifteen of these victims were civilians, some of whom were children. They were killed by bombs set off in public places, armed political propaganda actions, and one instance of a selective assassination. These people happened to be present when terrorist attacks took place, but they were not themselves involved.

All the others killed were members of the armed forces, the

police, and the security forces. They were killed in different kinds of terrorist attacks, particularly selective assassination attempts, robberies to get money for other kinds of actions, bombings, and attacks on units of the police or armed forces. Prominent in this latter group were attacks on the lives of police who were doing their duty, for example, standing guard, when they were ambushed and had no chance to respond to the aggression. In a number of instances, after they had been killed their weapons or headgear were taken.

Those responsible used various criteria in choosing their victims. Sometimes it was simply a matter of chance. In other cases, they were chosen very much because of the person's highly visible role in the government or the security agencies. However, it can be said that in most cases the object was not so much to do harm to the specific person being attacked as to cause an overall impact within society. The individual thereby became a mere instrument. Such a practice is incompatible with the value of human life as embodied in the modern conception of human rights.

b. Evolution of terrorist activity

Terrorist activity was at a low level in 1978 and 1979. Fatal instances of violence in 1979 cost the lives of Lieutenant Luis Carevic as he was trying to deactivate a bomb; Sergeant Nicomedes Inostroza; and Bruno Burdiles, who was brutally murdered when a large group of people attacked the Agas market in Santiago. The next year, however, violent actions began to occur more frequently. Our Commission found six fatalities from either direct attacks or bombs set off. In 1981 and 1982 such activity began to decline and there were no killings of military or police. However, the pace picked up again from 1983 to 1989, when terrorist activity grew at an alarming rate.

c. Those responsible

The MIR (Revolutionary Left Movement) and the FPMR (Manuel Rodríguez Revolutionary Front), which came on the scene in 1983, were primarily responsible for this violence. A new group, the MAPU Lautaro, began to carry out actions at the close of this period.

c.1) Internal structure of these groups

Since these violent groups operate underground in a kind of life and death struggle against a military regime, the public is not familiar with their structures-nor indeed are all their members.

Hence it is difficult to determine with precision how they are organized and how they make their decisions.

One feature can be noted immediately, the manner in which power is centralized. The members are organized around the idea of compartmentalized functions and absolute compliance with agreements once they are made. That gives them a character of strict discipline, which of course makes them somewhat attractive to young people.

The information available indicates that the MIR is organized into cells. The top authority is the central committee, presided over by a national secretariat, as its executive body. The general secretary is the visible head, and depending on circumstances he may act as a political leader. This solid structure is nevertheless affected by events, thereby occasioning internal problems and divisions that will be mentioned below. Within the MIR special action groups may be formed, for example, the Miguel Enríquez Rebel Youth, which sought to recruit young people for revolutionary action.

At the beginning of this period, many MIR activists were outside the country in exile. They had survived the period of greatest repression, organized by the DINA. By 1975 their activity had almost been brought to a standstill. Most of those outside the country remained united around their leaders and under their command. During this period the MIR's contacts in Argentina had weakened as a result of changing circumstances there, and France became the new place for assembling. It was there that the organization decided to give its members military training, and many of them travelled to Cuba for that purpose. There is proof that groups assigned to carry out particularly complex missions received training in other countries.

In 1980 the MIR leadership made the decision to have its members return in large numbers. That process had to be clandestine, since the MIR was prohibited from entering Chile. A number of methods were used, and many members managed to evade government vigilance and make it back into Chile in order to take up their subversive activity once more. The most outstanding event during this period was the Neltume episode, which is described in a previous section. This was the MIR's most serious effort to establish a permanent guerrilla foco, which was to begin in the mountains in the Tenth Region. The plan was that the top leaders would establish a base there. This experience ended in failure, and many of the organization's activists were

killed. That failure prompted major internal changes and the painful process of deciding who would assume particular responsibilities, which in turn later led to a split in the organization.

That these violent approaches failed is not to be explained solely on the grounds that the organization may have been infiltrated. It was also due to the difficulties the members had in getting settled and in being integrated into the community, thus making it easier for security agents to locate them. Moreover, mistakes were made in training members, and in planning and carrying out actions. The CNI detected a substantial proportion of the MIR activists who entered the country underground.

As a result of these failures, MIR activity gradually became less significant over the years, and the group had to make way for the violent actions of a new group, the Manuel Rodríguez Patriotic Front, which resulted from a change of strategy within the Communist party. This group operates with similar structures, but it is more militarized. Its specifically military structure stands above the rest of the organization. Its leaders have military titles. The top authority is a "command" made up of twelve members. Five of them are further singled out as "supreme commanders."

The leaders of these organizations have often made public statements. When they do so, they speak with conviction and assurance. The assumption is that their organizations are solidly united and are utterly unwavering in support of their leaders. Yet they have certainly not been free from problems arising from splits into factions or around particular leaders. The experience of the members of these organizations has been shaped by the fact that many of them took part in the armed actions that led the Sandinistas to power in Nicaragua, and in armed activity in Angola, in addition to receiving training in Cuba and the Soviet Union.

The FPMR's political vision differs from that of the MIR, which still holds onto the vision of society it had in the 1960s. The FPMR's starting point is an analysis that sees a society on the brink of a massive general uprising against a government it regards as dictatorial. Its action is stamped with the idea of a popular uprising and the acceptance of all forms of struggle that the Communist party, profoundly altering its strategy, adopted after the regime moved toward becoming more institutionalized in 1980. That is why all the FPMR's violent actions are urban, and it has not had a conception of guerrilla warfare, such as the one that

is obvious in the MIR's efforts in Neltume.

Finally, it was the idea of a "grand revolution" in the minds of the FPMR ideologues that led them to plan to stockpile a large supply of weapons at Carrizal Bajo and to attack General Pinochet and his motorcade. The security forces, however, discovered the location in the north where these weapons were being smuggled into the country. The government made accusations against the subversives and connected the events to foreign countries. The public was initially inclined to be skeptical, but evidence showed that there really was such an effort. The far left parties could not deny it, and this ultimately became a setback for them. The effort nevertheless showed that their international connections and their ability to operate inside Chile should not be underestimated. Most of the citizenry disapproved of that action. The legal procedure that then ensued, criticisms of the way it has been conducted notwithstanding, has brought many details to light.

The attack on the president's motorcade along the Cajón del Maipo road as he was returning to Santiago took the lives of several bodyguards, but it failed to achieve its main objective. Once more it drew attention to the proven ability of FPMR organizers and to their option for armed struggle. Again, the bulk of the citizenry did not approve of the action. Most of those involved are still in prison pending the outcome of a court case that is still in process. The salient point about these two actions is, as we said, the idea that had they been successful they would have precipitated a vast popular uprising. That is not in tune with how the citizenry felt at that time however, as was clearly evidenced later. These landmark events took place in 1986 which the FPMR called the "decisive" year, and yet which marked the beginning of their own downfall as an organization when these two actions failed.

Although it was still able to engage in elaborate actions that had a great deal of impact, such as the kidnapping of Colonel Carreño and the murders of the neighborhood leader Simón Yévenes and of the former member of the Joint Command, Roberto Fuentes Morrison, in the next few years the FPMR saw its cadres decimated with internal squabbles and a merciless persecution by government authorities operating both through military prosecutor's offices and in actions of repression, such as Operation Albania, already described.

Finally, the MAPU Lautaro, which is newer and less well-known, reflects its ties to the MAPU political party from which it sprang. Its

organization is more oriented toward political forms. It includes what are called the MAPU Lautaro party, the Lautaro Youth Movement, and the Lautaro Rebel and Popular Forces. It is this last structure that advocates activities of a military nature and which have recently taken the form of terrorist actions. The political rationale for this group's actions is even fuzzier and less comprehensible than that of the previous organizations. Its actions are plainly more cruel. The explanation may lie in the diversity of its members, their very limited training, and the lack of clarity over their aims. It should certainly be acknowledged, however, that little is known about its inner workings.

c.2) The thinking of those involved

The connection between the organizations that advocate violence in our country and terrorist acts can be studied in the writings of those who have assumed leadership roles within them. The MIR's positions have already been presented, and its literature is readily available. These positions derive from the Marxist idea of revolution, which entails a strategy of popular rebellion aimed at overthrowing the bourgeois state. The Bolshevik and Cuban revolutions are the greatest examples. They offer examples of many actions aimed at making a democratic regime or a dictatorship "ungovernable." That is not the same as an act of terrorism properly speaking. The specific feature of the organizations that advocate violence in our country and elsewhere in Latin America is that they have opted for actions that they called selective. They employ their tactics in order to intimidate, cause confusion, and wreak havoc in a way that might have seemed impossible, and so be seen as triumphantly bold. The group accordingly chooses particular victims who can be killed with impunity. To see whether that is what they have done in Chile one need only note what they themselves have said.

In 1984 the top leader of the MIR said, "We understand this popular war as the combined development of all forms of mass struggle, from the use of active nonviolence passing through direct and disruptive mobilizing all the way to the development of violent armed struggle." That is the central argument. What he calls "direct and disruptive mobilizing" can be taken to mean the protest demonstrations that the opposition organized in 1983 and 1986. The use of the term "armed struggle" expresses the position that rebellion is regarded as valid in a particular given situation. Another quotation is even more illustrative: "We have shown that we can sabotage many railroad lines. We have derailed dozens of trains. We have attacked the electrical power

system and knocked over numerous high power lines. We have also carried out actions to punish agents of repression. We have set ambushes. We have also conducted actions to harass police stations." "Punishment" and "ambush" fall within the category of terrorist actions.

The Manuel Rodríguez Patriotic Front can be said to have superseded the MIR in carrying out violent actions. The FPMR has been making its presence felt since 1984, but it has been clearly the major force since 1986. The army's accusations of acts of violence are made almost exclusively at this front. The July 1988 issue (No. 32) of its newsletter El Rodriguista has an interview with the national leadership of the FPMR in which it is stated:

The FPMR wants to make it very clear that the occasions on which we have clashed with the regime's forces have occurred when they have taken a repressive position and are attacking the people. We are therefore ready to respond in defense of the people, and to confront those forces, and naturally inflict casualties on them. We do not deny that at all.

In fact when we carry out a selective kind of action, we do not have to offer elaborate explanations so that the country will understand who we have attacked, and what our purpose has been.

There is a lot of talk about verdicts and death sentences that the FPMR is supposed to have issued. We would like to say that it is not true. We do not need to be issuing elaborate verdicts, or sentencing particular people to death, since the one who is carrying out repression, who is committing a crime, who is staining his hands with the blood of the people is ipso facto condemning himself and therefore becomes a target for us.

It is precisely the concept of "staining one's hands" that would demand deep ethical and political understanding on the part of all.

Both organizations' statements are in keeping with what has happened. The account provided in this report confirms what they have said. Over a substantial period of time—from the killings of the high ranking officers Vergara and Urzúa to the attack on the presidential motorcade—the MIR and the FPMR have engaged in violent activity. Even today they still hold those same underlying doctrinal and practical ideas.

c.3) Methods used

The kinds of action most commonly carried out by subversive groups during this period are those of urban guerrilla warfare. Such actions produced the victims discussed in this report.

The common procedure in selective killings was to surround the victim's car near his house. Strategically placed snipers would fire automatic weapons. This procedure limited the ability to respond and made it easier to escape. These groups would also shoot police from behind and run away.

Subversive movements tended to use explosives a great deal. They especially targeted high voltage power lines, radio stations, and generally tended toward actions that would become widely known. The result was that innocent people were killed as well as persons inexperienced in handling explosives. They also engaged in bank robberies, some of them bloody. Their purpose was not simply to get money for future actions but also to get themselves publicity and to show that government security mechanisms could be penetrated.

The smuggling of large supplies of weapons has already been noted. The fact that it required complex operations indicates the capacity for prior planning that such groups sometimes evidenced, whatever the end result of those actions may have been.

c.4) Current situation of groups practicing violence

The stance described above has not disappeared. Both movements (MIR and FPMR) have held to their position in recent years and even after the advent of a new government. Circumstances have had an effect, however. Most of the country has tended to accept the form of opposition that, while criticizing the system in place, adhered to that system's parameters in order to attain its own objectives. When everything was moving in this direction and preparations were underway for allowing the people to express their will, for example, in the plebiscite that had been mentioned in the Constitution, the route of violence seemed to be obsolete. That was perhaps why these organizations had internal problems. The MIR split: one part continued to advocate armed struggle and in turn split into the "Historic MIR" and the "Military Commission MIR"; the other group, called "MIR Renewal," entered political life. It joined the United Left in 1987 and ran candidates in the parliamentary election [December 14, 1989].

After having justified all kinds of actions that had been undertaken and providing a twofold theoretical basis for them (overthrowing the military government and preparing to change the social system), the Manuel Rodríguez Patriotic Front was also divided. The "Autonomous Front" emerged as the stronger faction. The FPMR generally rejected the means used by the opposition because they seemed doomed to failure. When the new government came in, it took more concrete actions, and tried to attack people who had been part of the previous regime. The assassination attempt against General Leigh is attributed to the FPMR.

We should note that there has been a good deal of discussion on connections between the FPMR and the Communist party. Actually neither organization has acknowledged that there is any tie or that one has authority over the other-nor have they expressly disavowed it. Recent events indicate that the two are distinct, since the Communist party accepted the opposition's decisions on the plebiscite and the presidential and parliamentary election. It is the "autonomous" faction that refuses to accept this point; the other faction agrees with the party, and there are some reports that activists from this sector of the FPMR have joined or rejoined the party.

The spirit of revolutionary violence is not extinguished, however. In 1990 the MAPU, which also advocates revolution, took on a new vitality. It works with young people and has made violent attacks on banks, Mormon church properties, members of the armed forces, stores, and so forth. The recent killing of two police is attributed to MAPU-Lautaro.

What currently constitutes the problem of "political prisoners," as they are conventionally called, is the fact that they are accused of the crimes described in this section. These are serious actions, some even leading to death, resulting from the use of weapons, bombs, and the like. The political factor was at work in all of them, although the law does not use that category to define these actions as crimes.

The situation is very complex since those who are on trial or who have been sentenced for such crimes make three arguments on their own behalf: the right to rebel, which they claim is the reason that they have launched their strategy of armed struggle; the fact that elementary norms of due process were not observed in their own trials; and the claim that they have been punished

unjustly, either because they are innocent or because the punishment is excessive. Hence, when the question of how to solve the problem is discussed, political positions are continually clashing. While some regard the military regime's human rights violations as justified because it was necessary to invoke the right to rebellion in order to overcome the previous crisis, likewise those who allegedly broke the laws of that regime believe they are innocent, because they are being oppressed by a dictatorial society.

The matter should be handled by the proper agencies within the Chilean democratic system. This Commission can only say that beyond those humanitarian considerations that would urge rapid solutions while not impairing the essence of the law, in principle such thinking should not focus one-sidedly on how the rights of the individual relate to the rights of society. All those who believed they could take another person's life in the difficult situations that we Chileans have experienced during these years must understand that they were mistaken. If, instead of holding onto criteria that violate the rights of each human being, they were to grasp the depth of the individual and collective suffering of so many people, we could perhaps hope that the truth might lead to justice and to a way of life proper to a truly human society.

The Commission has judged that the fatal incidents narrated in the next section constituted grave human rights violations during this period.

2. Cases

On April 23, 1979, Luis Francisco CAREVIC CUBILLOS, 26, an army lieutenant and a member of the CNI (National Center for Information), was killed. That day the CNI anti-bomb unit was advised that a suspicious package had been placed near the Santa Maria CNI headquarters. Lieutenant Carevic led the operational group that went to the site. When they arrived they found that it was indeed a bomb. The timing device indicated that it was going to explode in a few seconds. In order to avoid as much damage as possible, it was decided that it should be thrown into the Mapocho River. However, the bomb also had another mechanism that would set it off if it were moved. It went off, and Lieutenant Carevic was killed on the spot. Since he suffered a violent death as the result of a bomb that had been placed for the purpose of doing damage and creating public alarm, this Commission has come to the conviction that Lieutenant Carevic Cubillos was killed by a terrorist action that violated his human rights which was committed by private citizens for political reasons.

On June 21, 1979, Nicomedes INOSTROZA MOLINA, 42, a police first sergeant who was assigned to the Eleventh station in Santiago, was killed. At about 8:00 a.m. near the Lo Valledor slaughterhouse in Santiago, Sergeant Inostroza, who was in charge of police van Z-757, and his assistant tried to halt a pickup truck driven by MIR members that looked suspicious to them. The car sped away, and they began to chase it. The suspects abandoned their pickup, and the police officers followed them on foot. The police and those they were pursuing fired their weapons. Sergeant Inostroza was killed by a "perforating bullet to the chest, lungs and aorta," fired by MIR members. The facts gathered indicate that he was fulfilling his normal duties, and that in the course of doing so he began to follow suspects, and in that pursuit MIR members shot him to death. This Commission has come to the conviction that First Sergeant Nicomedes Inostroza was killed as the result of a human rights violation committed by MIR members.

On November 24, 1979, Bruno Orlando BURDILES VARGAS, 33, a police first corporal, was killed. That day he was guarding a truck whose crew was carrying valuables from the Banco de Concepción. When they arrived at the Agas supermarket at the corner of Calle Manquehue and Isabel La Católica in Santiago, an armed group attacked them. First Corporal Burdiles was in the back of the truck and was hit by two bullets and died. A second police corporal was also wounded.

The evidence gathered makes it possible to conclude that:

- * he was killed while carrying out duties proper to his agency;
- * he was killed in the attack by armed groups who were trying to seize the money being transported;
- * although it had obvious similarities to common crime, in view of the way it took place, the kind of organization displayed, and the weapons used, it is reasonable to regard this action as politically motivated.

Bearing in mind that he was killed while repelling an attack by a group that was committing crimes for political purposes, the Commission has come to the conviction that First Corporal Bruno Burdiles died a victim of a human rights violation.

On March 24, 1980, Orlando José SAEZ PEREZ, 10, a fifth grade student at School E-148 in Quinta Buin, was killed. He was returning from school together with his sister and an aunt. When they came near the La Pincoya checkpoint, he found a package in a string bag hanging from a tree and was especially intrigued by the clock inside. When young Saez opened the package the bomb went off. He died a few hours later at the

Neurosurgery Institute of the damage caused to his limbs by the bomb's impact, as the autopsy report indicated. The evidence makes it possible to conclude that he was killed as the result of the explosion of a bomb placed intentionally so that any passer-by would set it off by picking it up. The Commission has come to the conviction that Orlando José Sáez died a victim of a grave human rights violation, when a bomb placed on a public thoroughfare by politically motivated terrorists exploded on him.

In Valparaíso on April 19, 1980, Domingo Antonio ROCHA ROCHA, 59 and Rodolfo Hernán PINTO, 49, both of whom were working in the Minimum Employment Plan, were killed. They were killed by the explosion of a bomb that terrorists had placed at the provincial capital building in Valparaíso where there were always many people coming and going. Having verified these facts, this Commission has come to the conviction that Domingo Antonio Rocha and Rodolfo Hernán Pinto suffered a violation of their basic human rights committed by unknown people who were politically motivated.

On April 29, 1980, Heriberto Hernán NOVOA ESCOBAR, 21, a policeman, was killed. That morning officer Novoa was on duty at Cerro Santa Lucía guarding the "flame of freedom." A group, presumably composed of MIR members, shot and killed him. They then stole his weapon. Since he was on duty and the attack on him was clearly politically motivated, this Commission holds the conviction that policeman Heriberto Novoa was killed by a terrorist act committed by politically motivated private citizens who violated his right to life.

On July 15, 1980, army Lieutenant Colonel Roger Juan de Dios VERGARA CAMPOS, 43, the head of the army intelligence school, was killed in an ambush set by MIR activists. At the corner of Calles Puyehue and Manuel Montt in the Providencia district in Santiago, a taxi cut in front of his car, forcing his driver to slow down. At that moment a pickup truck pulled up to Vergara's car and two individuals in the back began shooting at him and his driver. Lieutenant Colonel Vergara was taken toward the military hospital but died on the way. His driver was seriously wounded. The evidence gathered makes it possible to conclude that the action was planned and carried out in such a way as to kill him and assure that the perpetrators could escape. The Commission has come to the conviction that Lieutenant Colonel Roger Vergara was killed by MIR members in an action that constituted a human rights violation.

On December 16, 1980, Manuel ESPINOZA BRAVO, 52, was killed. He was killed when MIR members robbed a branch of the Banco de Chile on Avenida Pedro Aguirre Cerda in Santiago. When Espinoza, who was guarding cars, became aware of the robbery he tried to run and tell the police, and was shot by one of the robbers. This Commission has come

to the conviction that Manuel Espinoza Bravo was killed by MIR members in an action that gravely violated human rights.

On December 30, 1980, at about 2:30 p.m. three banks were robbed on Avenida Irarrázaval in Santiago (the banks of Concepción, Chile, and Talca). Two police officers from the Eighteenth station in Ñuñoa were killed:

Washington GODOY PALMA, 31, a police first corporal, and

Daniel Alberto LEIVA GONZALEZ, 27, a police second corporal.

This operation involved many people, and entailed elaborate tactics, even the use of police uniforms. The robberies took place simultaneously. These two police officers were among those who came to provide protection. The bank robbers shot and killed them.

Since these two police officers were killed as they were carrying out their duty to protect public order, and since the bank robbery was an action carried out by a politically motivated armed group, this Commission has come to the conviction that the human rights of First Corporal Washington Godoy and Second Corporal Daniel Alberto Leiva were violated by a politically motivated armed group that killed them.

On November 18, 1981, three members of the investigative police who were assigned to the Eleventh station of the investigative police in Las Condes, were killed:

Héctor Hugo HENRIQUEZ ALISTE, 28, an inspector;

Ricardo REYES URRRA, 21, a detective;

Sergio Leonel OSBEN CUEVAS, 25, a driver.

These three officers were in a police car patrolling Calle Eliodoro Yáñez in the Providencia district and were passing by the house of the head of the presidential general staff when an armed group attacked them. Since they were carrying out their normal duties and were killed in an ambush which was obviously intended to have a political impact, this Commission has come to the conviction that Inspector Héctor Henríquez, Detective Ricardo Reyes, and driver Sergio Osben were killed by an armed group operating for political reasons and that this action gravely violated their human rights.

On July 6, 1981, Carlos Enrique TAPIA BARRAZA, 60, a subofficer major (ret.) in the army who worked for the CNI, was killed when he was shot

by unknown people as he was leaving his house on Calle Anoca, Villa La Unión, San Miguel. Since he belonged to the CNI, and since similar things were happening during this period, it can be concluded that this attack was politically motivated. This Commission has come to the conviction that the human rights of Carlos Enrique Tapia were violated by private citizens who killed him for political reasons.

On September 19, 1981, Victor Manuel NAHUEL PAN SILVA, 19, a conscript, was killed when he was accidentally hit by a burst of machine gun fire in the course of an anti-guerrilla operation in Neltume in the Tenth Region. The evidence it has obtained enables this Commission to come to the conviction that Víctor Manuel Nahuelpan, a conscript, died as a result of the situation of political violence prevailing in that time and place.

On August 30, 1983, at the intersection of Calle Cordillera and Avenida Apoquindo in Santiago at about 9:00 a.m. the intendant of the Metropolitan Region, Major General Carol Urzúa Ibáñez (ret.), was attacked. The general and two of his bodyguards were killed. Their names were:

Carol Miguel Angel URZUA IBAÑEZ, 57, army major general (ret.), who was intendant of the Metropolitan Region:

Carlos Manuel RIVEROS BEQUIARELLI, 30, an army first corporal who belonged to the armored cavalry and had been assigned to the CNI; and

José Domingo AGUAYO FRANCO, 34, an army second corporal who belonged to the transportation service and was assigned to the CNI.

As Major General Urzúa (ret.) and his bodyguards left his house on Calle La Cordillera that day and came to the corner of Avenida Apoquindo they were attacked by a group of individuals who were pretending to be fixing a stalled car and others who had taken positions in the area. General Urzúa's car was caught in a crossfire and was hit by 62 bullets. Major General Urzúa (ret.) was hit five times and died on the spot. The two bodyguards were also hit by a number of bullets and also died on the spot. The testimony from witnesses that this Commission has received along with other evidence examined has enabled it to declare that a group of MIR activists was responsible for this action. On the basis of the evidence it can be concluded that this was a surprise terrorist attack in which the victims had no chance to defend themselves. The Commission holds the conviction that Major General Carol Urzúa, First Corporal Carlos Manuel Riveros, and Second Corporal José Domingo Aguayo died victims of human rights violations committed by MIR activists.

On September 11, 1983, Pedro Efraín SALAS LINEROS, 33, a police second sergeant who was assigned to the Fifth station in Conchalí, was killed. While Second Sergeant Salas was standing guard at the house of an appeals court judge, two armed individuals shot at him with intention to kill, leaving him gravely wounded; they then took his gun and ran away. He managed to radio to the police station for help. He was taken to the José Joaquín Aguirre Hospital and died there of his wounds. The autopsy report concluded that he was hit by four bullets, and that the cause of death was abdominal and spinomedular trauma aggravated by a peritonitis which was ultimately the cause of death. This information indicates that the perpetrators took him by surprise and shot him at close range, and therefore he had no chance to defend himself. The Commission came to the conviction that police Second Sergeant Pedro Efraín Salas was killed by politically motivated private citizens and that their actions were a violation of his fundamental rights.

On October 13, 1983, Juan Angel CACERES OPAZA, 31, a police second corporal who was assigned to the Third station in Santiago, was killed. At dawn that day he was standing guard at the police apartment building on Calle Herrera between Rosas and Santo Domingo. Individuals who were passing by suddenly opened fire on Cáceres. They took away his weapon and his radio equipment, and ran away. Cáceres was already near death as he was being taken toward Emergency Clinic No. 3 of the public health system, and he died along the way. Eyewitnesses observed that on their way to a waiting car the three individuals threw miguelitos [homemade wire devices for puncturing tires] on the road to prevent them from being pursued. The autopsy report concluded that the cause of death was cranioencephalic, cervical, thoracic, and spinomedular trauma from bullets. Since it has been established that this subofficer was on duty and that the perpetrators attacked him by surprise, the Commission was able to come to the conviction that police Second Corporal Juan Angel Cáceres was killed by politically motivated private citizens who violated his human rights.

On November 5, 1983, Héctor Arturo FUENTEALBA ASCENCIO, 28, a police first corporal who was assigned to police general headquarters where he worked as a radio operator, was killed. That day while Corporal Fuentealba was at the intersection of Pasajes Argentina and Bizancio in the Maipú district on his way to work, an unidentified civilian who was in the company of another shot at him. They then took his gun and ran away. Gravely wounded, he was taken by ambulance to the main medical center and died that same day. The autopsy report says that the cause of death was damage from perforating bullet wounds to the chest and abdomen and to the left arm, and that he was hit four times. Witnesses say that he was shot point blank and had no chance to

defend himself. The Commission has come to the conviction that the human rights of First Corporal Héctor Arturo Fuentealba were violated by the politically motivated private citizens who killed him.

On November 15, 1983, José Miguel JORQUERA GALVEZ, 26, a policeman assigned to the Petorca police station, was killed. That morning he was travelling as a guard with two social security employees from Quillota who were carrying a shipment of money. When they came to the La Grupa Tunnel, MIR members in a car cut in front of their vehicle and stopped it. After taking four million pesos, they shot this policeman. He died that night in the Cabildo Hospital. His killers took his weapon and the government vehicle. The death certificate says that the cause of death was a bullet wound that destroyed his brain. The Commission has come to the conviction that police officer José Miguel Jorquera was killed by MIR activists in an action that violated his right to life.

On December 28, 1983 Francisco Javier PEREZ BRITO, 27, a policeman who was working as a courier for the central district's Twenty-first station, was killed. That day he was going to leave correspondence at the western prefecture in Santiago. As he got off the bus at the corner of Calles Teniente Cruz and General Bonilla, two individuals ambushed him. They shot him in the back and left him dying. They took his weapon and ran away. He died at the police hospital.

Fifteen hours later Manuel Jesús VALENZUELA LOYOLA, 45, a police second sergeant who was assigned to the Third station in Santiago, was also killed. While Sergeant Valenzuela and another policeman were guarding the police neighborhood on Calle Herrera between Rosas and Santo Domingo, unidentified individuals attacked him. Although they managed to repel the attack, this subofficer was left mortally wounded, and he died early the next morning at the police hospital. His colleague was also wounded. Another policeman had been killed at this same spot two months before. The autopsy report on policeman Pérez Brito concluded that the cause of death was abdominal and thoracic trauma from bullets. The autopsy report on Valenzuela Loyola came to the same conclusion. Since these two policemen were on duty and in both cases the perpetrators made sneak attacks, this Commission has come to the conviction that police officer Francisco Javier Pérez and police Second Sergeant Manuel Jesús Valenzuela were killed by political motivated private citizens who violated their human rights.

On March 30, 1984, Pedro Lorenzo NUÑEZ ENRIQUEZ, 27, a police second corporal, was killed. That night at the corner of Calle Carmen and Avenida Bernardo O'Higgins in Santiago a bomb exploded under a special forces prefecture bus which was taking police back to their headquarters. The bomb was activated by remote control and destroyed

the vehicle. Several of the passengers were wounded, including Second Corporal Pedro Núñez, who died a few hours later at the intensive care unit of the Central Emergency Clinic. The autopsy report says that he died of extensive trauma from an explosive device. Evidence examined makes it possible to state that this was an intentional attack on the Chilean Police, and that the circumstances were such that those attacked had no chance to defend themselves. This Commission has come to the conviction that Second Corporal Pedro Núñez was killed by politically motivated private citizens who violated his human rights.

On April 16, 1984, Carlos Enrique MEZA TORRES, 32, an army first sergeant who was assigned to the maintenance and general logistics battalion in the Cerro Navia district, was killed in an attack. Very early that morning, he was guarding the towers holding up the high voltage lines at the Endesa substation in the Cerro Navia district. Seeing suspicious individuals, he approached them and ordered them to stop. They ran away shooting back, and one of the bullets hit Sergeant Meza. He died as he was receiving care at the Central Emergency Clinic in Santiago. The autopsy report concluded that the cause of death was "abdominal and thoracic trauma from perforating bullet wounds." In view of the evidence presented and since the patrol was attacked while it was carrying out its duties, the Commission has come to the conviction that army First Sergeant Carlos Meza was killed by politically motivated private citizens who violated his human rights.

On May 6, 1984, José Isaías ALVAREZ MONDACA, 24, a policeman who was on duty at the western precinct of Santiago, lost his life. At sundown on May 4, when a group of individuals broke into the Baratísimo supermarket in the Pudahuel district intending to take merchandise, an operational group from the western precinct including Alvarez went to the supermarket. As they arrived on the scene they were met with gunfire, and he was gravely wounded. He died two days later at the police hospital of the grave head wounds he had sustained. The death certificate states that the exact cause of death was, "cranial encephalic trauma from bullets." Since it has been established that he was carrying out his duties, this Commission has come to the conviction that police officer José Alvarez died a victim of political violence.

On June 21, 1984, Juan Francisco AVILA GARAY, 32, conductor's assistant at the state railroad company, was killed. A group of about fifteen or twenty members of the Manuel Rodríguez Patriotic Front halted the express train to Linares for purposes of political propaganda. When Avila Garay tried to seize the weapon from one of the attackers, another fatally wounded him. During this action they hung banners, passed out flyers, and read a statement about their organization's anniversary. The same organization carried out a similar action in the city of Valparaíso.

The autopsy report concluded that Avila died of thoracic, abdominal, and spinomedular trauma from perforating bullets and acute loss of blood. The evidence presented makes it unquestionably clear that this sneak attack was politically motivated and that Avila was unable to defend himself. The Commission has come to the conviction that Juan Francisco Avila Garay was killed by members of the Manuel Rodríguez Patriotic Front who violated his human rights.

On July 27, 1984, Julio Alberto ALLENDE OVALLE, 24, a Chilean police sublieutenant, was killed. That night Allende, who was in charge of an operational section made up of personnel from the Twenty-sixth station in Pudahuel, went to clear obstacles left by demonstrators at the intersection of Calles Mapocho and Huelén. As he arrived, individuals who had taken positions on a wall shot at him. He was hit by a bullet to the head and died shortly thereafter at the police hospital. The autopsy report said that the cause of death was cranial encephalic trauma from a perforating bullet wound. He was killed after a day of protest or a general strike in Pudahuel. The Commission has come to the conviction that police Sublieutenant Julio Allende was killed by politically motivated private citizens who violated his human rights.

On September 5, 1984, Julio Enrique BRIONES RAYO, 27, an army lieutenant and head of the CNI in the Third Region, was killed. Early in the afternoon as a demonstration was taking place inside the University of Atacama in the city of Copiapó, the rector asked for help from government forces. Police arrived first, followed by soldiers and members of the CNI. Uniformed troops fired many shots. Briones was at the back of the campus, as the CNI itself acknowledged. While there he was hit in the chest region and suffered a mortal wound. He was immediately taken to the emergency ward of the regional hospital and died on the operating table. A university student was also killed. The autopsy report stated that the most probable cause of his death was a "perforating wound to the right arm and acute post-hemorrhage blood loss." The Commission came to the conviction that army Lieutenant Julio Briones was killed in political violence; the shots that killed him may have been from government agents.

On November 2, 1984, a police bus was attacked on Route 68 while it was taking police to cover the Vuelta Ciclística a Chile [national bicycle race]. Four police officers were killed:

Uldaricio ARAVENA SANHUEZA, 43, a police subofficer;

Hugo Armando TOLEDO TREJO, 37, a police first corporal;

Angel Manuel SAZO CASTILLO, 22, a police second corporal; and

Patricio DELGADO VERGARA, 24, a police second corporal.

All belonged to the operational section of the Seventh station of special forces in Valparaíso. While they were on their way to the race, at kilometer 115 on Route 68 at a place called La Planchada, the bus carrying them was attacked with a Vietnamese-type bomb. They were killed instantaneously in the explosion. Since this was a planned sneak attack and these people were utterly defenseless, this Commission has come to the conviction that Subofficer Uldaricio Aravena, First Corporal Hugo Toledo, Second Corporal Angel Manuel Sazo and Second Corporal Patricio Vergara were killed by politically motivated private citizens who violated their human rights.

On November 4, 1984, the Tenth station in La Cisterna was attacked, and two policemen were killed: Elvis Manuel ARAVENA CACERES, 21, and José Gustavo ERICES FICA, 26. That night while they were on guard, the police station suddenly came under attack by unknown people who were using automatic weapons and grenades. A grenade explosion wounded Erices and Aravena. They died of their wounds while they were being treated at the Ramón Barros Luco Hospital. The autopsy report on Aravena Cáceres concludes that the cause of death was "thoraco-abdominal trauma from a perforating bullet wound," and that of Erices Fica was "thoraco-pulmonary trauma from a penetrating bullet wound and acute loss of blood." The evidence put forward reveals that the intention was to attack the Chilean Police. The Commission has come to the conviction that Elvis Aravena and José Erices suffered a human rights violation since they were killed in an attack on their lives by politically motivated private citizens.

On November 22, 1984, Hugo Alberto FAUNDEZ HULIN, 29, a first corporal in the Chilean Navy, was killed. That day at about midnight, unknown people shot at him while he was guarding high voltage power lines in the area of Puente Perales in the city of Talcahuano. He died of those wounds shortly thereafter while being treated at the naval hospital. An FAL rifle was found at the site. Presumably it had been used by the attacker who dropped it as he was running away wounded when other troops on guard duty responded to the attack. The cause of death according to the autopsy report was a "contused heart wound caused by the fracture of the sternum inflicted by two gunshot wounds." Since it is established that the attack took place while the subofficer was carrying out his responsibilities, and since it can reasonably be assumed that the perpetrators were politically motivated, the Commission has come to the conviction that the killing of navy First Corporal Hugo Faúndez was a human rights violation.

On December 6, 1984, Jose Guillermo HERRERA SERRANO, 26, a police first corporal who was assigned to the Santa Adriana police station, was killed. Corporal Herrera was spending the night at the barracks when heavily armed individuals attacked the building. Those on duty repelled the attack. This subofficer was hit by bullets, and he died of those wounds when he was taken to the Barros Luco Hospital. Other police officers were also wounded. The autopsy report concludes that the cause of death was "thoracic, dorsal, spinomedular, abdominal, and right arm traumas from bullets." The evidence examined makes it possible to state that the attack was directed at the Chilean Police. The pattern of similar events leads to the presumption that this attack was part of a planned series of attacks. The Commission came to the conviction that police First Corporal José Herrera died a victim of a human rights violation, since he was killed in an attack carried out by politically motivated private citizens.

On March 26, 1985, René Osvaldo LARA ARRIAGADA, 32, a navy second sergeant, and Alejandro del Carmen AVENDAÑO SANCHEZ, 41, an army subofficer, were killed by a bomb explosion in Concepción. Programming on National Television was interrupted that evening with political statements broadcast by the underground Radio Liberación. The broadcast was found to be coming from a hotel in the city, and the radio equipment was found there. As police and security agents were examining it, a bomb went off and instantly killed Avendaño and gravely wounded Lara, who died a few hours later at the regional hospital in Concepción. Two other subofficers and a police officer were also wounded. The autopsies on both of them concluded that the precise cause of death was the extensive damage done by the bomb. Since it has been established that they were carrying out their duties, and that the action was clearly politically motivated, the Commission has come to the conviction that the killing of navy Second Sergeant René Lara and army Subofficer Alejandro Avendaño were human rights violations, inasmuch as they were killed by an explosion set off by politically motivated private citizens.

On April 19, 1985, Alberto Arturo NEUMAN ADRIAZOLA, 43, a police first corporal who was assigned to the Second station in Temuco, was killed. Early that morning as he was heading toward the prison cells, a prisoner who belonged to the Manuel Rodríguez Patriotic Front shot him by surprise inflicting fatal wounds. He died moments later. The perpetrator was killed by a guard who repelled the attack. The death certificate says that the cause of death was a "bullet wound from the back of the neck through the face that perforated the rachidian canal." The evidence presented makes it possible to declare that he was carrying out his duties at a police installation, that he was shot by surprise and had no chance to defend himself, and that the perpetrator was active in the

Manuel Rodríguez Patriotic Front. Hence the Commission came to the conviction that the human rights of police First Corporal Alberto Neuman were violated since he was killed in an attack on his life by a politically motivated private citizen.

On May 25, 1985, Jessica Alejandra TOBAR MARTINEZ, 21, who did housework, died. On May 12 a bomb went off while she was in the Conchalí municipal building to arrange a time for getting married. Word of the bomb had been received in a telephone call, but it went off as the building was being evacuated. Tobar was gravely wounded and died at the José Joaquín Aguirre Hospital several days later. Since she died of the injuries she sustained in a bomb explosion, and since the bomb was placed in a crowded public place, this Commission has come to the conviction that Jessica Alejandra Tobar's right to life was violated by a terrorist act carried out by politically motivated private citizens.

On July 16, 1985, Raúl Antonio ORELLANA GUTIERREZ, 35, a police second corporal, was killed. That afternoon while Corporal Orellana was guarding the Ministry of Education, an air force officer ordered him to stop two individuals who were suspected of having put a smoke bomb in the chassis of a stolen van and left it at the corner of Calles Amunátegui and Bernardo O'Higgins. The corporal pursued them as they were escaping toward Plaza Bulnes. He was shot three times and fatally wounded. Witnesses observed these events. The autopsy report states that the cause of death was cranio-encephalic and thoraco-abdominal traumas from perforating bullet wounds. Since he was carrying out his duties, and it is reasonable to presume that the action was politically motivated, this Commission came to the conviction that Second Corporal Raúl Orellana's human rights were violated by politically motivated private citizens.

On July 19, 1985, Mario Sergio PEREZ CORREA, 48, a masseuse, was killed by a bomb explosion. Pérez Correa who worked at the thoracic hospital was driving home along Calle Merced. A car bomb was set off outside the United States consulate as he was driving by a few yards away. The bomb was inside a Volkswagen parked in front of the consulate. Pérez was killed instantly, due to "cranial, encephalic, and thoracic traumas from an explosion and partial burning of flesh." That same day there were two other similar attacks nearby. A member of the Manuel Rodríguez Patriotic Front claimed credit for them by telephone. Bearing in mind these facts, the Commission came to the conviction that the human rights of Mario Pérez were violated insofar as he died as the result of an act of terrorism carried out by members of the Manuel Rodríguez Patriotic Front.

On August 13, 1985, César Omar CHESTA MOUSSET, 26, a navy

second lieutenant, was killed. A group of specialists including this officer went to deactivate a bomb along the Peñablanca railroad line about 20 kilometers from Viña del Mar. As they were doing so, the bomb went off. Lieutenant Chesta was wounded and died on the way to the hospital in Quilpué. Other navy personnel were also injured. The autopsy report concluded that the cause of death was "multiple trauma including fracture at the base of the skull and cerebral contusion, damage to the chest with pulmonary contusion, and both hands amputated caused by an explosion at close range of some kind of explosive device." There was a series of bomb explosions that same day in Peñablanca and at the Valencia station in Quilpué. The evidence provided makes it possible to state that this officer was carrying out his assigned duties, and likewise it is reasonable to assume that these explosions were politically motivated. The Commission came to the conviction that Second Lieutenant César Chesta was a victim of a human rights violation, since he died while carrying out his duty in deactivating a bomb placed by politically motivated private citizens.

On October 26, 1985, Hugo Luis LAGOS EYZAGUIRRE, 32, a detective in the Chilean Investigative Police who was assigned to the Fifteenth Judicial station of the investigative police, was killed. That day at 7:45 p.m. he was patrolling along Avenida José Joaquín Prieto in Santiago when he asked an individual for his identification. Pretending to reach for his documents, the man took out a gun and shot Lagos point blank, killing him on the spot. Since he was carrying out his duties, and since other evidence examined makes it possible to state that the perpetrator was a member of the Manuel Rodríguez Patriotic Front, this Commission came to the conviction that the detective Hugo Lagos was killed by a member of the Manuel Rodríguez Patriotic Front who violated his human rights.

On November 11, 1985, Santiago Armando TRINCADO ROJAS, 32, a police second corporal, was killed. That day at approximately 10:00 p.m., as he was on Calle Roberto del Río in the Providencia district standing guard at the houses of high ranking police officers, two individuals attacked him and shot him at close range. He died on the spot. The perpetrators removed his police weapon and fled in a waiting pickup truck. A fellow guard was also wounded. Since it was a surprise attack leaving him no chance to defend himself, and since the perpetrators took his police weapon, the Commission came to the conviction that Second Corporal Santiago Trincado's right to life was violated by politically motivated private citizens.

On November 13, 1985, Manuel Nivaldo GONZALEZ GONZALEZ, 34, a police first corporal and an explosives expert who was assigned to the CNI in Valparaíso, was killed. That day he was patrolling the Reñaca Alto

area in Viña del Mar. Around midnight a group of unidentified individuals threw a bomb at his car. He died while receiving medical attention at the naval hospital in Valparaíso. That same day there was a series of other explosions in the city that alarmed the population. Since he was carrying out his proper responsibilities of guarding public order in that area and since a series of explosions was set off that same day, this Commission has come to the conviction that the fundamental rights of First Corporal Manuel González were violated by politically motivated private citizens.

On December 6, 1985, Patricio Hilario RODRIGUEZ NUÑEZ, 26, a policeman who was assigned to the special forces prefecture, was killed. At about 11:00 p.m. that day he was walking along Calle Sótero del Río in the La Florida district of Santiago going toward the Thirty-sixth police station to deliver some official documents. At that moment, a group of unknown armed persons attacked him, and he was hit by six bullets and died on the spot. The attackers painted slogans on the wall and stole his gun. The autopsy report stated that he died of six bullet wounds. Since the manner in which he was killed made it impossible for this policeman to defend himself, and since the perpetrators took his weapon and painted slogans on the walls, this Commission has come to the conviction that the killing of Patricio Rodríguez was a human rights violation committed by politically motivated private citizens.

On February 11, 1986, Luis Hernán RIVAL VALDES, 41, a police second sergeant who was assigned to the special forces prefecture, was killed. At about 8:00 a.m. February 5, at the intersection of Calles Eyzaguirre and Santa Rosa in the district of Santiago a bomb explosion hit the police bus in which he was riding. He suffered damage to his head and neck from which he died. Sixteen other police officers were also injured. The evidence examined makes it possible to conclude that:

- * An action like this can only be understood as an attempt to create a public disturbance;

- * Judging from the way it was carried out, it can be concluded that its perpetrators believed that violence is a way to attain political objectives;

- * The police officers were completely defenseless, and the perpetrators were acting at little risk.

In view of the evidence this commission holds the conviction that Second Sergeant Luis Rival died a victim of the violation of his fundamental rights committed by politically motivated private citizens.

On February 26, 1986, Alfonso Mauricio RIVERA LOPEZ, 30, a police

lieutenant who was assigned to the Tenth station in La Cisterna, was killed. At about 9:30 p.m., the operational group of the Tenth station under his command was trying to break up a demonstration at the corner of Avenida Central and Las Industrias in the San Miguel district. The police were attacked as they were withdrawing. The lieutenant received a bullet wound in the clavicle and died while being taken to the police hospital. The evidence gathered leads to the conclusion that:

- * He was killed while protecting public order and in a situation of anti-government political demonstrations; and

- * The fact that the shot was fired while he was leaving the area suggests that the purpose was to kill a policeman without allowing him any chance to defend himself.

The existing evidence allows this Commission to come to the conviction that the killing of Lieutenant Alfonso Rivera was a violation of his human rights committed by politically motivated private citizens.

On April 2, 1986, Simón YEVENES YEVENES, 42, who worked as a merchant and was a neighborhood leader of the Independent Democratic Union (UDI) in San Joaquín, was killed. At about 8:00 p.m. he was in his store on Villa Brasil in Santiago when an individual came in and shot him at close range with an automatic weapon. He was wounded in the head and neck and was killed on the spot. Another armed individual stood outside to guard the location. This information has come from statements by witnesses and from newspaper reports. In the judicial process it was established that the perpetrators belonged to the Manuel Rodríguez Patriotic Front, because the weapons used were the same as those subsequently used in an attack on the Lautaro bakery. People have been brought to justice for these actions. The Commission came to the conviction that Simón Yévenes was killed in a violation of his human rights committed by members of the Manuel Rodríguez Patriotic Front who were politically motivated.

On April 28, 1986, Miguel Antonio VASQUEZ TOBAR, 21, a policeman, was killed. He was assigned to the Lo Lillo substation. At about 8:00 a.m. that day in the La Cisterna district in Santiago members of the Manuel Rodríguez Patriotic Front (FPMR) attacked the Lautaro bakery. The police were alerted and came to the scene. Officer Vásquez Tobar was hit by a bullet as he was getting out of the car and was killed instantly. Two of his fellow police were also injured, and one of the attackers from the Manuel Rodríguez Patriotic Front was killed. The evidence examined makes it clear that

- * This police officer was carrying out his duties when this occurred;

and

* Given the organization to which the attackers belonged and what they were trying to do, the action obviously had a political content.

The foregoing has enabled this Commission to come to the conviction that police officer Miguel Vásquez died of a human rights violation committed by activists of the Manuel Rodríguez Patriotic Front in a politically motivated action.

On July 16, 1986, Jorge Sergio CAMPOS FARDILLA, 50, the sales manager at the Carozzi company, was killed. At about 7:00 a.m. that day, as he was riding the metro to work a bomb left in one of the cars by unknown persons went off. Campos Fardilla died of the injuries he sustained. It has not been possible to identify who was responsible for the explosion nor to determine whether they belonged to some movement of this nature. Six other people were injured in the same incident. Since the deed can be regarded as a terrorist act inasmuch as it was intended to bring about human loss and create public disturbance, the Commission has judged that Jorge Campos was killed in a violation of his fundamental rights committed by politically motivated private citizens whom it has not been possible to identify.

On August 29, 1986, Francisco Ramiro GUZMAN MUÑOZ, 45, a bus driver on the Santiago-Puente Alto route, was killed. At about 10:00 p.m. that day in the city of Puente Alto, a group of people attacked the bus he was driving, and threw gasoline on it to set it on fire. He tried to stop them, and so they shot and killed him on the spot. Two passengers were also wounded. The attackers fled without achieving their objective. Since movements whose political objective was to create disturbance and public alarm were frequently committing actions like this and since Guzmán tried to prevent them from burning the bus which was his only source of work, the Commission has come to the conviction that the human rights of Francisco Guzmán were violated and that he was killed in a terrorist action committed by politically motivated private citizens.

On September 7, 1986, the following were killed at Cajón del Maipo:

Roberto Segundo ROSALES MARTINEZ, 25, an army second corporal who belonged to the infantry;

Miguel Angel GUERRERO GUZMAN, 29, an army first corporal who belonged to the infantry;

Cardenio HERNANDEZ CUBILLOS, 32, an army first corporal who worked as a driver in the transportation service;

Gerardo REBOLLEDO CISTERNAS, 31, an army first corporal who belonged to the infantry; and

Pablo Arturo SILVA PIZARRO, 31, a police second corporal who was part of the president's bodyguard.

That day General Augusto Pinochet Ugarte, the president of the republic and commander-in-chief of the army, was in a motorcade returning to Santiago from his mansion in El Melocotón, Cajón del Maipo. An armed group attacked the motorcade in the area of the Las Achupallas upgrade. Evidence presented to this Commission and the proofs registered in the criminal case, indicate that the perpetrators of this terrorist attack were members of the Manuel Rodríguez Patriotic Front. In their ambush they used cars to cut off the presidential motorcade in both directions and opened fire with automatic weapons, hand grenades, and LOW rockets. The result was that the five troops listed above were fatally wounded in various ways. The evidence examined by the Commission makes it possible to conclude that:

- * The action was planned and executed by members of the Manuel Rodríguez Patriotic Front, as its leaders themselves have acknowledged;

- * With this act of terrorism they hoped to have a political impact and to create a public disturbance and of course to kill the head of state and commander-in-chief of the army;

- * This was a sneak attack that allowed these men no chance to defend themselves. Hence the Commission holds the conviction that the deaths of Second Corporal Cardenio Cubillos, First Corporal Miguel Guerrero, First Corporal Gerardo Rebolledo, Second Corporal Roberto Rosales, and Second Corporal Pablo Silva was the work of Manuel Rodríguez Patriotic Front activists who were politically motivated, and it was a grave violation of their human rights.

On October 13, 1986, Fernando Iván PARRA ROLDAN, 27, a commission salesman in a private company, was killed. At about 9:00 that day as he was inside the Cosmocentro Apumanque in Santiago a bomb went off, and he was killed of thoracic and abdominal traumas. Three other persons were also killed. Witnesses have testified that he was in the building carrying out work obligations. It has not been possible to identify the perpetrators or to what group they might have belonged. This Commission regards Parra as having been killed by a bomb explosion in a shopping center frequented by many people, and hence this can be presumed to have been a terrorist action carried out

by some movement that regarded the use of violence for political objectives as legitimate. Hence this Commission has been able to come to the conviction that the death of Fernando Parra was a human rights violation by means of an act of terrorism carried out by politically motivated private citizens.

On November 18, 1986, Angel CONTRERAS GARAY, 36, who worked selling coffee on a street corner, was killed. The Commission holds evidence enabling it to conclude that on that day unknown people threw a bomb at the San Ramon branch of the Banco del Estado in Santiago. It did not go off immediately but was only emitting smoke. Contreras accordingly stepped in front of the group of people in order to protect them, and he absorbed the impact himself. As a result he suffered cervical and abdominal traumas which caused his death, according to the death certificate. The owner of a public bus company was also injured. It has not been possible to identify the perpetrators or to what group they might have belonged. The Commission came to the conviction that Miguel Angel Contreras died a victim of a violation of his right to life as the result of an act of terrorism committed by politically motivated private citizens.

On November 28, 1986, Jaime Luis SAEZ NEIRA, 31, a police lieutenant who was in command of the Santa Rosa police headquarters in Chena, was killed. The Commission holds evidence enabling it to conclude that at about 9:30 a.m. that day, on the rural road to Santa Cruz in Padre Hurtado as he was directing a group that was checking passing cars, he stopped a taxi carrying a group of individuals who had just robbed a branch bank in Peñaflores. The passengers immediately opened fire at the police, and Jaime Sáez was hit twice and died as he was being taken for treatment. Evidence furnished to the Commission made it possible to determine that the perpetrators were MIR activists. Two of the attackers were killed in this clash. Another police officer was gravely injured. With the evidence it has in hand the Commission concluded that it could come to the conviction that the human rights of police Lieutenant Jaime Sáez were violated by MIR members who were politically motivated.

On December 29, 1986, Rosa RIVERA FIERRO, 37, a domestic servant, died. On November 5, at 9:40 p.m., she was travelling on a bus in Viña del Mar when a group of hooded subversives attacked and threw firebombs into it. Rosa Rivera suffered burns on thirty percent of her body. The burns led to her death on December 29. She was pregnant when the bus was attacked. Two other people were also injured less seriously. The Commission came to the conviction that Rosa Rivera Fierro's human rights were violated in an act of terrorism committed by politically motivated private citizens.

On March 6, 1987, Eduardo Harold TAMAYO MEDINA, 21, a police sublieutenant who was assigned to the First police station in Concepción, was killed. At about 9:00 a.m. the police received a telephone call advising that a MIR banner had been put up in the Laguna Redonda area in Concepción. Tamayo went there and removed the flag and other things that had been left near it. A bomb placed in the area went off. The explosion gravely injured him, and he died while being treated at the regional hospital clinic. The police officer with him was also wounded, but only moderately. The evidence examined makes it possible to conclude that:

- * The purpose of placing the bomb was to kill those who might try to remove it

- * This was an act of terrorism intended to cause disturbance and public alarm;

- * The police were carrying out their proper duties, and their action prevented other people from suffering the consequences of a bomb explosion; and

- * MIR activists were responsible for these actions.

Existing evidence has enabled this Commission to come to the conviction that Eduardo Harold Tamayo died as the result of a human rights violation committed by MIR members.

On April 13, 1987, José Eduardo CORTES VASQUEZ, 34, a guard in the investigative police who was in the process of retiring, was killed. When these events took place he was selling lamps. That night members of the Manuel Rodríguez Patriotic Front (FPMR) occupied a number of radio stations and an international news agency in various parts of the country. Three members of that subversive organization tried to transmit a manifesto over Radio Tropicana located on Pasaje Lima in the Huamachuco No. 2 shantytown in the district of Renca. The owners resisted, the FPMR members withdrew without completing their mission. As they were doing so they ran into Cortés, who heard the woman who owned the station shouting for help and tried to stop them. They reacted by shooting him in the chest, as indicated on the autopsy.

The Commission took the following facts into consideration:

- * He was killed as he was trying to help a person whose radio station was being attacked, as witnesses have testified; and

- * The evidence makes it possible to state that the action was carried

out by activists of the Manuel Rodríguez Patriotic Front (FPMR), as was reported in the media.

On these grounds, the Commission came to the conviction that the human rights of Jorge Cortés were violated by members of the Manuel Rodríguez Patriotic Front.

On August 3, 1987, Jesús RODRIGUEZ MUÑOZ, 26, a detective who was assigned to the Fourteenth station of the investigative police in La Cisterna was killed. That day Detective Rodríguez Muñoz was engaged in a preventive patrol near the corner of Avenida Las Industrias and Departamental, in the La Cisterna district. He had been called there to investigate a gas station robbery. When he and two other detectives arrived in the patrol car they tried to question three suspects, who shot at them with automatic weapons and left Rodríguez gravely wounded. He died shortly afterwards at the Barros Luco Hospital, as indicated on the death certificate. On the basis of the evidence examined, the Commission concluded that:

- * He was carrying out his assigned duties when this occurred;

- * Those who shot him belonged to the Manuel Rodríguez Patriotic Front (FPMR).

The Commission came to the conviction that the human rights of Detective Jesus Rodríguez were violated by members of the Manuel Rodríguez Patriotic Front (FPMR).

On September 11, 1987, an explosion damaged a police truck, and two police were killed. Their names are:

Ramón Ignacio BAHAMONDES ELGUETA, 28, a second corporal who was driving the truck and who was also assigned to the second shift of radio patrol cars in the area of the Twelfth station in San Miguel; and

Mario MARTINEZ VARGAS, 48, a first sergeant who was leading the patrol and was assigned to the third shift of radio patrol cars in the area of the Twelfth station in San Miguel.

That night police van number Z-404 was on its way to take care of a police matter. Many incidents connected to the anniversary of September 11, 1973 were taking place that day, especially in the southern area of Santiago. In that overall context, a bomb placed by subversives blew up the police vehicle. According to the autopsy report, Sergeant Martínez died of multiple damage to the head and neck as he was being taken to the police hospital. Corporal Bahamondes died a few minutes later in

the hospital. Evidence examined indicates that:

- * The police officers killed were carrying out their proper duties; and

- * The action had a clear political significance both because it happened on a day when similar things were happening elsewhere, and because it was a planned attack on members of the police.

After evaluating the evidence the Commission has come to the conviction that police Second Corporal Ramón Bahamondes and First Sergeant Mario Martínez were victims of a human rights violation carried out by politically motivated private citizens. This Commission could not obtain evidence that would have enabled it to identify the group responsible.

On January 20, 1988, Berta Rosa PARDO MUÑOZ, 65, who was living off a navy pension, was killed when an explosive device went off in Valparaíso. The Commission holds evidence indicating that on that afternoon she was waiting for treatment in the waiting room of the medical center for members of the armed forces and their dependents. At that moment a bomb placed under a chair by unknown subversives blew up and killed her instantly. The cause of death was damage to the abdomen and lower extremities, as indicated on the death certificate. The Commission came to the conviction that the human rights of Berta Pardo were violated in an act of terrorism by politically motivated private citizens.

On January 26, 1988, in the La Cisterna district, Julio Eladio BENIMELLI RUZ, 42, a police major who was head of the police special operations group, was killed by an explosive device. Major Julio Benimelli and other police officers went to a house in the area of La Cisterna to respond to a complaint by the owners that there were explosives inside. While he and the other officers and the owners were inside, a combination of approximately seven explosive devices went off in the house. Major Benimelli died as a result of multiple injuries sustained in the explosions as the autopsy report indicates. The evidence gathered reveals that:

- * The kind of attack and the use of explosives against government forces can only be explained as the work of an armed group intent on having a political impact;

- * An armed group in opposition to the military government justified the action as an execution of Benemelli. The Commission was unable to confirm this account, and hence it did not come to a conviction about the identity of the perpetrators.

The Commission came to the conviction that the fundamental rights of Major Julio Benimelli were violated by politically motivated private citizens.

On April 12, 1988, Samuel Esteban LOPEZ CONTRERAS, 23, who was assigned to the Seventh police station in Renca, was deliberately killed in that district. That morning Samuel López was standing guard with another policeman at a piece of land that had been occupied at the corner of General Velásquez and Arturo Prat in the Renca district. A short woman came along and drew near to the police. Two men approached from another corner of the property. The woman suddenly drew a pistol from her purse and ordered the other two to fire. They did so and caught the police by surprise. Witnesses say the police had been talking with two children and when the shooting began they sought to take cover and shoot back. Officer López tried to protect the children, but he was hit by a bullet and fell to the ground, as one of the children later told the newspaper. The other officer managed to find cover, and fire back, but he was also wounded. The armed group finally fled in a stolen taxi. Lopez died at the J.J. Aguirre Hospital of the five bullet wounds he received, according to the autopsy report. Hence, this Commission has come to the conviction that the human rights of police officer Samuel López were violated in an act of terrorism carried out by politically motivated subversives.

On April 29, 1988, Juan de Dios HORMAZABAL NUÑEZ, 40, a police second sergeant who was assigned to the Thirtieth station (radio patrols), was attacked and killed in the Renca district. That morning he was in command of a patrol that was examining the documents of people suspected of having been involved in setting a bus on fire and causing other damage to public transportation, according to the newspapers. As he was searching two men, one drew a pistol from a bag he was carrying and shot him in the chest. Other members of the patrol shot back, but the two men managed to escape. Sergeant Hormazábal died on the spot of bullet damage to the chest, as the autopsy report indicates. The evidence gathered indicates that his death was connected to events that same morning, namely the burning of the bus which was probably politically motivated. Hence those who shot this police officer were presumably involved in that action and were operating for the same reasons. Therefore, the Commission has come to the conviction that the human rights of Second Sergeant Juan Hormazábal were violated by politically motivated private citizens.

On May 5, 1988, Armando CRUZ OLIVARES, 40, a navy first sergeant who was assigned to the CNI, was killed in the city of Viña del Mar. That afternoon he joined a CNI operational group. He and two colleagues had

the mission of following a suspect. As he was doing so, the suspect turned around and fired a sawed-off shotgun and killed him. Sergeant Cruz died of his wounds as he was being operated upon at the Reñaca Clinic, in Viña del Mar, according to a navy report. This Commission came to the conviction that the human rights of navy First Sergeant Armando Cruz were violated by a politically motivated private citizen.

On May 20, 1988, Carlos Arturo GONZALEZ VALENZUELA, 31, police second sergeant, and a musician in the national police chorus, was killed in an attack in the area around the central railroad station. Second Sergeant González was waiting for a bus at the bus stop on Avenida Pedro Aguirre Cerda at the Calle General Velásquez underpass when two men approached. One of them came up from behind and shot him in the head. The other finished him off, as eyewitnesses told the media. They then took his cap and his weapon and ran away on foot. In the attack he was shot six times, twice in the head, twice in the lower torso, and twice in the back, as the autopsy report indicates. He died on the spot. Evidence examined by the Commission indicates that:

- * The features of this action fit the typical patterns of politically motivated armed groups. The cold manner in which they operated and the victim they chose is further proof. The Commission also noted that on that same day another police officer was killed under very similar circumstances, and hence it can be presumed that this was a joint action whose purpose was to create public disturbance and also to seize a weapon.

- * González had no reasonable chance to defend himself.

This Commission came to the conviction that the human rights of Second Sergeant Carlos González were violated by politically motivated private citizens, but it cannot specify the group to which they belonged.

Also on May 20, Jaime Orlando SANDOVAL MENDOZA, 27, a police second corporal who was assigned to the Twenty-sixth station in Lo Prado, was killed at night at bus stop No. 36 on Avenida Vicuña Mackenna. At around 10:00 p.m., Second Corporal Sandoval Mendoza was off duty but in uniform and travelling in the back of a bus on the Santiago-Puente Alto route. When the bus arrived at the Plaza de Armas in Puente Alto, two young men, who according to the newspapers were carrying backpacks and were also on the bus, shot him six times. They immediately took his gun and ran away. As he was being taken to the Sótero del Río Hospital on the same bus, Sandoval died of his bullet wounds, as was established in the autopsy report. The kind of attack, the cold manner of execution characteristic of the operations of politically motivated armed subversive groups, and the fact that it coincided with

another such attack that morning makes it possible to assume that the action was politically motivated; likewise González had no reasonable chance to defend himself, since his attackers took him by surprise and at little risk to themselves. Hence this Commission came to the conviction that the human rights of police Second Corporal Jaime Sandoval were violated by politically motivated private citizens.

On June 7, 1988, Miguel Eduardo ROJAS LOBOS, 43, an army lieutenant colonel who was in the process of retiring and was working as finance manager at the Plansa factory, was attacked and killed in the San Joaquín district. He was in his car driving away from the factory, which is located at Avenida Carlos Valdovinos No. 473, when a man approached and shot him with a sawed-off shotgun and then fled in a stolen taxi, as several eyewitnesses told the press. He died of damage to the chest and acute loss of blood from bullet wounds as he was being taken to the police hospital, as the autopsy report indicates. The Commission took into account that:

- * The attack had a clear political meaning, particularly because the Manuel Rodríguez Patriotic Front (FPMR) claimed to have committed it and justified it as an "execution";

- * He had no chance to defend himself since it was a surprise attack.

On these grounds the Commission has come to the conviction that the human rights of Miguel Rojas were violated by members of the Manuel Rodríguez Patriotic Front.

On October 21, 1988, Juvenal VARGAS SEPULVEDA, 34, a police second corporal who was part of the crew at the Los Queñes checkpoint in the province of Curicó, was killed when his unit was attacked. That night members of the Manuel Rodríguez Patriotic Front (FPMR) attacked the Los Queñes checkpoint, in the Romeral district of Curicó. A woman who observed the events said that Vargas was at home when he heard the shooting. He went outside and was killed immediately in the exchange of fire as he was trying to repel the attack. After they set the police building on fire, the armed group conducted propaganda actions, as witnesses later told the press. Vargas died of his wounds shortly thereafter. The cause of death was acute loss of blood caused by an abdominal wound with complications, as stated in the death certificate. The evidence examined indicates that:

- * The attack on the checkpoint was an operation of the FPMR aimed at creating a public disturbance and displaying military capacity vis-à-vis the government at that time. The front's claim to have carried out this action was issued publicly and was not denied. The Commission has

evidence on the identity of the group members since they were later captured and their responsibility could be confirmed;

* The attack was by surprise with the advantages of superior numbers and the cover of night; Vargas had no reasonable possibility of escaping alive.

The Commission came to the conviction that the human rights of police Second Corporal Juvenal Vargas were violated by members of the Manuel Rodríguez Patriotic Front.

On January 5, 1989, Claudia Marcela ALBORNOZ MUQUILLAZA, 20, a housewife, died. On December 14 of the previous year, she was travelling on a bus with her husband and a little daughter. According to eyewitnesses, as they were passing Quilpué, smoke began to pour out of one of the back seats, and in a few seconds an incendiary bomb went off. The door was jammed, and the passengers tried to escape through the windows. Claudia Albornoz was stuck in one of them, and she received second and third degree burns on her extremities and part of her torso. She was taken to a hospital in Viña del Mar and then to the Central Emergency Clinic in Santiago where she died after three weeks of treatment failed to save her. Since placing a fire bomb in a bus can be regarded as an act of terrorism whose explanation can be found in a context in which similar actions were being employed for political conflict, the Commission came to the conviction that the human rights of Claudia Albornoz were violated in an act of terrorism carried out by politically motivated private citizens.

On February 8, 1989, two police officers were killed in an attack which took place in the Quilicura district. Their names are:

José Luis PIZZOLO CANALES, 27, a lieutenant who was in command at the Quilicura station;

Leonardo Antonio MARILLANCA GARATE, 29, a second corporal at that same station.

That morning Lieutenant Pizzoleo and Corporal Marillanca were patrolling in a police jeep on Calle Carampangue in the Quilicura district. When they went to check three people whom they thought looked suspicious they suddenly came under fire from a fourth person who was hidden. The other three also opened fire. They took away the officer's weapon and Corporal Marillanca's Uzi machine gun. Lieutenant Pizzoleo died of cranial, encephalic, thoracic, abdominal, and pelvic trauma from bullets, as stated on his death certificate. Corporal Marillanca died of facial, thoracic, and lumbar trauma, as his death certificate states.

Evidence examined reveals that:

* The type of action displayed by the attacking group is the kind typical of armed subversive groups who had political aims. In this connection the level of daring and coordination the attackers demonstrated is significant, as well as the fact that they took the police officers' weapons.

* This attack was by surprise and while the officers were legitimately on patrol.

The Commission came to the conviction that the human rights of Lieutenant José Pizzoleo and Second Corporal Leonardo Marillanca were violated by politically motivated private citizens.

On April 11, 1989, Juan Carlos AMAR ITURRIETA, 24, a sublieutenant who was the head of the Talca prefecture civilian commission, was attacked and killed in the city of Talca. That morning Sublieutenant Amar and two other police officers entered a video game parlor to check it. When they questioned two men-who according to evidence gathered by the Commission turned out to be members of the Manuel Rodríguez Patriotic Front-one of them drew out a weapon and fired at the three police. Two of them were gravely wounded, and Sublieutenant Amar died of a thoracic and abdominal bullet wound, as his death certificate indicates. The Commission took into consideration that:

* This police officer was engaged in legitimate work of guarding public order;

* The person who shot him belonged to the Manuel Rodríguez Patriotic Front (FPMR).

On these grounds it came to the conviction that the human rights of Sublieutenant Juan Carlos Amar Iturrieta were violated by a member of the Manuel Rodríguez Patriotic Front.

On May 18, 1989, Julio Edmundo PAVEZ ORTIZ, 34, a police second corporal who was assigned to the Thirteenth station, was attacked and killed in the La Granja district in Santiago. That day Second Corporal Pérez was walking along Calle Central toward the La Astrina police station. At that point three youths and a woman who belonged to the Lautaro Popular Rebel Forces came out from behind a street stall and opened fire on the police. Taken by surprise they were unable to fire back, and they fell dead. Their attackers took their weapons and ran away, as eyewitnesses later told the press. In the attack Corporal Pávez was hit by two bullets to the chest, as noted in the autopsy, and he died at the police hospital shortly thereafter. The evidence examined reveals

that:

* The police were attacked by surprise and could not defend themselves, and there was no reason for attempting to kill them; and

* This attack was similar to others carried out against government forces, and especially police, in order to seize weaponry. Hence the attack can be presumed to have been politically motivated. Moreover, the group mentioned above claimed credit for it in the newspaper.

The Commission came to the conviction that the human rights of Second Corporal Julio Pavez were violated by a group that belonged to the Lautaro Popular Rebel Forces.

On June 9, 1989, Roberto FUENTES MORRISON, 50, retired squadron commander of the Chilean Air Force and a former member of the Joint Command, was attacked and killed outside his home in the Ñuñoa district. At about 9 a.m. that day, he left his house in Villa Frei in Ñuñoa. He was ambushed by two members of the Manuel Rodríguez Patriotic Front. One of them was hidden among some bushes and the other was on the second floor of the building in which he lived. Both opened fire with automatic weapons and shot him down immediately. The killers fled the scene along with other members of their armed group who had been providing cover. Fuentes was hit by fourteen bullets and died instantly. Examining the evidence, the Commission concluded that:

* The attack was carried out by the FPMR on the grounds that it was an "execution," thus placing it within a logic of violent political struggle. The FPMR's involvement has been acknowledged publicly and to the Commission;

* It was a sneak attack, and Fuentes had no real opportunity to defend himself.

With the evidence it was able to gather, the Commission came to the conviction that the human rights of Roberto Fuentes Morrison were violated by members of the Manuel Rodríguez Patriotic Front.

On July 6, 1989, Carlos Jesús LAMOZA ARCE, 36, a police first corporal who was assigned to the department of drug control and criminal surveillance (OS-7), was attacked and killed in the district of Santiago. That afternoon he was off duty and in ordinary clothes at a store on Calle San Diego. Suddenly a group-presumably members of the Lautaro group-came rushing in intending to rob it. When Lamoza tried to stop them, a member of the group shot him. He was hit by five bullets, according to the autopsy report, and died on the spot. The Commission

took into consideration that:

- * He legitimately tried to prevent the armed group from stealing money;

- * The evidence leads to the presumption that the action was politically motivated.

On those grounds, the Commission came to the conviction that the fundamental rights of police First Corporal Carlos Jesús Lamoza Arce were violated by politically motivated private citizens, presumably members of the Lautaro group.

On July 10, 1989, Patricio Ruben CANIHUANTE ASTUDILLO, 26, a police second corporal who was assigned to the radio and traffic substation of the First station in Viña del Mar, was attacked and killed in that city. He was on duty outside a building in Viña del Mar where officers and subofficers of the prefecture lived. As he was heading into the building, two armed people attacked him and shot him in the head, as indicated on his death certificate, and he died shortly thereafter. In view of the evidence, the Commission concluded that:

- * He was carrying out police duties at that moment;

- * He was taken by surprise and given no real chance to defend himself, and the attack had the typical features of an execution;

- * The fact that the attack was against the police as such leads to the presumption that the motive was political.

This Commission came to the conviction that the human rights of Second Corporal Patricio Rubén Canihuante were violated by politically motivated private citizens.

On July 21, 1989, two police from the Sixth station in Santiago were killed. Their names are:

Jaime Dionésimo PARRA AGUAYO, 26, a second corporal; and

Ramón Adolfo SALAS SANHUEZA, 22, a policeman.

That morning Second Corporal Parra and officer Salas were standing guard between two banks. While they were doing so, an armed commando unit got out of a car and began firing at the police with automatic weapons. The police fell wounded. A commando member came up to them and finished them off on the ground, and then took away their weapons, their walkie-talkies, and their hats. Second

Corporal Parra was hit by seven bullets, according to his autopsy report, and officer Salas was hit six times. Both died as they were being taken to a hospital. The police have said that the perpetrators belonged to the Lautaro Popular and Rebel forces. The press said that the Lautaro Youth Movement was responsible. The Commission took into consideration that:

- * These police were engaged in a legitimate function of maintaining public order;

- * They were attacked by surprise and had no real chance to defend themselves;

- * A political motivation can be deduced from the attack itself.

On these grounds the Commission came to the conviction that the human rights of police Second Corporal Jaime Parra and officer Ramón Salas were violated by an armed group, presumably the Lautaro Youth Movement.

On August 20, 1989, Julio Roberto ZEGERS REED, 26, an army lieutenant who was assigned to the army aviation command, was killed in an attack on the airfield at Tobalaba in Santiago. At around midnight on August 20, Lieutenant Zegers and another soldier were patrolling the installations of the army aviation command. While they were doing so, they caught a group from the Manuel Rodríguez Patriotic Front (FPMR) trying to break into military property. One of them shot the officer. The enlisted man with him fired back and killed the person who had shot Zegers. Lieutenant Zegers was hit by six bullets and died on the spot, according to the autopsy report. The evidence gathered indicates that:

- * This officer was legitimately engaged in patrolling a military base, and he was killed while trying to defend the installations;

- * Several sources provide proof that the FPMR was responsible. The action itself had the characteristics of a political action since the aim of the FPMR commando unit was to take military action against an army installation.

In view of the evidence gathered, this Commission has come to the conviction that the human rights of Lieutenant Julio Zegers were violated by members of the Manuel Rodríguez Patriotic Front.

On September 29, 1989, Héctor PINCHEIRA ARMIJO, 30, a police second corporal who was assigned to the Forty-second police station (radio patrol cars), was killed in an attack that took place in the San

Miguel district. On the night of September 29, he and other police officers were travelling in a police vehicle on their way to investigate a crime report. As they were driving along Calle Angamos a pickup truck pulled in front, and several individuals began to shoot back at the police van. In the shooting, Pincheira was hit twice, according to the autopsy report. He died at the Barros Luco Hospital, as indicated on his death certificate. Another police officer and two passers-by were also wounded. The evidence examined indicates that:

- * The aim of this attack on the police was political;

- * While the police were engaged in legitimate activities to control public order, they were attacked by surprise and had no chance to defend themselves.

This Commission came to the conviction that the human rights of police Second Corporal Héctor Pincheira Armijo were violated by politically motivated private citizens.

On December 14, 1989, Patricio Adolfo CASTILLO LARA, 23, a police officer who was assigned to the La Castrina station, was attacked and killed in the La Granja district in Santiago. Presidential and parliamentary elections were being held that day. Castillo was standing guard outside school D-495 in the Joao Goulart shantytown. As he was doing so, a young man came up and shot him. Castillo fell to the ground, and the attacker seized his weapon and ran away. Many witnesses saw what happened and described it to the press. Castillo was hit by four bullets and died on the spot, as indicated in his autopsy report. Evidence gathered makes it possible to conclude that:

- * He was engaged in a legitimate activity of controlling public order on a presidential and parliamentary election day. Hence it is likely that the attack was aimed not only at a police officer but at the political significance of that particular day. Both aspects lead to the presumption that the attack was politically motivated.

- * The attack left the police officer no chance to defend himself. The Commission came to the conviction that the human rights of the police officer Patricio Adolfo Castillo Lara were violated by a politically motivated private citizen.

On February 9, 1990, Jaime Arturo GONZALEZ CALQUIN, 28, a policeman assigned to the Thirteenth station in La Granja, was killed in a gun battle in this district. That night a politically motivated commando unit attacked an investigative police unit. Members of this group later attacked the San Ramón police substation and ran away. González was

at this latter unit and set out to chase the attackers. A few blocks from the police unit the attackers and the police engaged in a gun battle. González and another policeman were wounded. A bullet hit officer González in the head, and he died at the police hospital while he was undergoing treatment. Since the attack on two police units can only be understood in the context of violent political struggle, the Commission came to the conviction that police officer Jaime Arturo González Calquín was killed in a gun battle with politically motivated private citizens.

C. People killed in mass protests and demonstrations

1. Overview

The Commission examined 141 cases in which people were killed in connection with the major political demonstrations that began in 1983. Most of these cases took place between 1983 and 1985 during the National Protests. In the course of the investigation it was clear that these people lost their lives in highly complex circumstances. Because they have common features these deaths can be distinguished from other cases presented to the Commission and can be examined as a group. First, these deaths occurred in the context of political demonstrations in which different sectors of the population were involved in a variety of ways, as were the various forces that were protecting public order. The role played by government officials and the organizers of the demonstrations must also be taken into account. Second, the overall political character of these events was not necessarily manifested in particular incidents: often those killed were not involved in a demonstration, or were government agents who were maintaining public order as part of their normal duties.

This section of the report offers an overall description of the political demonstrations and the manner in which the victims were killed. As a rule, they are presented in chronological order.

a. Mass political protests and demonstration

This report does not pretend to offer an exhaustive analysis or historical presentation of the National Protests and other demonstrations which took place during this period.

Nonetheless, some brief description would seem to be in order to make it clear why those killed under such circumstances may be regarded as victims of human rights violations or victims of political violence in a broader sense.

a.1) Anti-government forces and activities

There were no large scale expressions of anti-government opposition until 1983, when the National Protests began with organizing and demonstrating that was more or less synchronized. Large segments of the population were involved throughout the country, particularly in the larger cities.

The first National Protest was held May 11, 1983. The Confederation of Copper Workers (CTC) issued a call in the following words: "Our problem is that we need not one law more or one law less, or one sort of change or another in what now exists. It is deeper and goes to the heart of things: our problem is an economic, social, cultural, and political system that has us all bound tight and is squeezing us, one that is at odds with our peculiar character as Chileans and workers, one that has tried to strangle us with weapons like fear and repression, so as to squeeze us tighter and tighter. We have no feeling for this system; it is not in accord with our way of life, because it was imposed on us by force and deceit." The statement invited people to protest "against an economic, social, and political system that has plunged our country into the deepest crisis in its history." The document insisted that the protest had to be nonviolent, and urged the following actions: keeping children home from school, buying nothing whatsoever, banging pots inside houses at 8 p.m., and turning off lights and all electrical devices in houses and buildings for five minutes beginning at 9:30 p.m.

National Protests and other demonstrations were held from then onward. There were nationwide organizing efforts and also numerous actions whose scope was more restricted or involved particular sectors or locations. The mass demonstrations revolved around the fourteen National Protests (1983 to 1985). Broadly-based organizing and demonstrations, strikes, protest days, and stoppages continued with some frequency until the National General Strike on July 2 and 3, 1986. In the following years demonstrations were less intense and less well organized.

The first calls were issued by union organizations. Later various political movements took on that role. Those issuing the call continually shifted and regrouped throughout this period. The instructions given emphasized that discontent was to be expressed peacefully. Economic and social demands were added to the primary demand which was political: ending the present government and returning immediately to democracy. Thus, for example, in 1983 opposition political leaders urged

that there be a great national consensus around demands such as the following: voluntary resignation by the current rulers, establishing a provisional government, holding elections for a constituent assembly, an emergency economic plan, immediate restoration of social and political rights, and so forth. Observing that protests were expanding and becoming more massive that same year, and "legitimately invoking the right of petition" they asked "that the president of the republic give up his rule over the nation."

Discontent was expressed in relatively uniform ways and people adhered to the proposals made in the calls to the first National Protests. Subsequently, even in 1983, demands gradually came to vary from sector to sector. Among the forms of peaceful protest most commonly employed to one degree or another were strikes, sit-ins, assemblies, marches, work slowdowns, delays, honking horns, banging pots and pans, staying away from school, cutting back on bus service, and closing stores. It is not the Commission's role or within its ability to clarify to what extent some of these actions were voluntary or whether in fact the overall context of the demonstrations made them compulsory.

The strategy and political activity of far left groups was often out of line with the peaceful nature of the convocations, inasmuch as they advocated the armed route toward overthrowing the government. The organizers of the National Protests refused to deal with these sectors. The left groups, however, participated in those protests, and they brought in forms of expression that entailed disturbing public order. They also attacked the police and private citizens who did not join the demonstrations. Gradually the instructions and tactics used by these groups prompted people into violent actions, especially in shantytowns. Their programmatic statements, backed up by amply attested actions, proved that the use of violence was often planned ahead.

Starting in 1982, the Communist party adopted a "policy of popular rebellion" which was based on "developing and preparing mass armed struggle, starting with tiny destabilizing actions and extending all the way to armed conflict if that is necessary." The Communist party sought to overthrow the military regime by creating a climate of ungovernability. Other groups besides the party were also striving to create such a climate. Starting in December 1983 the Manuel Rodríguez Patriotic Front maintained that "the people's violence is

legitimate" and that "all modes of struggle must be used, including those that take the path of violence." One of the aims of their strategy was "to raise the spirits of the people by calling them to action," especially through blackouts, barricades, and street battles during days of protest or demonstrations. The MAPU Lautaro urged an insurrectionary mobilization of the masses in order to "gradually take over the country, to seize Chile; starting in the people's territories...until gradually reaching a culmination in the seizure of power." This movement advocated "the idea of a people in arms," an "unconventional guerrilla force," with an "effective firepower in what is basically an urban operation, which provides mass combat with the ability to strike hard." Its basis is to be "the multiplication of homemade weaponry."

The MIR also did mass work, especially in shantytowns, aimed at developing an insurrectionary strategy. "We understand this popular war as the combined development of all forms of mass struggle, from the use of active nonviolence passing through direct and disruptive mobilizing, all the way to the development of violent armed struggle." In 1985 a MIR leader stated, "We have shown that we can sabotage many railroad lines. We have derailed dozens of trains. We have attacked the electrical power system and knocked over numerous high voltage lines. We have also carried out actions to punish agents of repression. We have set ambushes. We have also conducted actions to harass police stations."

Among the expressions that to some extent entailed disturbing public order and sometimes led to acts of political violence, whose impact varied in intensity, the following should be mentioned:

- * Occupations of university main administration buildings which sometimes ended in acts of violence. The most serious situations took place when government forces stepped in with tear gas, vehicles mounted with fire hoses, and anti-riot weapons, in order to subdue the students who were destroying property, halting traffic, and throwing rocks at official forces.

- * Clashes with government forces in the center of the city and particularly in outlying areas. Throwing rocks at police vehicles was common practice. Sometimes molotov cocktails were thrown, and in some places there were even gun battles.

- * Erecting barricades and bonfires with rubber tires in order

to prevent police from passing. Trenches were sometimes dug across streets into shantytowns for that same purpose. Starting with the fourth National Protest, barricades and bonfires spread throughout the shantytowns. New kinds of violence appeared, such as sprinkling car oil and grease on the streets and setting them on fire with torches when military vehicles came by, thus turning the streets into carpets of fire.

* Cutting off electricity. Partial blackouts were common. Sometimes blackouts affected several regions for a long time. They were set off by blowing up high voltage towers or throwing chains across electric power lines. A member of the Manuel Rodríguez Patriotic Front told this Commission that the purpose of cutting off electricity was to help demonstrators and protect shantytown dwellers: "The aim of the blackouts was to hinder repression in shantytowns." In fact, however, darkness both made violent disturbance of public order easier and encouraged excesses on the part of government agents. Innocent victims suffered the consequences.

* Acts of sabotage or attacks on different objectives seen as connected to authority, as well as on those who did not join the demonstrations to express discontent.

Stores were attacked, robbed, and looted-especially if they stayed open. Bus terminals were attacked, and stones were thrown at public transportation vehicles which were also set on fire. Traffic lights and street lights were destroyed. Homemade wire devices for puncturing tires [miguelitos] were strewn in the streets. Fire stations, public places (open areas, offices of CEMA-Chile [government sponsored mothers' groups in poor areas]), metro stations, church properties, public bus garages, and public toilets were set on fire, robbed, or looted, or rocks were thrown at them. State-run companies suffered violent attacks. Bomb explosions were a common occurrence. The offices and barracks of the police and investigative police were attacked. Police vehicles were stoned. Molotov cocktails were thrown at police busses.

Such actions took place primarily at night and in outlying areas, as has been noted. During the day in most of the capital and the country the situation was relatively calm. Actions by the most extreme groups never came to the point of paralyzing the country.

a.2) Government response to the protests

The government made it clear that it always had a firm intention of preventing political demonstrations from destabilizing it or deflecting it from its planned constitutional course. Referring to acts of violence, one government official said, "I have ordered that all the measures contemplated in our legislation be adopted in order to punish harshly the perpetrators, accomplices, and instigators and to set an example." On another occasion, a government official said before the fourth National Protest, "They had better be careful, because I am not going to give an inch! Let them be assured that Santiago is covered with eighteen thousand men who have strict orders to be tough."

The government used various measures for dealing with the protests. The following may be mentioned:

- * Invoking states of constitutional exception. The "state of danger of disturbance of internal peace" which made it possible to utilize the measures listed in Transitory Article 24 of the Constitution, was in effect during that period. The same was true of the "state of emergency," except for some occasional periods of when it was suspended. On some occasions the "state of siege" was decreed. A nighttime curfew was sometimes imposed.

- * The organizers were blamed for the excesses of violence that accompanied the demonstrations. The Interior Ministry brought legal action against labor and political leaders who issued the call for days of demonstrations and accused them of committing the crimes mentioned in the State Security Law. This law was changed, and in order to deal with this new situation, a new crime was defined: "Those who without permission encourage or invite people to collective public actions in streets, plazas, and other public places and those who promote or incite to demonstrations of any other nature or who permit or encourage the disturbance of public tranquility commit a crime against public order" (Law No. 12927, on State Security, Article 6, letter i). That provision was added by means of Law. No. 18256, dated October 27, 1983.

- * A number of restrictions on the exercise of freedom of information were decreed, ranging from prohibiting some stations from broadcasting news to prior censorship over some written media.

* Social and political leaders who had not been directly involved in such acts of violence were arrested. Sometimes they were sent into internal exile in various places in the country, and some were expelled from the country. These were administrative measures whose adoption was justified by invoking the various states of exception that were in force.

* Massive search operations were carried out in shantytowns, starting with the first one which took place May 14, 1983. Military forces, and those of the police, the investigative police, and civilians conducted sweeps in large sectors of the southern part of Santiago through shantytowns in the districts of San Miguel, La Cisterna, and La Granja. The operation began after midnight on the 13th when the area was cordoned off. At 5:00 a.m. simultaneously throughout the area, a call went out over loudspeakers warning all the males over 14 to get up, and telling them they would be picked up at their front doors. Women and children were to remain inside. Government forces violently forced their way into many houses and took objects that they regarded as subversive. The men were led on foot or in vehicles to nearby soccer fields in each shantytown where their documents were examined. Some were beaten, and the overall treatment was abusive and violent. The operation lasted all day. As their documents were checked, they were either released or taken to police facilities. Later on such sweeps reoccurred either before or after National Protests.

* CNI agents raided and searched offices of political and labor movements.

* Usually police and military were involved in controlling public order. Army personnel usually guarded areas of special importance such as traffic circles, bridges, underpasses, and roads leading into the capital. On some occasions the government stepped in to take total control over the city, particularly during the fourth National Protest on August 11-12, 1983, and the National Strike held July 2-3, 1986. Army forces were especially harsh since they fired their weapons and did not have police experience in maintaining public order. Referring to those who were killed during the fourth Protest, when officials claimed that eighteen thousand soldiers were controlling the capital, one government official said, "People were killed during the protest demonstrations solely because army troops had to react when they were attacked." The Democratic Alliance, however, put the blame on the "head of state who is solely responsible for what happened."

* In operations to control public order, the police made use of tear gas and water cannons mounted on trucks. They also arrested demonstrators, who were then often beaten and mistreated, and sometimes tortured. Sometimes they used anti-riot weapons and fired buckshot and pellets. When they came into the shantytowns, the police and army used their weapons, especially in the evening and at night. Investigative police and CNI agents were less involved. In certain limited areas members of the air force and navy were sometimes involved. Government agents took action against nonviolent forms of expression as well as against those that were violent.

a.3) Actions by private citizens against demonstrators

During protest days armed private citizens took action against those who were protesting especially in the evening and at night. The Commission determined that it had to examine a particular situation in which some private citizens killed people in the context of mass political demonstrations. Even though the circumstances were unclear, different types of situations can be distinguished.

Some private citizens deliberately shot at people for political reasons. These were generally civilians shooting from a moving unlicensed vehicle or from a vehicle used for public transportation. In such cases the nature of the political motivation of the perpetrators usually cannot be determined. While it is not out of the question that these might be actions committed by subversive groups aimed at making the demonstrations more violent, in some cases the Commission has had indications that these were individuals who supported the government in power. Indeed, the forces responsible for maintaining order were apparently sometimes aware of them or in complicity with them. The fact that the perpetrators often drove around at night during curfew in areas where the police were on patrol supports the conclusion that they had ties to government agents.

However, on some occasions private citizens killed someone in self-defense or to defend their property. What they did is not regarded as violating human rights when it has all the features of proportionality and the like to make it legitimate. However, such persons may be regarded as victims of political violence in a more general sense as long as they are not proven to be among the perpetrators of the unjust attack that prompted

legitimate self-defense.

a.4) Conclusion

Some sectors of the opposition tried to keep mass demonstrations within peaceful bounds, while others took advantage of the convocations to carry out actions against public order with a greater or lesser degree of violence. Similarly, the actions of the government and its supporters sometimes remained within the bounds of political action that was lawful in terms of existing legislation, and on other occasions both government agents and private citizens committed abuses or assaulted fundamental human rights in their actions against mass demonstrations.

Certainly for the most part the protest demonstrations were peaceful. Nevertheless, there were expressions of violence, especially in outlying shantytowns during the evening and at night. The efforts of social and political leaders to preserve the peaceful character of the demonstrations began to be overwhelmed starting in 1984, and hence the level of violence and disorderly conduct gradually increased. Likewise the measures the government took and the manner in which the government forces acted in order to prevent the disturbance of public order were often excessive. The climate of social confrontation intensified, and the most vulnerable sectors of society suffered the consequences. As the demonstrations increasingly lost their peaceful character and it became clearer that they were not being effective in bringing about their political objective, their impact diminished, especially after July 1986.

b. Criteria for conviction

As we have noted with regard to all human rights violations examined, the Commission carried out an investigation in order to ascertain the facts and basic circumstances required in order to come to a conviction about who was indeed a victim of such violations. Thus in all cases the fact and manner of death was verified through autopsies and/or a death certificates. The circumstances of death were established through statements by witnesses that the Commission itself took or through testimonies and written accounts gathered from court cases, human rights organizations, or the press. In those cases in which such accounts point to involvement by government agents or persons working for them, this Commission sent an official request to the particular institution to send the available

documentation. With rare exceptions, the answers did not provide additional information on such cases.

It was difficult for the Commission to come to a precise conviction about what had happened in all cases, due to the diversity of the kinds of death, the overall context of a disturbance of public order, and the confusion surrounding many situations. Hence here as in other chapters, the Commission made a distinction between victims of human rights violations and people who were killed as a result of the situation of political violence (that is, who suffered the fatal consequences of the clash between the two contending political forces). The former category includes deaths by execution or by the use of undue force by government agents, and deaths caused by politically motivated private citizens. When, however, the use of what could be regarded as justified or proportionate force by government agents caused the unforeseeable death of innocent people, the Commission regarded those killed as victims of the situation of political violence at that time. Such was sometimes the case when people were killed by tear gas canisters; when it could not be reasonably presumed that excessive force had been used; when a private citizen who was not politically motivated caused a death in which there was some relationship to the surrounding violence, as in cases of legitimate self-defense in which it is not clear that the person killed was at fault; when it could not be determined that government agents had committed the action or even when the cause of death could not be determined but it seemed to be connected to the surrounding violence. Sometimes because of the difficulty in proving exactly which of these situations was the case, the Commission did not come to a consensus on whether a person's human rights had been violated or whether he or she was simply a victim of the situation of political violence.

In weighing items in order to come to a conclusion, a distinction was made between deaths inflicted by government agents and those inflicted by private citizens. The main problem connected with the involvement of government agents was that matters became very complex during the demonstrations. Some actions did indeed disturb public order; the rights of other citizens were affected; and in extreme cases, violent clashes took place. In such circumstances, government forces were not simply acting politically, but were carrying out their institutional duties. This Commission cannot overlook the fact that the law charges these institutions with maintaining public order and that their operations and use of force to attain those ends are inherently

justified.

Therefore, when government agents were involved, it was necessary to make an evaluation to establish whether the use of force had been proportional to the aim of carrying out the institution's purpose of maintaining public order. To that end the Commission took into account evidence on how government agents acted during the protests in addition to testimony on how they acted in each individual case. Knowledge of the normal procedure—such as whether guns were used more or less frequently and indiscriminately—entered into the consideration of most cases in determining whether the action of government agents had been disproportionate.

Where private citizens were responsible for death, it has been necessary to establish a presumption that they were politically motivated. Usually the Commission came to the conviction that a politically motivated human rights violation had taken place, unless there was evidence suggesting other motives or that the use of force had been justified. Such was rarely the case when private citizens were involved. In such cases overall testimony on actions by private citizens have been taken into account, with regard to both attacks on demonstrators and terrorist actions that could harm people indiscriminately (such as setting off bombs or knocking down power lines).

Elsewhere we have referred to ties between the actions of private citizens and government agents, or we have said that these private citizens supported the government in power. The Commission believes that it was very difficult either to affirm or rule out such ties in each and every case. When there are indications of such ties, however, they are noted.

Finally, it should be noted that in establishing whether a person's human rights had been violated, the Commission felt it did not need to establish the degree of individual responsibility on the part of the perpetrators. On that point it takes no position whatsoever.

c. The victims

The Commission has come to the conviction that 131 persons died as victims of grave human rights violations or as victims of the situation of political violence surrounding mass demonstrations. Those killed included people whom the perpetrators had not picked beforehand; people who were not being pursued either for who they were, for their political activity,

or for particular personal relationships. Children and old people, youth and adults, men and women, participants in protests and people uninvolved, were all among those who lost their lives. The only thing they had in common was that they were caught up in a situation of intense political confrontation. It was the poorer people in the cities who bore the brunt, especially those living in the shantytowns in outlying areas of the capital. Most of those killed were young males.

They were killed in a variety of ways. Most were killed by wounds from bullets, pellets, or buckshot. Some died of knife wounds; suffocation; inhaling tear gas; being hit by a tear gas canister; burns; beatings; electrocution caused by attacks on power lines; rocks thrown; and explosive devices placed in a public thoroughfare.

We now offer systematic information on each individual victim in a schematic account, arranged according to the chronological order of the various demonstrations.

2. Cases

On May 11, 1983, when the first National Protest took place, two people were killed:

Andrés Adalberto FUENTES SEPULVEDA, 22, a taxi driver. That night police moved into the La Victoria shantytown (Santiago) where demonstrations were taking place, and there was some disorder. Reliable witnesses have said that three police officers fired on the people and quickly withdrew after fatally wounding Andrés Adalberto Fuentes in the head. In view of the testimony and evidence it has examined, the Commission presumes that the police used excessive force and thus violated the human rights of Andrés Adalberto Fuentes and made the government morally responsible.

Víctor René RODRIGUEZ CELIS, 16, a middle school student, was killed at the Lo Plaza Traffic Circle (Santiago) at night in the course of a demonstration. The autopsy report says he died of chest trauma from a penetrating bullet wound. The source of the shot cannot be determined on the basis of the evidence gathered by the Commission. However, the characteristics of the incident and its context, make it possible to come to the conviction that Víctor René Rodríguez died a victim of the political violence taking place at that time.

On June 14, 1983, the second National Protest Day, four persons were killed:

Patricio Alejandro YAÑEZ FIGUEROA, 14, a high school student, was hit by a bullet that night during street demonstrations near his house in the San Miguel district. The autopsy report says that the cause of death was "thoracic trauma due to a bullet." The evidence and testimony the Commission received do not agree on where the shots came from. In view of the overall context, the Commission came to the conviction that Patricio Alejandro Yáñez died a victim of the political violence prompted by the protest.

Patricio RIOS PORTUGUEZ, 21, was enrolled in the Minimum Employment Program. He was killed by bullet wounds to the chest and abdomen during clashes between demonstrators and police on Avenida La Florida (Santiago). The testimony gathered by the Commission indicates that after the clashes during which demonstrators threw rocks and other objects at the police who responded with tear gas and bullets, three or four police were left behind. The people then charged at them throwing rocks and yelling that they should be lynched. Shots were then heard, and Ríos was hit by bullets. Given the situation of violence and the lack of evidence that would make it possible to state that government agents had used unreasonable force or that Ríos had attacked them, this Commission holds the conviction that Patricio Ríos died a victim of the situation of the political violence surrounding him.

Leopoldo Albino SEGOVIA GIL, 20, was hit by a bullet at about midnight when some young people were around a bonfire in the San Genaro shantytown. A man came up and shot at them. A few hours later at the Neurosurgery Institute he died of cranial encephalic trauma from bullets. The testimony gathered by the Commission leads it to the conviction that Leopoldo Albino Segovia died of a human rights violation committed by politically motivated private citizens.

Luis Arturo SILVA GONZALEZ, 22, a butcher, received a knife wound in a clash between private citizens during anti-government protests in Valle El Rey in Santiago. He died of a puncture wound to the heart and chest about 10 centimeters deep. In view of the facts and their context, the Commission came to the conviction that the perpetrator was politically motivated and violated Luis Arturo Silva's right to life.

On July 12, 1983, the third National Protest was held. Two people died in that context.

María Isabel SANHUEZA ORTIZ, 19, did housework. That night there were anti-government demonstrations near Villa Bernardo O'Higgins (Santiago). In that context she was hit by a bullet from an unknown source. She died of a bullet wound to the neck. The evidence examined

makes it clear that many shots were heard in that area but does not make it possible to specify where the shots that caused her death came from. In view of that context, the Commission came to the conviction that Maria Isabel Sanhueza died a victim of the political violence at that time.

Carmen Gloria LARENAS MOLINA, 19, sympathized with the Young Communists. She died of bullet wounds received that night when a group of persons were marching in Recreo (Viña del Mar), and unidentified individuals shot at them from an unlicensed car. The testimony examined agrees on the facts, and hence this Commission came to the conviction that the perpetrators were politically motivated and violated Carmen Gloria Larenas's right to life.

On August 11-12, 1983, the fourth National Protest was held. Twenty-five people were killed in that context, three in the regions and the rest in the capital. The government stated that in addition to the police and investigative police, eighteen thousand soldiers took part in maintaining public order throughout the capital. A curfew was in effect starting at 6:30 p.m. August 11. Testimony on the overall situation notes how the military were acting, particularly the fact that they were firing their weapons a great deal. The military often used excessive force since they used only guns to deal with disturbances, and they did not have the experience the police had in controlling public order. That excess is reflected in the number of persons killed.

Eliseo Enrique PIZARRO ROJAS, 50, who worked in the Minimum Employment Program (PEM), and Lina Dora del Carmen GARAY TOBAR, 44, a housewife, were killed in the same situation. On the night of August 11 both were fatally wounded by bullets that went through the lightweight material of their homes in the Monedónico shantytown (Valparaíso) when a clash occurred as government forces were acting to control public order, and they fired their weapons. In view of the context of the fourth Protest as well as the testimony it received on how government agents acted in this case, the Commission presumes that excessive force was used, and that the human rights of Eliseo Enrique Pizarro and Lina Dora del Carmen Garay were violated.

Juan Carlos ZALAZAR ARRUE, 27, a locksmith, was killed by a bullet wound to the chest on the night of the 11th. This happened in the street near his home in Santiago. According to testimony by several witnesses that the Commission examined, shots were heard in the area. Soldiers, police, and investigative police were in charge of public order. One witness saw a member of a military patrol shooting in the air shortly before Zalazar was killed. The evidence gathered does not make it possible to determine the exact origin of the fatal bullet. In view of the evidence presented and what has been said about the overall context of

the protest, this Commission presumes that the shot came from government agents, and that they used excessive and unnecessary force. Thus Juan Carlos Zalazar's right to life was violated.

José Sergio OSORIO VERA, 27, a merchant and retired army subofficer, was executed the night of August 11, 1983, by soldiers who had been patrolling Villa la Reina (Santiago) since the previous day. He decided to ask the soldiers to make his neighbors stop banging their pots and pans and making noise. When he called out to a soldier, he was told to come out of his house with his hands up. Other troops came over and forced him to walk. At that moment an army corporal came up and shot him in the back. Those same soldiers took him to the hospital, but he was dead on arrival. The testimony and evidence it has examined, lead this Commission to come to the conviction that government agents killed José Sergio Osorio and thus gravely violated his human rights.

Presbiterio Estanislao MORALES SANHUEZA, 20, who worked in the Minimum Employment Program (PEM), was on a street near his house in Villa Jaime Eyzaguirre (Santiago) that night when he was shot and killed. The evidence gathered by the Commission does not make it possible to come to a conviction on the surrounding circumstances and particularly on what government agents or private citizens who were in the streets were doing. However, the general observations made on what happened on that protest period lead this Commission to the conviction that Prestiberio Estanislao Morales died a victim of political violence.

Juan Eduardo GUARDA SAEZ, 26, left his house in the Pincoya No. 1 shantytown (Santiago) looking for medicine for his sick daughter. The curfew was in effect and hence he held up a white cloth. As he came to the corner a bullet fired by government agents hit him in the head and, he died instantly. The evidence examined by the Commission on the circumstances surrounding this incident, and the observations on the protest, lead it to the presumption that government agents used excessive force and violated Juan Eduardo Guarda's right to life.

Fabián Onofre CORTES PINO, 27, a merchant, went out into the street in the Candelaria Pérez shantytown (Santiago) at night. A credible witness has said that he was shot and killed as he was trying to help a young person who was wounded. In view of the general observations on protests and on this specific case, the Commission presumes that the shots were fired by government agents who used excessive force and thus violated the human rights of Fabián Onofre Cortés.

Yolanda Hortensia CAMPOS PINILLA, 32, was married and had eight children. She was at home with her family in the Los Colonos settlement

(Santiago) when a bullet hit her in the head and killed her. That night police were carrying out a raid in that area. They fired their weapons. The general observations on how government forces were acting during the fourth Protest and the evidence gathered on this killing in particular, lead this Commission to presume that they used excessive force to maintain public order, thus violating the human rights of Yolanda Hortensia Campos.

Magla Evelyn AYALA HENRIQUEZ, 2, was killed by a bullet that went through her abdomen as she was inside her house. Testimony on this case and the general circumstances surrounding this protest, lead the Commission to presume that the shots were fired by government agents who used excessive force and thus violated Magla Evelyn Ayala's right to life.

Saturnino Camilo REYES REBOLLEDO, 25, worked as a sculptor. On August 12, police came to the 18 de Septiembre shantytown in Coronel, where young people were engaged in protest demonstrations. To disperse the group the police shot a tear gas canister which hit Reyes in the head and caused his death the next day. In view of these circumstances and keeping in mind that police use of tear gas is generally accepted as a way of curbing behavior, and that it has not been determined that undue force was used in this instance, this Commission has come to the conviction that Saturnino Camilo Reyes was killed as a result of the political violence common at that time.

Ana Teresa GOMEZ AGUIRRE, 19, worked in the Minimum Employment Program (PEM). On the night of August 11, a soldier shot her. The cause of death was "facial and cranioencephalic trauma caused by a penetrating bullet wound." The testimony taken during the trial, the decision of the military court which recognized that a crime had been committed, and the overall circumstances of the fourth Protest described above, have enabled this Commission to come to the conviction that Ana Teresa Gómez was executed by government agents who gravely violated her right to life.

Benedicto Antonio GALLEGOS SABALL, 29, was fatally wounded in the chest on the night of August 11 in his home in Quinta Normal. On the basis of testimony from witnesses and evidence gathered, it can be said that the shots were fired by soldiers who were patrolling the area during curfew. This Commission holds the conviction that Benedicto Antonio Gallegos died at the hands of government agents who used excessive force and thus violated his right to life.

Marta Del Carmen CANO VIDAL, 34, was a housewife. At about midnight, while the curfew was in effect, soldiers who were engaged in operations

to maintain public order in the El Bosque No. 1 shantytown (Santiago) fired some shots. A bullet hit her in the head while she was at home. Several other bullets hit her house. Both witnesses and ballistics experts have attested to the fact that the shots were fired by military weapons. This Commission holds the conviction that Marta del Carmen Cano died a victim of human rights violations at the hands of government agents who used excessive force.

Jaime Ignacio ROJAS ROJAS, 9, an elementary school student, suffered the impact of a bomb set off for terrorist purposes at bus stop No. 10 in Achupallas (Viña del Mar) on the afternoon of August 11. He died shortly afterward at the hospital. The cause of death was "cranioencephalic trauma with complications." The evidence presented has enabled the Commission to come to the conviction that Jaime Ignacio Rojas died a victim of a grave human rights violation committed by politically motivated private citizens.

Jorge Antonio FUENTES LAGOS, 19, a worker, was wounded in the chest by a bullet as he left his house in the José María Caro shantytown (Santiago) the night of August 11. He died shortly afterwards. The source of the shot cannot be determined on the basis of the evidence gathered. Nevertheless, given the overall context of the protest, this Commission holds the conviction that Jorge Antonio Fuentes died a victim of the political violence of that moment.

Marcela Angélica MARCHANT VIVAR, 8, was an elementary school student. On the night of August 11 people were banging loudly on pots and pans in the La Granja district (Santiago). Civilians arrived and fired their weapons. This girl was hit in the face by a bullet that went into her home, and she died immediately. Credible witnesses say they saw armed civilians with brass knuckles and walkie-talkies. After examining the evidence, this Commission holds the conviction that Marcela Angélica Vivar died when politically motivated private citizens who presumably had ties to the government, or government agents themselves, violated her right to life.

Jaime Andrés CACERES MORALES, 11, a student, was outside the front door of his house at the corner of Calle San Francisco and Avenida Matta (Santiago) after curfew on August 11 when he was hit by a bullet to the head and died. Exactly who shot him cannot be determined on the basis of the testimony examined. Since circumstantial evidence does not suggest that government agents were involved, this Commission holds the conviction that Jaime Andrés Cáceres was killed by private citizens who were presumably opposed to the protest and who violated his right to life for political reasons.

Inés MANRIQUEZ ARROYO, 42, went out into her yard in the San Carlos shantytown (Santiago) on the afternoon of August 11 and was hit by a fatal bullet fired from an unknown source. Credible witnesses have said that at that moment shots were heard on the main street, although nothing was happening at her house. Since there is no evidence on where the bullet came from, this Commission holds the conviction that Inés Manríquez died a victim of the political violence of that period.

Sandra Janet HENRIQUEZ AGUILAR, 14, was an eighth grade student. On the night of August 12, police came into the La Estrella shantytown (Santiago) where protest demonstrations were being held. They fired their weapons, and this young woman was fatally wounded in the chest. After examining the evidence, this Commission came to the conviction that Sandra Janet Henríquez died at the hands of government agents who used excessive force and thereby violated her right to life.

Roberto Romualdo ROMERO REYES, 29, was working for the agronomy department at the University of Chile. On the night of the 12th, the police came into Maipú to break up demonstrations. According to testimony examined by the Commission, they fired their weapons and fatally wounded him. The police officers who were on the scene acknowledged that fact and said that they had fired into the air. This Commission holds the conviction that Roberto Romero died as the result of the violation of his human rights by government agents who used excessive force.

Juan Nemías AZEMA MUÑOZ, 19, worked at a gas station. In the early morning hours of August 12, as he left for work he was unaware that the curfew was still in effect. He was shot to death by government troops at the corner of Callé Colón and Padre Hurtado. In view of the evidence presented, this Commission holds the conviction that Juan Nemías Azema was killed by government agents who used excessive force and thereby violated his human rights.

Jorge Enrique AYARA ROJAS, 21, was employed at the Employment Program for Heads of Households. Street demonstrations were taking place in Villa La Reina (Santiago) on August 12. Police tried to break up these demonstrations first by using tear gas bombs, and then by firing their weapons. One of the bullets hit Araya and killed him on the street. The Commission has gathered evidence which enables it to express its conviction that Jorge Enrique Araya died a victim of the violation of his human rights by police officers who used excessive force.

Jorge Franco FUENTES TOLEDO, 17, worked as a street vendor. Around midnight on the 12th, he was killed by a shot to the head while in the street in the La Bandera shantytown (Santiago). Credible witnesses have agreed in saying that government forces shot at him when he

ignored an order to stop. In view of the evidence presented, this Commission holds the conviction that Jorge Franco Fuentes was killed by government agents who used excessive force and thereby violated his right to life.

Rudecindo Onofre VILLEGAS SEPULVEDA, 40, was a bus driver. On the night of August 12, police were involved in operations to control public order in the area of Villa Francia (Santiago). The means they used to disperse demonstrations included firing their weapons. Villegas was hit by a bullet and died. The evidence gathered on this case makes it possible to come to the conviction that Rudecindo Onofre Villegas died at the hands of government agents who used excessive force and thereby violated his human rights.

Ramón Eduardo RETAMAL SEVERINO, 23, worked as a carpenter. On August 11, 1983, as demonstrations were taking place and he was standing in the doorway of his house in the José María Caro shantytown (Santiago), Retamal sustained a fatal bullet wound. Witnesses say shots were heard from various directions. At that moment air force troops were in charge of maintaining public order in the area. Since it is established that Ramón Eduardo Retamal was killed by a 5.56 calibre bullet, the same size as one of the weapons official troops were carrying, this Commission holds the conviction that he died when his human rights were violated by government agents who used excessive force.

Vicente Osvaldo BARRAZA HENRIQUEZ, 49, was a worker. On the night of the 12th, clashes took place between police and demonstrators near the Neptuno metro station (Santiago). Barraza sought refuge in the station but a tear gas canister landed next to him, and caused health problems. He died the next day. Since the use of tear gas by police is generally regarded as an acceptable means for maintaining public order, and since it was not established that it was used improperly on this occasion, this Commission holds the conviction that Vicente Osvaldo Barraza died a victim of the political violence of that moment.

On September 8, 1983, nine people were killed in the context of the fifth National Protest:

Miguel Angel ZAVALA GALLEGOS, 24, was a bus driver. He was killed by a bullet through his chest during a clash between shantytown dwellers and police forces in the La Victoria shantytown (Santiago). Eyewitnesses say that police fired their weapons. The Chilean Police say that there were no government forces there and that the shots came from civilians who were driving around in an unlicensed vehicle. This Commission does not find the official version plausible, in view of what witnesses say and the precedents of the general procedure used by police forces

during mass demonstrations. Hence it presumes that government agents violated Miguel Zavala's right to life when they used excessive force.

Oscar Julio RAMIREZ GONZALEZ, 23, worked in the bindery operation at a printing press. He was killed by a bullet through the chest while he was taking part in a protest demonstration in the Juan Antonio Ríos shantytown (Santiago). During the trial on this case the Chilean Police acknowledged that their trucks, buses and police lines were at the scene, but deny that the police fired their weapons. Nevertheless, on the basis of many credible and consistent statements by witnesses, this Commission holds the conviction that government agents-presumably members of the police-fired their weapons and used excessive force, thereby violating Oscar Julio Ramírez's right to life.

Robinson RAMIREZ RUBIO, 24, worked in the Employment Program for Heads of Households. Street demonstrations were taking place near the corner of Calle Zapadores and Recoleta (Santiago) on the night of September 8. The Commission has received several accounts indicating that the demonstrators ran away when police officers arrived. Shots were fired, and one of them hit Ramírez and killed him. The evidence received does not make it possible to specify who fired the fatal shot, but leads the Commission to presume that those responsible were politically motivated private citizens who violated Robinson Ramírez's right to life. There are indications that these people were operating under the protection of government agents.

Maria Elena RODRIGUEZ RODRIGUEZ, 27, worked as a street vendor. At noon on September 8 on Calle Serrano (Valparaíso), a group of demonstrators were marching in support of the National Protest. Nearby a policeman on his way home arrested a person who was handing out flyers. Witnesses say: "After going a short distance the prisoner went running away. The policeman pulled out his weapon and shot him in the shoulder; but the bullet went through and killed María Rodríguez, a street vendor who was in the vicinity." The Chilean Police said, "A mob of about fifty people tried to pull the arrested man away, and he was hitting the policeman in order to get away. When the policeman saw he was in danger, he drew his revolver and tried to hit the prisoner with it. The gun went off, and the bullet hit the man in the shoulder and hit María Rodríguez who happened to be in the vicinity." The evidence presented enables the Commission to come to the conviction that María Elena Rodríguez was an innocent victim of the political violence of that moment.

Carlos Fernando ITURRA CONTRERAS, 25, was studying at Inacap (National Institute for Professional Training). That night during protest

demonstrations near Calle Paicaví (Concepción), people who were driving around in an unlicensed car shot him. He died of bullet wounds the next day. In view of the evidence presented, this Commission holds the conviction that Carlos Fernando Iturra died a victim of a human rights violation committed by politically motivated private citizens.

Oscar Omar DURAN TORRES, 17, worked as an artisan. On the night of September 8, while anti-government demonstrations were taking place in the La Pincoya shantytown (Santiago) he was stabbed and gravely wounded. He died later after six unsuccessful attempts at surgery. Witnesses have said, as he himself did before dying, that those who cut him were government agents who tortured him with a yataghan. In view of these facts, this Commission holds the conviction that Oscar Omar Durán was executed by government agents who gravely violated his human rights.

Nelson Fernando GOMEZ ESPINOZA, 19, worked as a laborer. On September 9, clashes and demonstrations took place in a number of places as a continuation of the fifth National Protest. That night as he was on Calle La Granja near the corner of Calle Bolivia (Santiago), he was hit by a bullet from an unknown source. He died a few hours later. The specific facts of this case and the general circumstances of this period have enabled the Commission to come to the conviction that Nelson Fernando Gómez died a victim of political violence.

Jorge Sebastián ARELLANO MUÑOZ, 20, a worker in the Employment Program for Heads of Households Program, died of bullet wounds near midnight on September 9 in the Tricolor settlement (Santiago). Many witnesses have consistently testified that civilians, presumably supporters of the government at that time, were going around shooting from moving vehicles. This Commission holds the conviction that politically motivated private citizens violated the human rights of Jorge Sebastián Arellano when they killed him.

On September 11, 1983, in the Pudahuel district, Pedro MARIN NOVOA, 24, was killed. That day those participating in the Minimum Employment Program and the Employment Program for Heads of Families in the district were summoned to the Santa Corina complex near the municipal building so that they could be driven downtown for the celebration of September 11, 1973 anniversary. At around 9:30 a.m., it was announced over loudspeakers on a truck that attendance was voluntary. That those who desired could return home, and they would still have three days off as already provided. Clashes then broke out between those who wanted to go and those who did not. Rocks were thrown at the vehicles in which they were to be taken. At that moment a jeep from the municipality arrived and employees from the security department fired at the mass of

workers. One of these shots killed Pedro Marín Novoa. These events, the numerous statements by witnesses that this Commission examined, and the guilty verdict handed down by the court, enable it to come to the conviction that Pedro Marín was killed by persons at the service of the government who thereby violated his human rights.

That same day, Sergio Segundo ALEGRIA ARRIAGADA, 24, a street vendor, was killed. On the night of September 11, 1983, anti-government demonstrations were taking place in the Neptuno shantytown (Santiago) as they were elsewhere in the city. Sergio Segundo Alegría was at the intersection of Los Aromos and Loyola when he was hit by a bullet; he died the next day. Credible witnesses have said that the bullet came from a car that passed by shooting at the demonstrators. In view of the evidence offered, this Commission has come to the conviction that Sergio Segundo Alegría died a victim of a human rights violation committed by politically motivated private citizens.

Four persons died during the sixth National Protest, held October 11-13, 1983:

Pedro Germán ZAMORA PORTILLA, 15, a student, and René Enrique PAVEZ PINO, 19, who was attending night school and working in the Employment Program for Heads of Households, were shot to death on the night of October 13 on Calle John Kennedy as they were approaching Vicuña Mackenna (Santiago). That day a police car arrived while protest demonstrations were taking place. Three police officers got out and began shooting immediately. Pedro Germán Zamora and René Enrique Pavez suffered fatal bullet wounds. In view of these facts, the Commission believes that in using excessive force the police forces violated the right to life of these young men.

Raúl Fernando GALVEZ DIAZ, 22, worked as a mail carrier. Near midnight on October 13 police intercepted a march in Puente Alto. That was the context in which Gálvez was fatally shot. In view of the specific circumstances of his death, and taking into account the way the police forces normally acted in such situations, this Commission holds the conviction that Raúl Fernando Gálvez was killed when his human rights were violated by government agents who used excessive force.

Silva del Carmen ORELLANA PINO was 22. Near midnight on October 11 street demonstrations took place near the Santa Corina shantytown (Santiago). Shots were fired from inside two passing cars. A bullet hit her and she died a few days later of a "cranial encephalic trauma from a perforating bullet wound." The evidence presented enables this Commission to come to the conviction that Silvia Orellana's human rights were violated by politically motivated private citizens.

On December 5, 1983, workers in the Employment Program for Heads of Households held a demonstration near the municipality of La Granja. José Eduardo ASTUDILLO GONZALEZ, 22, was killed. Police moved to break up the demonstration by shooting tear gas canisters. Credible witnesses say that one of these canisters violently hit Astudillo on the head. A few days later José Eduardo Astudillo died at the neurosurgery hospital of a "cranial encephalic trauma complicated by bilateral confluent bronchopneumonia." Bearing in mind the circumstances of his death, and the fact that the use of tear gas by the police is a proportionate means for maintaining public order, and since it has not been proven that the use was improper in this case, this Commission holds the conviction that José Eduardo Astudillo died a victim of the political violence characteristic of that period.

On December 14, 1983, Eduardo Antonio DIAZ SOTO, 19, who worked with his mother at a fruit and vegetable stand, was killed in a protest demonstration. Around midnight, although no national protest was being observed, a group of young people set a pile of tires on fire at the corner of Los Tres Antonios and Camino Agrícola (Santiago). Witnesses say that shortly thereafter a car pulled up, and a man stepped out and shot at the demonstrators. A bullet hit Díaz in the chest and went through his heart and lung, and he died a few minutes later. The nature of the demonstration the young people were having and the plausibility of the testimony concerning how Eduardo Díaz met his death, have led this Commission to come to the conviction that he was killed by politically motivated private citizens who violated his right to life. The Commission had indications that government agents might be responsible.

On March 27, 1984, eleven people were killed in incidents connected to the eighth National Protest:

Caupolicán Humberto INOSTROZA LAMAS, 26, a mechanical engineering student at the University of Concepción, joined other university students in protest demonstrations in the university neighborhood in Concepción. They were trying to march toward downtown. When the police halted the march, the students responded by throwing rocks. A policeman used his Winchester anti-riot gun and shot a rubber bullet which wounded Inostroza. He died shortly afterward of acute blood loss. The testimony the Commission examined has enabled it to presume that although a disturbance of public order may call for police intervention, the police officers used excessive force and violated Caupolicán Humberto Inostroza's right to life.

Paola Andrea TORRES AGUAYO, 3 months old, and her sister Soledad Ester TORRES AGUAYO, 4, died of grave burns they suffered when their

house burned down and their parents were absent. Protest demonstrations took place that night in the Libertad shantytown (Concepción), and the electricity was cut off. The police moved into the area firing tear gas canisters. That was the situation in which this fire broke out. Those who started it have not been identified. In view of the evidence it has received, this Commission presumes that even if the fire was accidental, these two children died as a result of acts of political violence in that area.

Juan Cristián ZAMORA MELENDEZ, 18, was with a group of people engaged in protest actions at the Santa Julia traffic circle (Viña del Mar) at night. A vehicle came by, and the passengers were shooting at the demonstrators. One of these shots hit him and he died on the spot of acute loss of blood due to a bullet to the chest. In view of the evidence presented and its context, this Commission presumes that Juan Cristián Zamora was killed by politically motivated private citizens who violated his right to life. Nevertheless, this Commission does not utterly rule out the possibility that in this case the driver might have been defending himself against the aggression of some of the demonstrators.

Nelson Ramón CARRASCO BASCUÑAN, 27, worked in the Employment Program for Heads of Households. That afternoon police arrested him and other people on Gran Avenida. The prisoners were put onto a police bus. The bus stopped near the Tejas de Chena shantytown (San Bernardo) alongside the Espejino canal. At about 10:00 p.m., the four prisoners were thrown into the canal. Carrasco was unconscious from the beating he had received, and he drowned. The other three people managed to get out of the canal and seek help at a nearby house. This account has been attested by the statements of several trustworthy witnesses. The police dismissed one of the officers involved. The court found him guilty of the crime of unnecessary violence in causing the death of a prisoner. The evidence examined by the Commission leads it to come to the conviction that Nelson Ramón Carrasco was executed by police officers who thus gravely violated his right to life.

Francisco Antonio FUENZALIDA MORALES, 12, a high school student, was wounded in the afternoon and died due to damage done to his chest by a lead pellet. The police had come to the Lo Amor Shantytown (Santiago) with buses and helicopters. The residents gathered together at some distance. The police shot tear gas canisters and fired their weapons. Several statements by credible witnesses have led this Commission to presume that the police used excessive force and thus violated Francisco Antonio Fuenzalida's human rights.

Luz Marina PAINEMAN PUEL, 15, died of "asphyxiation due to drawing

into the windpipe the contents of the alimentary canal." The Commission examined evidence indicating that she died because she inhaled tear gas which was being used near her house. Since the use of tear gas is normally a legitimate means for maintaining public order, and since it has not been determined that it was used improperly in this instance, this Commission holds the conviction that Luz Marina Painemán was killed as a result of the political violence taking place during the demonstrations that day.

Víctor Manuel QUEZADA OVIEDO, 48, was an office worker. During the afternoon anti-government demonstrations were taking place in the Sara Gajardo shantytown (Santiago) Police moved in and were using tear gas and guns. He died of bullet damage to the chest and heart. Credible witnesses have led this Commission to presume that the police agents used excessive force and violated Victor Manuel Quezada's right to life.

Elena del Tránsito FARIAS QUIROZ, 85, a housewife, suffered the effects of a tear gas bomb in the afternoon when the police stepped in to break up a demonstration in the Lo Amor shantytown (Santiago). She died the next day of acute myocardial failure. This Commission believes that the use of tear gas falls within the generally accepted norms by which the police are to maintain public order, and it is not proven that it was used improperly in this instance. The Commission holds the conviction that Elena Farías died a victim of the situation of political violence then taking place.

Erika del Carmen SANDOVAL CARO, 15, a high school student, was struck by a bullet that tore through her head. During the afternoon she was outside her house on Avenida 5 de Abril in Maipú, when a police bus drove up. Those inside were throwing tear gas bombs and shooting. Demonstrations were being held in the vicinity. On the basis of testimony it has received, the Commission presumes that what the police were doing was disproportionate to the disturbance of public order in the area, and hence Erika del Carmen Sandoval's right to life was violated.

Juan Fernando ARAVENA MEJIAS, 16, a high school student, was with a group of young people in a demonstration with bonfires alongside the Panamerican highway south (Santiago). The police arrived. A number of the demonstrators ran away but the police caught up with the youngest of them and beat him. He died three days later of cranial encephalic trauma. The autopsy report indicates the seriousness of the head wounds, in addition to bruises on different parts of the body. In view of the evidence presented, the Commission presumes that police officers violated the human rights of Juan Fernando Aravena when they used excessive force to break up demonstrations.

On May 1, 1984, Pedro Andrés MARIQUEO MARTINEZ, 16, a high school student who was active in the Christian Left (IC), was killed during the demonstrations and other actions to observe May Day [International Workers' Day]. He was involved in a barricade-bonfire on Américo Vespucio at the entrance to the Pasaje Venezuela (Santiago), when a police truck pulled up. The police fired their weapons. One of the bullets hit him in the lungs, and he died shortly thereafter. On the basis of various items of evidence and credible testimony by witnesses, this Commission holds the conviction that police fired the shots, and the confused nature of the situation notwithstanding, the Commission presumes that government agents committed a human rights violation when they used excessive force.

On May 11, 1984, during the ninth National Protest, Miguel Angel GONZALEZ BRAVO, 18, a high school graduate, was killed in the course of anti-government demonstrations at the corner of Calle Rojas Magallanes and Américo Vespucio (Santiago). A car passed by and unidentified people fired their weapons, leaving him wounded in the street. He died of cranial encephalic trauma caused by a bullet. In view of the facts presented and their context, this Commission holds the conviction that Miguel Angel González died a victim of a human rights violation committed by politically motivated private citizens.

On August 9, 1984, a Day for Life organized by a number of religious, social and political organizations was being celebrated. Hugo Patricio BRAVO FUENTES, 19, was killed in that context. During the night he was one of about eighty people who were participating in a barricade-bonfire at the corner of Exequiel Fernandez and Camino Agrícola (Santiago). Police came to break up the demonstration. They fired their weapons. A bullet hit him in the head and killed him. On the basis of testimony by witnesses on this case, and bearing in mind the way government forces proceeded on other occasions, the Commission presumes that despite the need to control public order their use of weapons was disproportionate and thus the human rights of Hugo Patricio Bravo were violated.

On August 14, 1984, at a nighttime demonstration with barricades in the area of Lo Hermida (Santiago), Marcelo Augusto RIQUELME LEMUS, 17, a night school student, was killed. It happened when a demonstrator threw a rock at a private car that was pulling away after it had been allowed to pass. The driver stopped further on, and fired back at the demonstrators. Marcel Augusto Riquelme was hit by a shot and died of bullet damage to the chest. With the evidence it has examined, the Commission believes that Marcelo Augusto Riquelme was killed as a result of political violence.

On September 4-5, 1984, eight persons were killed in the context of demonstrations organized for the tenth National Protest:

Guillermo Cirilo VARGAS GALLARDO, 21, a civil engineering student at the University of Atacama, was killed in clashes between students and government forces at the university. At noon on September 5 there were clashes between students and government forces at the University of Atacama (Copiapó). University officials believed order had to be restored and granted permission for government forces to enter. Members of the army, police, and CNI came in. While that was happening, three students fled from the government agents by trying to go up a hill at the rear of the campus. The agents pursued the students and fired at them so as to stop them. Two were wounded and the third, Guillermo Cirilo Vargas Gallardo, was hit in the head by a bullet and died. The doctor who carried out the autopsy and treated the wounded said that Vargas was killed by a rifle or machine gun, the same kind of weapon that wounded one of the other students. Several policeman had wounds "produced by blunt objects, probably rocks."

One of the wounded students says that he ran into Vargas Gallardo as a number of students were running away from the police. Vargas Gallardo suggested that they climb the hill to escape. The government agents shot at them to stop them. This witness says, "I don't know who it was that shot at me, since when I looked back down there were about eight soldiers and three police, and all of them had their weapons."

The official reports claim that people were shooting from inside the university. One weapon was found in the search, but none of the students arrested was armed, and the official account that those who were armed got away into the fields remains unproven. The testimony and evidence presented lead to the conviction that Guillermo Cirilo Vargas was killed by government agents in a context of political violence. Moreover, in view of the circumstances in which he was killed, the Commission presumes that government agents used their weapons excessively and in a way that was not necessary in order to stop the students, and thus they violated the victim's right to life.

Hernán Rodolfo BARRALES RIVERA, 24, worked in the Employment Program for Heads of Households. On the morning of September 4, he was standing by debris that was blocking traffic at the corner of Calle 30 de Octubre and Avenida La Feria (Santiago) when a bullet hit him in the back. He died of bullet damage to the chest. Testimony from many witnesses leads to the conviction that the shots came from police who were some distance away. The ordinary court declared itself incompetent-since the matter was one for the military justice system-

noting that "the perpetrators of the aforementioned crime may have been on duty members of the Chilean Police, although it has not been possible to specify who they were." In view of the evidence presented, the Commission has come to the conviction that Hernán Rodolfo Barrales was killed as the result of a human rights violation committed by government agents who used excessive force.

André Joachim JARLAN POURCEL, 43, was a French priest who was serving in the parish church in the La Victoria shantytown. He was killed by a bullet fired by police. On the afternoon of September 4, a group of journalists was at the intersection of Calles 30 de Octubre and Ranquil in the La Victoria shantytown (Santiago) covering the protest. There were barricades and bonfires in the area. A group of police approached along Calle 30 de Octubre. The journalists took the advice of local residents and went running. A police officer fired some shots over the heads of one of the reporters who had fallen behind and was hiding behind a power line pole. He yelled out that he was from the press. The police went toward Calle Ranquil, and the journalist talked with an officer. The police moved away and continued patrolling along Calle 30 de Octubre. The two bullets fired had gone through the wooden wall on the second floor of the parish house located on Calle Ranquil. One of them had hit Father André Jarlan and killed him. Many witnesses have agreed in their testimony that the police were acting disproportionately since there is no justification for using weapons hastily and in a densely crowded place. The evidence presented has led this Commission to the conviction that André Jarlan died a victim of the violation of his human rights by government agents who used excessive force.

Nibaldo Manuel RODRIGUEZ HERRERA, 14, a student, was hit in the head with a bullet on the night of September 4 as he was standing on the corner of Calles Los Morros and Claudio Arrau (Santiago). He died of cranial encephalic trauma from a bullet. On the basis of statements by witnesses in combination with ballistics tests which showed that the bullet came from an Uzi automatic pistol like those at a nearby police station, it can be presumed that police personnel used their guns while they were patrolling. In view of the evidence examined, the Commission presumes that government agents used excessive force and thus violated the right to life of Nibaldo Manuel Rodríguez.

Fernando David BECERRA JULIO, 16, a high school student, was killed the night of September 5, when a group of young people were engaged in street demonstrations at a bonfire-barricade in Villa Jaime Eyzaguirre (Santiago). The neighborhood was dark because of a widespread blackout. According to the autopsy report, he was hit by three pellets, one of which was fatal, because it caused a perforating wound to the chest that affected his heart and lungs. Based on the testimony of a credible

witness, and taking into account the overall situation of those two protest days and the fact that pellets (which are typical of anti-riot equipment) were used, the Commission presumes that the shots were fired by government agents who used excessive force and so violated Fernando David Becerra's right to life.

Gabriel Angel ZUÑIGA URZUA, 19, worked in the Employment Program for Heads of Households. On the afternoon of September 5 street demonstrations were taking place at the corner of Calle Santa Julia and Américo Vespucio (Santiago). Police arrived on the scene. A police officer fired his weapon and hit Gabriel Angel Zúñiga who died as a result. Testimony and evidence that the Commission received indicates that private citizens attacked the police and broke the windows of the police truck. After firing their weapons the government agents withdrew. The evidence examined leads this Commission to the conviction that Gabriel Zúñiga died a victim of political violence, since it cannot presume that excessive force was used, in view of the complexity of the situation at that moment.

Alex Robinson CASTRO SEGUEL, 16, was electrocuted to death the night of September 5 when he stepped on a high voltage cable on the ground on Calle Diego Portales (Santiago). Private citizens had thrown chains over the power lines to cause a blackout. Testimony gathered on this specific case, along with the general facts about actions of this nature which took place during political protests, lead this Commission to hold the conviction that Alex Castro died as the result of a violation of his right to life committed by politically motivated private citizens.

Manuel Alfonso MORALES SANHUEZA, 30, worked in the Employment Program for Heads of Households. On the night of September 5, he was hit by a bullet on a street in the Pudahuel district (Santiago). The evidence gathered was not enough to determine the origin of the shot, but it leads this Commission to the conviction that Manuel Alfonso Morales died a victim of the situation of political violence at that moment.

On September 27, 1984, Julio Segundo VALENCIA CASTILLO, 32, a taxi driver, died from a knife wound sustained in clashes between shantytown dwellers and police at a land occupation in the Puente Alto district (Santiago). According to testimony from a witness whom the Commission regarded as credible, after people had been pushed off the land at night, the police were pursuing those involved in the occupation. The witness went on to say, "I saw when one of the police took a rock...and threw it, and the man fell to the ground. They then began to beat him over and over, and then went away. But one of them returned and went up with something in his hand and plunged it into him..." The official police report stated, however, that when officers were able to

enter the area after overcoming the resistance around it, they found Valencia's dead body on Calle Oscar Bonilla. They then say, "It should be noted that in the clashes at Puente Alto he was the only person found dead, and he was killed by a weapon that the police do not use." The evidence gathered leads the Commission to think that government agents executed Julio Valencia with a knife and that they gravely violated his human rights. That conclusion is not incompatible with the possibility that other police agents may have come across the body later and informed their superiors. Hence this Commission does not believe that it must dispute the official police report.

On October 29 and 30, 1984, a National General Strike was held. Nine people were killed on that occasion:

Luis Alberto CONTRERAS OVIEDO, 17, a high school student, was killed by a bullet to the face during demonstrations at the Tucapel Traffic Circle (Arica) on the afternoon of October 30. This Commission did not find enough information to determine where the shots came from. However, it holds the conviction that they were the product of the overall situation of political violence and that Luis Alberto Contreras died a victim of that violence.

Fernando Humberto MONTECINOS VERDEJO, 23, a student who was active in the Socialist party, gathered with other persons early on the morning of October 30 to engage in street actions in the area of Villa Hermanos Carrera (Santiago). According to an eyewitness the people ran away when they saw two police vans arrive. One van chased Montecinos. "The truck was moving along-side him, and so they could have arrested him quite easily," said the witness. The truck stopped and Montecinos tried to climb up the brick wall of a nearby property. "Then a policeman got off the truck and fired a shotgun at him from one meter behind," said the witness. The autopsy indicates that Montecinos died of cranial, encephalic, and cervical trauma from shotgun blasts. On the basis of the evidence gathered and particularly that eyewitness account, the Commission holds the conviction that Fernando Humberto Montecinos was executed by government agents who gravely violated his human rights.

Ramón Oscar CARCAMO CARCAMO, 61, a worker, was hit by a bullet while he was on Calle Chorrillos (Castro) on the night of October 30. He died the next day at the hospital in Castro. His daughter testified to the Commission that there were barricades and tear gas that day. However, when her father was hit and she arrived on the scene there were no police, although they had been shooting earlier. When consulted by the Commission, the Chilean police responded that "when the police went to the area known as the Magallanes fairgrounds, they encountered

violent opposition from demonstrators who threw rocks, damaged government vehicles, and inflicted serious injuries on police officers. Confronted with this situation, the police repelled the attack by using their weapons, and in the process Ramón Oscar Cárcamo Cárcamo was killed." Given the context in which public order was being disturbed, this Commission cannot, on the basis of the evidence gathered, presume that government agents used their weapons excessively in this case. Nevertheless, Carcamo was killed by shots fired by police who were nearby. Nor can the Commission presume that he was involved in attacks on government forces. It holds the conviction that Ramón Oscar Cárcamo was killed as a result of the situation of political violence at that time.

Henry Aníbal MORALES MUÑOZ, 15, a high school student, was shot and fatally wounded October 30 during demonstrations in the José María Caro shantytown (Santiago). Police arrived and fired their weapons, and he was killed. The evidence the Commission received, however, does not enable it to determine whether government agents used excessive force. The Commission holds the conviction that the youth Henry Aníbal Morales died a victim of the political violence taking place at that site.

Bernardo Ramón JARA LOPEZ, 34, worked in the Employment Program for Heads of Households. On the afternoon of October 30, a clash took place at the Grecia Traffic Circle on Avenida Américo Vespucio (Santiago) where barricades had been put up and were blocking traffic. A private citizen fired shots at the people who were gathered there. One of them hit Bernardo Ramón Jara, and he died. On the basis of evidence gathered, and since the context was that of an anti-government demonstration, the Commission presumes that the perpetrator violated Bernardo Ramón Jara's right to life for political reasons.

Cristián Alfonso LARA VALDES, 20, worked as a bus driver's assistant. On the afternoon of October 30 a large gathering of people was holding a barricade-bonfire at the corner of Avenida Las Industrias and Departamental (Santiago). The owner of a nearby bakery fired some shotgun shells and hit Lara, who died of buckshot wounds. On the basis of the evidence gathered, it cannot be determined whether the individual did so for political reasons or whether this action was a legitimate defense of property in response to an effort by people who were carried away and intended to attack and loot the bakery. Nevertheless, this Commission holds the Conviction that Cristián Lara died a victim of the situation of political violence then taking place.

Juan Segundo PINO ELIZONDO, 48, a construction worker, and Hugo Abraham RODRIGUEZ MENA, 8, an elementary school student, were electrocuted together. On the afternoon of October 30, Hugo Abraham

Rodríguez stepped on cables that were connected to high voltage power lines. Juan Pino Elizondo immediately tried to help him and was hit by an electric charge and died shortly afterward. The Commission examined testimony from witnesses who agreed that the cables had been placed there "so that the police van would get caught in them." Of its very nature the tactic of laying down high voltage lines to stop traffic on protest days allowed for no discrimination over who would suffer the consequences. Hence this Commission is morally convinced that Juan Pino and Hugo Rodríguez were victims of a terrorist attack that violated their human rights.

Luis Armando RUBIO GARRIDO, 20, who was privately employed, was killed by a bullet wound to the head. On the afternoon of October 30 an anti-government demonstration was taking place on Avenida Grecia (Santiago). Demonstrators at various points along the avenue were fired upon from a private vehicle. Luis Armando Rubio was hit and wounded at the corner of Calle Misolonghi and Grecia. Many witnesses have testified that the fatal shot was fired "from a Chevrolet Opala with diplomatic plates that was driving along with two people inside." Since the obvious reason for such behavior was to intimidate, wound, or kill the demonstrators, this Commission holds the conviction that it was carried out for political reasons by private citizens who thus violated Luis Armando Rubio's right to life.

On April 9, 1985, Oscar Vicente FUENTES FERNANDEZ, 18, a mining engineering student at the University of Santiago, was killed in the context of a student demonstration. That afternoon some students at the university arrived at an anti-government demonstration at the Liceo Amunátegui [high school](Santiago). At that point they were arrested by officials of the police civilian commission. Oscar Vicente Fuentes then tried to escape. One of the police pursued him firing his weapon, first in the air, and then at his body. He thus shot and killed Fuentes. The court record shows that police officer was found guilty. Examining the testimony of eyewitnesses and the sentence handed down, and without taking a position on the degree of responsibility of the perpetrator, the Commission came to the conviction that Oscar Fuentes's right to life was violated by a government agent who used excessive force in trying to arrest him.

On August 9, 1985, three people were killed in the course of the Day for Life:

Manuel Jesús MORENO QUEZADA, 51, a merchant, was working at night in a refreshment stand when a bullet went through his head. Testimony received by the Commission indicates that the fatal shot was fired by a soldier who was driving an ambulance. One witness says that

the ambulance went by the street stand, and a soldier shot from it. In an official document, the director of the military hospital wrote to the military prosecutor that a government agent who worked there as a driver had reported to the guard at the military hospital to inform the authorities that should Moreno die he would cooperate with the authorities with regard to his own involvement. Testimony from other witnesses notes that there were outbreaks of violence in the surrounding area and that the ambulance was attacked when it went to pick up a sick person. Nevertheless, the Commission believes that since the vehicle was not attacked from that street stand, the driver's firing at it constituted use of excessive force, even though some violence was taking place at that time. Thus, the Commission holds the conviction that Manuel Jesús Moreno died a victim of a violation of his right to life for which a government agent who used excessive force was responsible.

Ana María URREA CASAS-CORDERO, 32, was driving a car at the corner of Avenida Ochagavía and Lo Ovalle (Santiago) when she was hit in the head by a rock. She died a few days later of cranial encephalic trauma. Accounts from credible witnesses indicate that unidentified persons were throwing rocks at passing vehicles. One of these rocks hit her. Bearing in mind that such actions were taking place in a context of anti-government street demonstrations, and taking into consideration the general facts about other expressions of violence in demonstrations, the Commission presumes that the perpetrators violated Ana María Urrea's right to life for political reasons. Aída Rosa VILCHES URREA, 38, a housewife was inside her house in Villa Brasil (Santiago) on the night of August 9 when a bullet went through her head. Her husband testified that they were home alone that day, while a demonstration with tire burning was taking place on Avenida Santa Rosa. They heard an exchange of fire. She went to a window and was hit by the fatal bullet. He saw police firing sporadically. They stopped when he told them his wife was wounded. The Commission has examined other statements by witnesses who said that private citizens were also shooting at the police. On the basis of the available evidence it cannot be entirely determined whether the person who fired the shot was a private citizen or a government agent. In any case, the facts presented lead the Commission to the conviction that Aída Rosa Vilches died a victim of a situation of political violence.

On December 4, 1985, ten people were killed in demonstrations connected to the fourteenth National Protest.

Daniel David ARANDA SAAVEDARA, 21, worked in the Employment Program for Heads of Households. That afternoon shantytown residents looted a factory that was being guarded by air force troops (Santiago). A helicopter brought troops who came out and fired their weapons to

disperse the people in the area. Daniel David Aranda was fatally wounded. The testimony and evidence the Commission received indicate how extremely complex this situation was, and it is not possible to determine whether excessive force was used. On the basis of that evidence, the Commission presumes that Daniel David Aranda died a victim of a situation of political violence in which he was caught up.

Jorge Enrique PARDO ABURTO, 15, who was studying to be a technician, was killed by a bullet. At midnight on September 4, some young people were protesting at barricades near a Centro Abierto [government-run childcare facility] that soldiers were guarding. When a police bus arrived the young people threw rocks and then ran away from the Centro Abierto. A soldier then shot at the fleeing youths and killed Jorge Enrique Pardo. These events have been described by various witnesses whom the Commission regarded as credible. Weighing the evidence gathered, the Commission judges that notwithstanding the need to provide legitimate defense for the Centro Abierto and to maintain public order, excessive force was used in this instance since the young people were fired upon as they were running away and no longer represented any threat. Thus the Commission holds the conviction that Jorge Enrique Pardo died a victim of the use of excessive force committed by government agents who thereby violated his right to life.

Marisol de las Mercedes VERA LINARES, 22, a student at the Universidad de Tarapacá who was preparing to become a Spanish teacher and had leftist sympathies, was participating in a barricade-bonfire at Calle Mapocho and Ingeniero Lloyd in Quinta Normal (Santiago) on the night of September 4. A pickup carrying government forces drew near, and witnesses saw shots fired from it. Although the demonstrators were running away, Marisol Mercedes was hit by a bullet and died. The evidence gathered by the Commission, and reflection on other testimony about how government agents acted to maintain public order during protests, leads it to presume that in this case government agents used excessive force, thus violating Marisol Vera's right to life.

Jorge Antonio FERNANDEZ RIVERA, 18, a high school student, received a bullet wound to the chest on the night of September 5 as he was crossing the street at the corner of Calle Yardo and Santa Rosa (Santiago). He died at a hospital that night. Many witnesses have testified that they saw soldiers shooting from a pickup truck. The judge in the case declared himself incompetent because he thought that those who had shot him were soldiers who were carrying out their responsibility or were on duty. On the basis of the evidence presented, this Commission holds the conviction that the government agents who acted in this area used excessive force and violated the human rights of Jorge Antonio Fernández.

Manuel ROIG BERENGUER, 56, a photographer, was involved in the building trade. On the night of September 5, the La Faena shantytown (Santiago) was being guarded by the army, and the last police had left when the incident that cost Manuel Roig his life took place. Numerous witnesses have similarly testified that the soldiers were firing their weapons, and that after Manuel Roig was hit, they called an ambulance. One witness says that young people in the area had made barricades to stop police vehicles. The soldiers used loudspeakers to order people to go into their houses and stay there. As Roig was closing his front door, he was shot in the head. He died the next day at the Institute for Neurosurgery. The witness says that at the moment of the shooting, "the situation was chaotic and bullets were flying everywhere. They weren't shooting in the air." Another eyewitness stated that on the street where this happened there were two guards who were under the command of an officer who was patrolling Avenida Grecia, and that they were firing into the air. He goes on "I could see the guards who were shooting into the street. I immediately heard a shout of someone crying for help...The officer in charge quickly arrived and began to yell insults. He and other soldiers beat one of the two soldiers who was standing guard at the street corner. They beat him so hard he fell down, and they continued beating him. I heard one of them saying something like, 'What kind of idiotic...(insult)' and other insulting remarks." They then stopped a car to take away the soldier who had been beaten. From the testimony and evidence examined, it is evident that even the soldiers clearly recognized the seriousness of what had happened. This Commission holds the conviction that even if there were barricades and demonstrations in this area, excessive or unnecessary force was used at this moment and in this particular case, and hence government agents violated Manuel Roig's right to life.

José Antonio SOTO HERRERA, 15, was a high school student. On the night of September 4, people involved in anti-government demonstrations attacked a cluster of apartment buildings at the corner of Avenida Santa Rosa and Calle Esperanza (Santiago). The attackers were fired upon from inside the buildings. This adolescent was walking by and was hit by one of the shots and died. On the basis of the testimony and evidence the Commission examined it cannot be presumed that the shooting was politically motivated. Rather, it seems to have been a reaction to aggression by the demonstrators. Hence this Commission holds the conviction that José Antonio Soto was caught up in actions of political violence and suffered the fatal consequences.

Julio Celestino SUAZO SANDOVAL, 26, a worker, was out in the street near his home in the La Florida district on the night of September 4, when he was killed by a bullet that went through his lung. The

Commission has examined testimony indicating that there were various anti-government demonstrations taking place nearby and that unidentified people in a private car shot Julio Suazo. One witnesses stated, "A gray car pulled up. I don't know what make it was, and it didn't have a license. There were four people inside. One of them got out, pulled out a big pistol, and fired." What has been presented leads this Commission to the conviction that Julio Celestino Suazo was killed in a violation of his right to life committed by politically motivated private citizens.

Héctor Gregorio ZAVALA LOPEZ, 29, married, who worked in the Employment Program for Heads of Households, was killed as a result of clashes occurring on the afternoon of September 4 in the context of protest activities at the corner of Calles Teniente Cruz Martínez and Aurelio Díaz Meza in La Pintana (Santiago). A group of persons took advantage of the moment to attack a local bakery, but those who were guarding it fired a shotgun. Zaballa was wounded by buckshot and died. The evidence gathered leads this Commission to assume that he was killed in the course of defending a business, but that he cannot be assumed to have been involved in the attacks, and that hence Héctor Zavala died a victim of the political violence of that moment.

Domingo Salvador YAÑEZ HERNANDEZ, 29, worked as a stagehand. On the night of September 5 he was at the intersection of Calles San Luis de Macul and Principal (Santiago) when a bullet hit him. Accounts by witnesses indicated the complexity of the situation. There were a number of barricades stopping traffic. The power had been cut off by chains thrown over the transformers. Gun battles were taking place. The evidence the Commission examined was insufficient to clarify what really happened nor the source of the fatal shot. On the basis of the evidence presented, however, the Commission came to the conviction that Domingo Salvador Yáñez was killed in the context of the political violence taking place at that site.

Rafael Antonio GALLARDO ARANCIBIA, 6, a primary school student, was in the street when he received a fatal bullet wound on September 6. The accounts examined by the Commission all agree that a store owner fired bullets in order to repel an attack by demonstrators. A bullet hit this child who was watching what was happening. The man who fired the shots was not politically motivated, but was defending his property. The Commission nonetheless holds the conviction that his action was provoked by political actions that went beyond the legitimate exercise of the right to free expression, and the result was that Rafael Antonio Gallardo died a victim of this situation of political violence.

On November 6, 1985, on the second day of a Mass Mobilization, four

people were killed:

José del Tránsito NORAMBUENA CANALES, 24, a worker, was hit by a bullet on the night of November 6. Many witnesses saw troops go by firing from a military truck as residents were participating in street demonstrations in the Herminda de la Victoria shantytown (Santiago). The testimony received as well as the general facts on how the military acted to control street demonstrations, leads the Commission to presume that in this instance government agents used excessive force and violated José del Tránsito Norambuena's right to life.

Ervin Néstor ITURRA GONZALEZ, 22, a mechanic, died of bullet damage to the face and neck as an anti-government demonstration was taking place at the corner of Calle Luis Infante Cerda and 5 de Abril (Santiago). The evidence that the Commission received does not make it possible to determine what really happened nor where the shots came from. However, given the fact that he was killed in the context of a political demonstration, and taking into account the general background on the violence that tended to occur during such demonstrations, the Commission presumes that Ervin Néstor died a victim of the political violence of that moment.

Luis Héctor PEÑAILILLO VEGA, 39, was hit in the head by a bullet while he was standing in his doorway on November 6. There was shooting in the area of the Alto Palena shantytown (Santiago). Among all the persons who testified before the Commission, none could identify who fired the shots. In view of the context, however, the Commission believes that Luis Héctor Peñailillo died a victim of political violence.

Emilia de las Mercedes ULLOA SAN MARTIN, 21, a housewife, was at the intersection of Calles San Daniel and La Estrella in Pudahuel (Santiago) on the night of November 6, when she received a fatal bullet wound. Several credible accounts indicate that the shots were fired by unidentified individuals who were driving around in a private automobile while demonstrations and clashes were taking place in the area. On the basis of what has been presented, the Commission has decided that this action by private citizens was political in nature, and that they violated Emilia de las Mercedes Ulloa's right to life.

On May 20, 1986, a Day for Democracy was held. In the context of the demonstrations that day in Santiago Ronald William WOOD GWIAZDON, 19, who was studying auditing at the Professional Institute in Santiago, was killed. That afternoon during demonstrations in support of the International Parliamentary Assembly that was being held in a hotel in downtown Santiago, a group of students gathered at the Loreto Bridge. Army troops who were patrolling center of the city were in position on the

southern side of the bridge, blocking the students. Eyewitnesses say that at a particular moment the soldiers began to cross the bridge and to fire into the air to disperse the students. The students stood their ground, however. Suddenly, Ronald Wood fell down wounded. A private citizen took him to a hospital. He died three days later of "cranial encephalic trauma due to gunshots." Experts consulted indicated that the shot had come from an anti-riot shotgun. Some eyewitnesses say they saw a shotgun in the hands of a soldier, or that they heard it among the rifle shots. The evidence presented and the credible testimony that the demonstration was peaceful, enable this Commission to come to the conviction that Ronald Wood was killed by government agents who used excessive force and thus violated his right to life.

On June 13, 1986, in the context of a student demonstration along the Panamerican Highway heading north (Santiago) to protest the passing of education over to municipal governments, Guadalupe del Carmen CHAMORRO LEIVA, 18, a domestic servant, died of "cranial encephalic trauma." The accounts examined by the Commission suggest various possibilities on the source of the shooting. The Commission nonetheless holds the conviction that Guadalupe del Carmen Chamorro died a victim of the political violence that characterized that period.

On July 2 and 3, 1986, eight persons were killed in connection with the National General Strike:

Iván Marcelino AQUEVEQUE ANTILEO, 21, was working as a carpenter's assistant. Early on the morning of July 2 he was in the street when he was hit by a fatal bullet through his chest. A number of witnesses have testified that he was in the street with other young people when a military patrol appeared. The young people ran away, and the soldiers fired their weapons. He was hit by a bullet. Bearing in mind the evidence in this case and other testimony on how troops acted in operations to maintain public order during day long demonstrations, the Commission holds the conviction that Iván Aqueveque was killed by government agents who used excessive force and violated his human rights.

Rodrigo Andrés ROJAS DENEGRI, 19, was a photographer. He normally lived in the United States, but he had been in Chile for six weeks at the time he was killed. In the early morning of July 2, 1986, the first day of the National General Strike, he and other young people went to set up a barricade-bonfire. He and a young woman were arrested by a military patrol. One of the patrol members was carrying some of the flammable materials that the young people had left behind. Subsequently, in a confusing incident that has been disputed in the courts, the two people arrested were set on fire. The soldiers put out the fire by wrapping them in blankets. They were then put onto a military vehicle and left far from

the site of their arrest. Private citizens later provided help, and police officers picked them up and had them taken in a private car to a hospital where they received treatment. Only the young woman's life could be saved. Rodrigo Rojas died on July 6 at the Central Emergency Clinic. Having examined and analyzed all the evidence in the case and the different accounts presented to the court, this Commission holds the conviction that Rodrigo Rojas suffered a grave human rights violation inasmuch as he was killed as a direct consequence of the unlawful actions or omissions of soldiers, whatever may have been the degree and nature of individual responsibility of those involved.

Nadia del Carmen FUENTES CONCHA, 13, an elementary school student, was walking along Avenida El Parque (Santiago) on the morning of July 2, when she sustained a fatal bullet wound. Testimony received by the Commission indicates that the shots were fired indiscriminately by a nearby military patrol. Reports that unrest or acts of violence were taking place at that time and place have not been verified. The evidence presented leads the Commission to come to the conviction that the death of the minor Nadia del Carmen Fuentes was the result of the use of excessive force by soldiers and that they violated her human rights.

Francisco Humberto LOPEZ ZUÑIGA, 19, was on the street in the Oscar Bonilla shantytown (Santiago) on the afternoon of July 3 when he was hit by a bullet. He died in a hospital shortly thereafter. Testimony gathered by the Commission indicates that the shots were fired by troops who were driving around in a military truck. Whether or not clashes or disturbances were actually taking place is confusing since accounts are contradictory and unverified. This testimony and the background information on procedures used by the military during this National Strike lead this Commission to the conviction that the human rights of Francisco López were violated by government agents who used excessive force.

Ernesto Igor RÍOS CESPEDES, 18, a drafting student at the Catholic university, was on the street in the La Legua shantytown (Santiago) on the morning of July 3 when a bullet hit him and went through his head. He died of "cranial encephalic trauma caused by a perforating bullet wound." Witnesses have said that soldiers shot at a group of people. The exact circumstances of the incident cannot be determined, but the kind of death (from a bullet), statements by witnesses, and the overall context of military patrols, makes it possible to hold the conviction that Ernesto Igor Ríos's right to life was violated by government agents who killed him using excessive force.

Boris Arnold VERA TAPIA, 26, an accountant, was taking part in street

demonstrations at the corner of Avenida La FERIA and Ramona Parra (Santiago) on the night of July 2. Many witnesses have testified that unidentified civilians who were driving a utility vehicle fired shots at the demonstrations. One of these shots killed Boris Arnold Vera. Considering these events and the context, this Commission holds the conviction that politically motivated private citizens violated his human rights.

Rubén Alejandro CONTRERAS GRANDON, 18, was at the corner of Avenida Américo Vespucio and Rojas Magallanes (Santiago) when a bullet hit him in the back. He died of a "bullet wound to the chest and abdomen." The accounts received in the Commission agree that a fierce gun battle was taking place at that site and that government agents were involved, but they do not make it possible to specify where the fatal shot came from. Nevertheless, the incident and its context enables this Commission to come to the conviction that Rubén Alejandro Contreras died a victim of the political violence taking place at that time.

José Eduardo VALDIVIA VALENZUELA, 17, an unmarried worker who was attending night classes in his fourth year of high school, was taking part in a barricade-bonfire at the corner of Calles Lucero and La Estrella (Santiago) on July 3, when he was hit by a fatal bullet. The accounts examined by the Commission make it possible to establish that shots were fired at the demonstrators, but where the shots came from cannot be determined. Hence this Commission holds the conviction that José Eduardo Valdivia suffered a human rights violation at the hands of politically motivated private citizens who were presumably opposed to the protest.

On September 4 and 5, 1986, several anti-government demonstrations were held. In that context two persons were killed: Eduardo Germán VIELMA LUENGO, 24, a worker, was killed on the night of September 4 by "bullet damage to the right lung." All the evidence gathered indicates that the police were involved and that they fired their weapons. The Commission was unable to determine whether street disturbances were taking place and if so, how significant they were. Nevertheless, on the basis of the various accounts by witnesses and the way he died (from a bullet wound), the Commission presumes that Eduardo Vielma suffered a human rights violation at the hands of government agents who used excessive force.

Miguel Angel HERNANDEZ ALBORNOZ, 17, was at the corner of Calles 7 Oriente and 6 Sur (Santiago) on the afternoon of September 4 when a bullet hit him. He died the next day. Various witnesses have testified that unidentified individuals fired their weapons from a private automobile. These facts and the context in which the events took place, have led this

Commission to the conviction that Miguel Angel Hernández died a victim of human rights violations committed by politically motivated private citizens.

On September 11, 1986, Cecilia Adelaida PIÑA ARRATIA, 22, a textile factory employee, was killed. That night she was on the street in the La Victoria shantytown (Santiago), when she was fatally wounded by a bullet shot by civilians who were driving a private automobile. The testimony and evidence gathered by the Commission indicates that in that same general context, a bomb had gone off and the police arrived and exchanged fire with unidentified people. In any case, the evidence and testimony agree that the people in the car shot at Cecilia Piña either previously or at the same time. There is no proof that any demonstration took place in that area, but it can be presumed that the action of firing a weapon in the context of a bomb explosion on September 11 (which has clear political overtones) was politically motivated. Hence the Commission holds the conviction that Cecilia Adelaida Piña died a victim of a human rights violation committed by politically motivated private citizens.

On March 6, 1987, Miguel Angel ANTILAF EPULEF, 22, who collected old newspapers for recycling, was standing on the corner of Lo Encalada and Carlos Dittborn (Santiago) at night during an International Women's Day demonstration when he sustained a fatal bullet wound. According to a number of accounts that this Commission finds credible, protesters had set up barricades and were chanting at that location. An automobile pulled up and the people in it shot at the demonstrators. Given the well-known circumstances, this Commission holds the conviction that Miguel Angel Antilaf was killed by private citizens who violated his human rights for political reasons.

On April 2, 1987, Erick Patricio JUICA CORTES, 26, a news vendor, was killed at a land occupation site in the Conchalí district. That afternoon troops arrived in trucks and expelled the people from the land, firing their weapons to do so. On the basis of various accounts by witnesses and items of evidence, this Commission presumes that even though it is legitimate to expel people who have illegally occupied land, force was used disproportionately and Juica's human rights were gravely violated.

On October 7, 1987, a National Strike was held. Four people were killed in the demonstrations and clashes that took place on that occasion: José Enrique CAYUNAO VILLALOBOS, 20, a worker, sustained a bullet wound the night of October 7 during a street demonstration that took place on Avenida Grecia (Santiago). He died a month later after several operations. Soldiers arrived and fired their weapons to disperse the demonstrators. The medical report indicated that judging by the

magnitude of the damage it caused, the bullet must have been "large calibre and high speed." On the basis of the foregoing, and especially considering the nature of the wound, the Commission holds the conviction that members of the military fired the fatal shot. Moreover, on the basis of testimony from several eyewitnesses, in combination with the overall background of how the military acted in maintaining public order, this Commission presumes that those government agents used excessive force and thereby violated José Cayunao's human rights.

Felipe Antonio GUTIERREZ GARRIDO, 2, was with his father on a corner near their house in Villa El Parral October 7 in the afternoon. Suddenly he was hit by a bullet and died. A witness stated that shooting could be heard, but that the unrest was occurring four or five blocks away. Other evidence examined does not make it possible to determine where the fatal shot came from. Testimony on the overall context has enabled the Commission to come to the conviction that Felipe Antonio Gutiérrez died a victim of the political violence taking place at that location.

Jorge Patricio GUZMAN URRUTIA, 21, a worker, was killed by a bullet to the head on the night of October 7. Several accounts indicate that unidentified individuals shot at people who were taking part in a street demonstration at the corner of Calles Nicaragua and Estados Unidos (Santiago). Given the context and the testimony examined, this Commission holds the conviction that politically motivated private citizens took Jorge Guzman's life.

Carlos Rosendo Richard VALDEBENITO ESPINOZA, 19, was on Avenida Las Industrias (Santiago) on the night of October 7, when he was attacked by unknown people who were driving around in an Opala taxi and firing at demonstrators. He died of cranial encephalic trauma caused by a pellet. Accounts gathered by the Commission indicate that street demonstrations were taking place and that the source of the shots was the one just mentioned. This Commission therefore holds the conviction that Carlos Valdebenito died a victim of the violation of human rights by politically motivated private citizens.

On March 8, 1988, demonstrations and clashes were taking place around the celebration of International Women's Day. Roberto Eliecer VALDEBENITO VIRA, 30, a miner, was killed in the Eighth Region. After midnight the police moved in to break up street actions that were taking place in the Javiera Carrera neighborhood (Curanilahue). Valdebenito was at a barricade-bonfire when he was hit by a bullet presumably fired by the police. Since there is not enough evidence to determine the circumstances that prompted the police to step in, this Commission holds the conviction that Roberto Eliecer Valdebenito died a victim of the political violence characteristic of that period.

On April 28, 1988, Alexis Eduardo MUÑOZ RIVEROS, 17, a technical school student who was active in the National party, was killed. That night after a student demonstration in support of a protest by the teachers, he was killed by a bullet fired by a private citizen in the area of Avenida Departamental (Santiago) under circumstances that the Commission was unable to clarify. The evidence gathered by the Commission enables it to come to the conviction that the killing of Alexis Eduardo Muñoz was the result of the political violence of that period.

On August 30 and 31, 1988, street demonstrations were held to protest the nomination of President Augusto Pinochet as a candidate for the plebiscite that year. Four people were killed:

Edison Freddy PALMA CORONADO, 15, was a student. On the night of August 30, a group of people marched along Avenida Grecia to Calle Ictinos (Santiago) near a Centro Abierto. There he died of "thoracic, cardiac, and pulmonary trauma caused by a bullet," although it proved impossible to determine the circumstances and origin of the shot. On the basis of the evidence it has been able to gather, the Commission has come to the conviction that Edison Palma died a victim of political violence.

Sergio Williams ALBORNOZ MATUS, 14, was working as a mason's apprentice. On August 30 demonstrators attacked the storage buildings in a municipal park near Villa La Cultura (Santiago) and set them on fire. Police and firefighters arrived. In that context shots were fired from several different directions. A bullet hit Albornoz and killed him. The evidence on this particular case and background information on the context enables this Commission to come to the conviction that Sergio Albornoz died a victim of the political violence of that period.

Carlos Eugenio ARANCIBIA CANTILLANA, 23, was killed by a bullet on the night of August 30, while he was in the street after demonstrations in the city of Quillota. The evidence gathered indicates that he was participating in a march and then in barricade-bonfires. He told people there that he was being followed by a car. A witness heard someone, presumably Arancibia, being forced to run, and then shots fired at him. Carlos Arancibia managed to get himself to within a few blocks from his parents' house. The evidence presented enables this Commission to come to the conviction that Carlos Arancibia was killed by private citizens who violated his human rights for political reasons.

Antonio Oviedo SANDOVAL CARES, 31, worked as a carpenter. A barricade was set up at the intersection of Avenida Santa Rosa and Calle Venancia Leiva (Santiago) on the night of August 30. Testimony

examined by the Commission indicates that a bus that had been hit by rocks at previous barricades drove up and the demonstrators let it pass. As it was going through, however, unidentified individuals on the running board shot at the demonstrators. Antonio Oviedo Sandoval was wounded and later died of a bullet wound to the face, head, and brain, according to his death certificate. Another witness has testified that those same individuals had previously fired their weapons elsewhere and did so again at another site, before getting off the bus. The evidence presented makes it possible to presume that the perpetrators were politically motivated. This Commission holds the conviction that Antonio Oviedo died as a result of the violation of his human rights committed by private citizens for political reasons.

When the plebiscite was held on October 5, 1988, a number of demonstrations were held to celebrate the victory of the "No." Two persons were killed in that context.

Carlos Segundo MORALES ALVAREZ, 31, worked repairing shoes. On the night of October 6 as the residents of the José María Caro shantytown (Santiago) were holding street demonstrations, police came driving through in a van. A number of witnesses have testified that the official troops were firing bullets and launching tear gas canisters as they passed. When consulted by the Commission, the police said that "serious disturbances were being organized, and people were attacking police, throwing things at them, and even shooting at them." They also said that "in the course of dealing with these serious disturbances, a van and a police bus were structurally damaged by bullets. Rock throwing also caused serious damage." It was acknowledged that the "police went to that location, and Carlos Segundo Morales Alvarez was wounded and later died in the emergency ward at the Barros Luco Hospital." The evidence presented and statements made by witnesses who say that the demonstration was peaceful lead the Commission to presume that Carlos Morales suffered a human rights violation at the hands of government agents who used excessive force.

Luis Alberto SILVA JARA, 14, a flower vendor, was killed by a bullet fired at demonstrators near the corner of Avenida Alameda Libertador Bernardo O'Higgins and Las Rejas (Santiago) on the night of October 6. The evidence gathered does not make it possible to determine who shot at the demonstrators and hence this Commission presumes that Luis Silva's right to life was violated by politically motivated private citizens who presumably were opposed to the demonstrations.

On December 15, 1989, Sebastián Rodrigo RIVAS OVALLE, 23, was killed in a celebration over the victory of Patricio Aylwin in the presidential election. This happened in the area of the Escuela México (Valdivia).

Police arrived, but the demonstrators decided not to run. A witness says that "they picked out Sebastian because he had his (Aylwin) T-shirt on." The same accounts indicate that the police then beat him. He came home with signs of the beating all over his body. The next day he was taken to a hospital. He died there of a cranial encephalic trauma with intracranial hemorrhage, as the death certificate states. The police version was that outbreaks of violence were taking place, and hence official forces had to step in. They stated that Rivas may have been hit with a policeman's stick, but that there were other possible reasons for his injuries entirely apart from the police action. Even if there were some need for the police to take action in this case, in weighing the evidence it gathered, and especially testimony by people closest to the scene, the Commission presumes that government agents used excessive force and violated Rodrigo Rivas's right to life.

On the night of December 29, 1989, Jaime Antonio QUILAN CABEZAS, 26, a worker, was taking part in a local anti-government demonstration in the Cerro Navia district (Santiago). According to credible accounts, when the demonstration was over, someone who had arrived shortly before followed Jaime Quilán in a car and fatally shot him in the back. According to evidence examined by the Commission, Jaime Quilán was actively involved in activities of opposition to the government. Hence the perpetrator can be presumed to have been politically motivated. This Commission therefore holds the conviction that Jaime Quilán died as the result of a human rights violation by a politically motivated private citizen.

D. Use of undue force and abuses of power tolerated by those in authority

1. Introduction

This Commission has regarded unpremeditated killings committed by government agents while on duty defined as use of undue force (as explained in Part One, Chapter Two of this report) as violations of human rights that fall within the scope of its mandate. Killings committed by government agents that are not politically motivated and when they are not exercising their functions, which are defined as abuses of power (as explained in Part One, Chapter Two) have been regarded as human rights violations only when they have been committed with the acquiescence or tolerance of officials or when such officials have taken measures to assure the perpetrator of impunity.

This section deals with cases of use of undue force and abuse of power that constituted human rights violations which the Commission has been able to verify in the course of its investigations, even though they have no political overtones. The Commission believes that the most

significant characteristic of the killings of that nature that took place in 1973 was that they were part of a general framework of political violence during that time. Hence it has opted to include them along with the other cases of fatal human rights violations committed during the months following the change of government, and therefore they will not be included in this section. However, all cases of that nature that took place during the period from 1978 to 1990 are included, as are those from the previous period covering the years 1974 to 1977.

The Commission examined 242 cases fitting those categories. It concluded that sixty-eight of them constituted human rights violations. It did not come to such a conviction with regard to the remaining 174 cases.

2. Cases in which the Commission came to a conviction that persons had been killed as a result of the use of undue force or the abuse of power with acquiescence of officials
 - a. A note on methodology
Because so little evidence and material on which to base a judgment could be gathered, and because these are isolated incidents and hence difficult to analyze in context, cases of killings due to these causes are treated differently from others on which the Commission came to a conviction. Only the names of the victims are listed in this part of the report; their cases are not described one by one. Nevertheless, their names are listed in the final volume of this report [not translated into English] on an equal footing with all the other cases on which the Commission came to a conviction.
 - b. Different kinds of cases regarded as falling under these causes
 - b.1) Deaths as a result of the use of undue force

b.1.1) Deaths as the result of the use of excessive force

This category includes cases in which the force used by official forces was disproportionate to the situation they were thereby seeking to halt or prevent and which in principle allowed for the use of force. The kinds of deaths due to use of excessive force include:

* Those caused when government agents, often without any prior warning, shot at unarmed passers-by, who instinctively fled when they saw the agents approaching;

* Those caused by disproportionate forms of repression,

mainly government agents firing their weapons, often without prior warning, at people who were simply holding public demonstrations or handing out literature in opposition to the military regime;

* Those caused by government agents firing their weapons, often without prior warning, at people who were simply violating curfew and who presented no other indication of danger;

* Those caused by government agents firing their weapons, also often without any prior warning, at people who were caught committing a crime when there was no reasonable need for such a measure.

It should be noted that in such cases the armed forces and police generally discharged those responsible and passed the evidence over to the military courts. That fact, however, has no bearing on whether they are to be classified as human rights violations.

The following are the names of persons killed as a result of the use of excessive force by government forces:

ACEVEDO CISTERNAS, Eduardo Bernabé
ACUÑA BALLESTEROS, Reinaldo Enrique
ANTIMAN NAHUELQUIN, Rubén Armando
BAEZA ZENTENO, Linfor del Carmen
BARRAZA HENRIQUEZ, Eduardo Octavio
BARRIENTOS AÑAZCO, Hugo Orlando
BECKER ALFARO, Víctor Hugo
CABEDO AGUILERA, Jorge
CARO BENITEZ, Ricardo Alejandro
CASTILLO ARCAYA, Roberto
CASTILLO OYARCE, Ricardo Sergio
CAUTIVO AHUMADA, Salvador Fidel
CONTRERAS GONZALEZ, Jorge Edilio
CONTRERAS GONZALEZ, Juan Orlando
CONTRERAS MENARES, Manuel Andrés
CONTRERAS, PLOTSQUI, Exequiel Zigomar
CORREA ORTIZ, Hernán
CORTES NAVARRO, Andrés Nicanor
DELPERO PANIZZA, Bruno
ESCOBAR FERRADA, Angel
ESCOBAR LAGOS, Lorena del Pilar
ESPINOLA MUÑOZ, Juan Carlos

FARIAS NARANJO, José Carlos
FRES GALLARDO, Gonzalo Elis
GAETE AVILA, Miguel Segundo
GARRIDO QUEULLO, Christian Leandro
GONZALEZ FREDES, Fernando Dionisio
GUTIERREZ GUTIERREZ, María Cristina
JARA CORTES, Carlos Eduardo
MAIGRET BECERRA, Mauricio
MENDEZ VASQUEZ, Laura Rosa
MORALES CHAVEZ, Enrique Segundo
MORALES SANTOS, José Eduardo
NAVARRO SUBIABRE, Nibaldo
OBANDO GALETOVIC, Iván
OPAZO LARA, Luis Humberto
ORTIZ CID, Giovanna de las Mercedes
PEREIRA LUNA, Sergio Omar
PEREZ ESPINOZA, Víctor Omar
PEREZ VALDEBENITO, Roberto Andrés
RANDOLPH SEGOVIA, José Rodolfo Rigoberto
REYES ARZOLA, Marco Aurelio
REYES CASTILLO, Javier Esteban
RIQUELME CASTILLO, Luis Fernando
RODRIGUEZ LOPEZ, Armando
ROJAS PEARCE, Rodrigo Hugo
SANTANDER ZUÑIGA, Omar Hernán
TAPIA AGUILERA, René Hernán
ULLOA SAEZ, José Iván
VARGAS, LIZAMA, Pedro Jaime
VASQUEZ PEÑA, Hugo Hernán
WINLO BARRIOS, Víctor Hugo
ZAVALA BARRA, Rubén Eurico

b.1.2) Imprudent use of force

This category includes deaths caused by grave negligence or gross lack of caution on the part of government agents in firing their weapons. The cases of death caused by imprudent use of force investigated by the Commission were primarily the result of shots fired into the air by government agents that hit people who had nothing to do with the prevailing situation. The following are the names of those people:

DUARTE REYES, Ramón Leopoldo
MANZANO GONZALEZ, Patricio Enrique
PLAZA DIAZ, Sara Beatriz

b.1.3) Mistreatment

This category includes cases of persons who died at detention sites as a result of mistreatment when such mistreatment did not formally constitute acts of torture. The Commission came to the conviction that five people had died under such circumstances. Their names are:

NAVARRO MELLADO, Sergio
PALACIOS TORO, Esteban Alejandro
PINO CORTES, Claudio Patricio
RIVERA BARRAZA, Pedro Benito
SOLORZA GONZALEZ, Bernardo Enrique

b.2) Abuses of power that constituted human rights violations

This Commission came to the conviction that four [sic] persons were killed by government agents who were acting for their own reasons. Their actions therefore had nothing to do with their assigned duties, and they could rely on the acquiescence of officials whose duty it was to prevent such acts. The names of the victims are:

ORMEÑO MOSCOSO, Jorge Hernán
VARGAS SALAZAR, Angel Patricio
MELO FARIAS, Joel

b.3) Human rights violations committed by private citizens

The Commission came to the conviction that if a person were killed by private citizens acting under the protection of government agents, such an action would be a human rights violation and not a common crime. Such was the killing of:

Gilberto Antonio MORA ORELLANA.

E. Reactions of major sectors of society to the human rights violations that occurred between 1978 and 1990

1. First subphase – Reaction of major sectors of society to human rights violations between 1978 and the first protests in mid-1983

a. The attitude of Chilean society

New space was opened in Chile by the disbanding of the DINA, which marks the beginning of this period. Other events

important for human rights, such as the expulsion from Chile of the foreign DINA agent who was linked to the murder of Orlando Letelier and Ronnie Moffit, and the replacement of the state of siege with the state of emergency, had a similar effect. This opening in turn made it possible for society as a whole to begin to react in a more coherent and effective manner to the violation of human rights and more generally to the military regime's actions. An incipient but clear opposition began to manifest itself in the realms of politics, labor, schools, and so forth.

From this point onward, opposition to the military regime was to be channeled along two distinct and opposed lines: the route that accepted all forms of struggle to challenge the military regime and the nonviolent route. The attack on the Agas supermarket in 1979, the attack on the "flame of freedom" in which a policeman was killed, the murder of Lieutenant Colonel Roger Vergara, and several other attacks demonstrated the determination of some small but well-organized segments of society to take the armed route. In doing so, they did not respect the right to life and physical integrity of those whom they identified as government agents or private citizens who might accidentally suffer the consequences of their actions. Included here are the establishment of a guerrilla camp in Neltume, the attack on the house of the president of the supreme court, and the killing of four members of the investigative police in front of an army general's house.

The option for a path of nonviolent opposition to the regime was expressed through the denunciation of human rights violations in Chile issued by various persons and (primarily human rights) organizations; the legal, medical, social, and moral assistance provided by the human rights organizations then existing in Chile, headed by the Vicariate of Solidarity; and the call by a number of persons and sectors to vote "No" in the September 11, 1980, plebiscite, primarily on the grounds of the military regime's violation of its fundamental obligation to respect Chileans' human rights. In addition, some sectors and individuals who were not part of the opposition made it clear that they were opposed to the human rights violations that were being committed. They generally regarded them as excesses for which the government was not directly at fault.

Society as a whole did not yet react significantly in open solidarity with the victims of human rights violations. The prevailing attitude was rather one of indifference or unbelief, despite a gradual but slow growth in awareness on the matter.

This growing awareness was impelled by events like the discovery of the bodies of a group of disappeared prisoners in a Lonquén mine. The government had told international organizations that these people were dead and that their bodies had been turned over to the Medical Legal Institute five years previously.

- b. The attitude of those persons making up the regime
- The number of those who disappeared after arrest or who were killed declined significantly during this period. Repression against dissent tended to take the form of prohibiting those outside the country who opposed the military regime from entering Chile; administratively sending labor and student leaders to internal exile in various places in the country; and administratively exiling political leaders, and insulting and humiliating them in the process. Some of the most important of such measures were the prohibition of a high-ranking Christian Democrat leader from entering the country in September 1980, and the expulsion of three other prestigious politicians almost a year later. In December 1982, a group of important labor union leaders was expelled. The power granted by the state of siege, which was still in effect, to hold people for up to twenty days without providing any reason was not used very often.

This relative improvement in respect for human rights during this period was due to several factors, including private efforts by civilians in the regime or close to it, even though they were not critical of the regime as a whole. The amnesty law issued on April 19, 1978, basically reflected the government's decision to regard the phase of civil war and subversion as a phase that had now been left behind. It accordingly granted full impunity for human rights violations committed to that date. The amnesty also encompassed crimes that might have been committed by people who belonged to the Popular Unity government. Officials thus presented the amnesty as a gesture of reconciliation.

The following are the most significant passages from a speech by the interior minister given June 15, 1978:

Perhaps these events (the civil war supposedly taking place up to September 10, 1973) are still sharply etched in the minds and hearts of almost all Chileans. If I have sought to remind you of it today, it is because sometimes people are not sufficiently aware that those events have had a decisive influence on what has happened in the years immediately following...

...The country must realize that defeating a violent and organized subversive effort...is a challenge that has required the continuous, unselfish, preventive action on the part of the security agencies, and hence that action cannot be subjected to judgement under the criteria proper to normal times.

...It would take a long time to recount what we have done in order to move back to normality...

...In addition there is the recent general amnesty...Such a decision is an eloquent testimony to the spirit of national reconciliation motivating the government. It also indicates that our process of returning to normality is placed on foundations so firm that the most intense stage of internal emergency that we have experienced can now fortunately be regarded as overcome.

...With regard to the list of persons alleged to have disappeared to which the problem is currently reduced, I categorically assert that the government has no evidence that would prove that any of these people are being held prisoner, and hence the government categorically rejects the suggestions that officials might be holding them secretly.

...[S]ince most of the persons alleged to have disappeared are Communist, Socialist and MIR activists, it is very likely that these people have not only gone underground, but that they may have been killed in clashes with security forces under the false identities they used, thus preventing them from being accurately identified at that time.

It should be noted that when the United Nations General Assembly voted to condemn the Chilean government for the human rights situation in 1977, with the United States also voting for the resolution, the response was a National Consultation, which was in practice a plebiscite. [See editor's note p. 58, Volume One]. When it was held January 4, 1978, with no electoral safeguards, 75 percent of the ballots were cast in favor of Chile and, supposedly, "against the attack from outside." These matters are also discussed in Part Two, Chapter One of this report ("Political Framework").

c. The reaction of the churches

During this period the churches, and particularly the Catholic church, steadily developed their work of defending human rights on all the fronts mentioned in connection with the previous

period.

c.1) Teaching activity of the Catholic church

The following quotations and observations give an idea of this work:

* Christmas message of the Permanent Committee of the Bishops, December 1977. In paragraph 6 the bishops said, "We would be profoundly grateful to the supreme government authority if, as a Christmas gesture, it were to grant an amnesty to all those who are serving their various sentences. We hereby express our gratitude and joy that some of our fellow citizens have had their sentence of internal exile revoked. Such gestures undoubtedly help overcome division and strife."

* Letter of the bishops of Chile "to Chileans far from their country, at Christmas time," dated December 25, 1977. In this document the bishops expressed their affection for those who were outside the country for various reasons, including "to avoid being jailed for political reasons."

* Letter from the Permanent Committee to the junta on the National Consultation (December 30, 1977). In this document the bishops rejected the formulations of those who divided the country into the "patriotic" and the "unpatriotic." They likewise rejected the conditions under which the consultation was to be held, and stated that it was important that the citizenry be able to have a say on important national issues.

* Letter of the Permanent Committee to workers for May Day (dated April 28, 1978). On that occasion the bishops said, "We would like you to be consulted and wish you could participate in the preparation and adoption of measures affecting you. Particularly when such measures are painful, they must be accepted and not imposed if they are to render their fruit."

* Statement of Permanent Committee of the Bishops (June 6, 1978) on the hunger strike by relatives of persons who had disappeared after arrest. The bishops again urged that information be provided on the whereabouts of citizens who had disappeared after arrest.

* Press statement of the Permanent Committee of the Bishops (July 13, 1978) which provided information on efforts to investigate the fate of those who had disappeared after arrest.

The bishops stated that the true solution to the situation of disappeared prisoners "will end the anguish of people who have suffered greatly from uncertainty, bring peace to our country, and improve Chile's image in the eyes of the world."

* Statement of the Permanent Committee (November 9, 1978) on disappeared prisoners. The bishops said that "the answers given thus far (by government representatives) have not been satisfactory. In view of the evidence gathered and presented to the government, we believe that those persons called disappeared prisoners, who number several hundred, ought, with certain possible exceptions, to be regarded as having been arrested by government security services...The interior minister has assured us that human rights will not be violated while he is in his position. Nevertheless, we know that human rights continue to be violated on a lesser scale and sporadically."

* Statement of the Permanent Committee (May 25, 1979), on Decree Law No. 2621. In this statement the bishops expressed their support for a document on the matter issued by the National Justice and Peace Commission. They also said, "We ask those responsible for revising the text of this Decree Law that they try to situate it, insofar as necessary, within the principles of natural ethics and our humanistic and Christian tradition."

* Statement of the Bishops Conference on the plebiscite (August 23, 1980). The bishops offered their message to Chileans on the occasion of the plebiscite called to decide on the proposed constitution. In point 8, they stated that "whatever be the result of the plebiscite, the church will continue evangelizing and exhorting everyone to deepen in faith, hope, and charity, and to promote the values of dignity, freedom, and responsibility."

* Statement of the Permanent Committee on the expulsion of four citizens from the country (August 14, 1981). The bishops asserted that "our country wants no violence, whether private or public, subversive or repressive." Chile wants to live under the rule of law in which "all members of the community have the absolute assurance that their opinions will be respected and that they will not be punished for their actions, unless a court of justice has found them guilty and sentenced them."

* Letter of the bishops to Catholics, "The Rebirth of Chile,"

(December 17, 1982). The bishops stated "We are concerned over what is happening at this very serious moment... The provisions of the 1980 Constitution on complete respect for human rights are not being observed, partly because of the use of transitory articles." The document then indicated three conditions required for Chile to be reborn, one of them being "respect for human dignity."

* Statement of the Permanent Committee about the expulsion of three priests (March 18, 1983). Paragraph 4 says that "it condemns the procedure followed, the unnecessary use of an enormous deployment of the police such as had not been used even for the worst criminals, and the deceitful and false manner in which they operated."

c.2) Lonquén

The Catholic church was directly involved in the discovery of the disappeared in Lonquén [i.e., exhuming the corpses], an event that stirred up public opinion.

c.3) Specific action of the churches to aid and protect victims of human rights violations

c.3.1) Work of the Vicariate

The work of the Vicariate of Solidarity continued to be the central thrust of the church's defense and protection of victims and their family members. The 1978 observance of Human Rights Year culminated in December in an event organized by the Vicariate of Solidarity. Government media gave the gathering a highly polemic meaning, and there were responses from all levels of government. We here refer back to what was said earlier about this institution.

c.3.2) The work of FASIC (Christian Churches Foundation for Social Welfare)

FASIC continued to offer its services as it had in the previous period.

c.3.3) National Justice and Peace Commission

Among the objectives of this agency was that of striving to be informed about human rights violations, and to express Christian solidarity with all those suffering injustice. To this day

the National Justice and Peace Commission analyzes the situation in the country and prepares documents for the bishops to use as background material for their teaching activity.

c.4) Ministry of priests and pastors

The churches, and especially the Catholic church, continued to carry out their practical work of defending and protecting human rights through the silent labor of their priests and pastors in different sectors of the community, especially among the poorest and most outcast. They offered their spiritual and practical support in the realm of human rights. In March 1983, two Irish priests and one Australian priest who were involved in such work were expelled from the country.

d. The reaction of the media

The relative relaxation of repression that characterized this period, itself the result of the end of the state of siege and the suppression of the DINA, led to the opening of more space for freedom of information. Not all the media took advantage of this space, either because their adherence to the regime led them to assume a completely uncritical posture or because self-censorship had become a habit that was difficult to shake off. Some journalists, however, began to move into such space. Even media that were not regarded as part of the opposition occasionally published information on human rights violations and opinions on the issue. That work was nonetheless taken up primarily by opposition media. The magazines Hoy, Apsi, and Análisis, which had first appeared in the waning days of the previous period were now joined by the magazine Cauce and the newspaper Fortín Mapocho, which engaged in an ongoing work of denouncing human rights violations. Some radio stations such as Radio Cooperativa and Radio Chilena did similar work.

The government remained continually hostile to all such media. One indication was the two month suspension imposed on Hoy in 1979, and the banning of news programming on the La Frontera and Araucanía radio stations in Temuco. Finally it should be noted that during this period all the media, no matter what their tendency, provided information on terrorist attacks, and condemned them categorically.

e. The reaction of political parties

Since the various political parties became more organized

during this period, they were able to express themselves publicly on the issue of human rights violations in Chile. It should be noted that they became more organized at a time when political parties were not legally recognized, as was noted with regard to the previous period. They did so, however, with the de facto tolerance of the authorities, whether that happened willingly or because social pressure made it impractical to prevent it.

The reaction to the issue of human rights and to terrorist actions varied among the various political parties, in accord with the sector each represented. Right-wing parties and organizations openly and categorically condemned terrorist actions. They also condemned the violation of human rights by government officials in doctrinal terms, but failed to acknowledge clearly enough that such violations were actually taking place in Chile. Centrist political parties and organizations (such as the Christian Democrat, Radical, and Social Democrat parties, and some Socialist factions) took a clear and firm stance in condemning human rights violations committed by government figures, and terrorist actions from the left and the right. Even though their condemnation was vigorous, it did not have the effect of halting human rights violations or terrorist actions.

The political parties of the left, which had reorganized to some extent after the persecution they had undergone, held to a stance of continually condemning actions that violated human acts and the military regime itself for violating those rights. They did not maintain an equally clear stance with regard to terrorist actions allegedly committed by extremist groups on the left. In fact some of them, such as the Communist party and the MIR, encouraged all forms of struggle, including armed struggle against the military regime. Armed groups advocating violence with ties to some left parties were formed, and they claimed credit for some of the terrorist actions carried out during this period. These matters are also discussed in Part Two, Chapter One of this report ("Political Framework").

- f. The reaction of professional people and their associations
The situation remained similar to what it was during the previous period in the sense that the various professional associations did not react publicly and officially to human rights violations, and the only reactions came from individuals. Nevertheless it should be noted, that as was the case in other sectors of society (see point h below), professional people increasingly came to feel that they needed to have their own

representative organizations. The eventual result was that professional associations underwent a redemocratization during the following subphase, and they took a stance on the side of promoting and defending human rights.

It should also be mentioned that Decree Law No. 3621 (issued February 1, 1981), expressly abolished the legal provisions that empowered professional associations to examine and sanction violations of professional ethics. It also defined the nature of these organizations as trade or professional organizations, and made it legal to practice a profession without belonging to such an association.

g. The reaction of the victims and their relatives and of human rights organizations

g.1) Organizations of victims and victims' relatives

The work of the group of Relatives of Persons Who Disappeared After Arrest was now augmented by other organizations of victims or of victims' relatives, such as the group of Relatives of Persons Executed for Political Reasons. This organization, which first appeared publicly in November 1978 and still exists, made various kinds of accusations during this period, often in conjunction with other organizations. Its aim was to have those responsible for the deaths of their loved ones brought to justice, and, more generally, to accuse the military regime of responsibility for those deaths. In many instances, these groups were set up in various places around the country. Their regional and local units often played a decisive role in making known human rights violations, and especially in searching for and uncovering the remains.

g.2) Human rights organizations

We have already referred to the work of human rights agencies working under the aegis of the churches, that is, the Vicariate of Solidarity and FASIC, when we spoke of the reaction of the churches to human rights violations. We here refer back to that section. In addition, new human rights agencies arose during this period. Some of them have continued to this day. At that time they played an important role in promoting and defending human rights, as well as in providing legal, medical, social, and moral assistance to those whose rights were violated and to their relatives. Of these we may single out:

g.2.1) National Commission for the Rights of Youth (CODEJU)

It was set up in Valparaíso in 1977 and in Santiago in 1978. Its members are young leaders who hold various political, ideological, and religious positions. The aims of the organization are to condemn any violations of the rights of young people and to assure that all youth organizations take up the issue of human rights.

g.2.2) Chilean Human Rights Commission

Established on December 10, 1978, its basic aim is to work in a pluralistic, free, and independent way to assure that the human rights enshrined in international treaties are in force, respected, safeguarded, and promoted. The activities of the Chilean Human Rights Commission have included making known and condemning human rights violations and providing legal aid to persons and groups affected.

g.2.3) Amnesty International, Chile Section

Created in 1978, this group deals with human rights violations outside Chile. By way of exception, inside the country it can deal with all matters related to abolishing the death penalty, the signing of international human rights treaties, and carrying out educational activities on human rights.

g.2.4) Foundation for the Protection of Children Harmed by States of Emergency (PIDEE)

Established in 1979, this organization's work has been that of protecting children and adolescents affected by the repressive actions that grew out of the social and political situation in Chile after 1973. It has provided medical and psychological and other kinds of help to many children of people who were held in prison, disappeared, or were executed.

g.2.5) Committee for the Defense of the Rights of the People (CODEPU)

It was created in late 1980, and its main objective is to defend individual and collective human rights. This committee's work has emphasized collective rights, such as self-determination, solidarity among peoples, and the like.

g.2.6) National Commission against Torture

This group was set up in 1983, and its central objective was, and continues to be, to work to have torture in all its forms abolished.

h. The attitude of other mediating institutions

During this period there was a growing acceptance of the idea that the various sectors of society should regain the possibility of becoming organized democratically in institutions that would represent them and defend the interests of their particular sectors. Since there was now a greater degree of tolerance, and since changes in laws were making the legal framework applied to such institutions less rigid, it became possible during the next subphase for them to become redemocratized and to take a stance of promoting and defending human rights in their own circles and particularly with regard to their own members.

Some human rights violations during this subphase had serious effects on some of these institutions, particularly the Chilean labor union movement, and had a profound impact on the country. Such was the killing of the labor leader Tucapel Jiménez by unknown people on February 27, 1982, while he was trying to bring the labor movement together, and the 1982 expulsion of three opposition leaders.

i. The reaction of the international community

This period was generally similar to the previous period. Many countries in the international community remained critical of the Chilean government because of the human rights situation in Chile. This criticism was reflected in the refusal to renew diplomatic relations, and in votes to condemn Chile in international organizations because such rights were being violated in our country. As examples of the latter we may single out:

i.1) Organization of American States (OAS)

Between 1977 and 1980 meetings of the OAS General Assembly led to resolutions expressing concern over human rights violations in Chile. In May 1981, the government decided to suspend its relations with the Interamerican Human Rights Commission which is part of the OAS. That commission's annual report for 1982-1983 contains criticisms of Chile in the area of human rights.

i.2) United Nations

The following are some of the highlights in the efforts made by United Nations with regard to human rights in Chile:

- * Resolution of the Human Rights Commission, March 6, 1978, condemning the Chilean government for human rights violations;

- * Visit of the Ad Hoc Working Group to Chile, which issued a special report on the human rights situation in Chile in December 1978;

- * General Assembly resolution approved December 20, 1978, calling on the government to take various measures to improve the human rights situation in Chile;

- * Creation of the special group of the Human Rights Commission to examine the situation of people who had disappeared after arrest in Chile;

- * Resolution of the Human Rights Commission in March 1979 condemning the Chilean government for human rights violations and asking that measures be taken to improve the situation;

- * Appointment in 1979 of a special rapporteur to draw up a report on what was happening in human rights in Chile.

The special rapporteur prepared elaborate reports on the issue covering the years 1979, 1980, 1981, and 1982. The United Nations Human Rights Commission issued critical commentaries on the human rights situation in the country during those years. It is noteworthy that in 1981 the commission urged the Chilean judiciary to use its power to bring about an improvement in the situation. On the basis of these reports and other evidence, the United Nations General Assembly issued resolutions of condemnation in 1979, 1980, 1981, and 1982, and urged that steps be taken in this area. Each resolution was passed by an overwhelming majority.

i.3) Other organizations

As had been the case in the previous period, non-governmental international human rights organizations including Amnesty International and the International Commission of Jurists continued their work of trying to bring about an end to human rights violations in our country.

2. Second subphase – Reaction of major sectors of society to human rights violations between mid-1983 and 1990

a. The attitude of Chilean society

a.1) The reaction of the opposition

Human rights violations were one of the main causes of activity in opposition to the military regime. Such opposition, which continued to grow stronger, was expressed in the same two options that had arisen in the previous subphase: the route that accepted all forms of struggle, with the support of small well-organized sectors on the far left which sought to overthrow the military regime by force; and the route of active nonviolence, which by using its right to dissent, sought to promote a peaceful transition toward a democratic regime that would fully respect human rights.

a.1.1) The option for violence

The option to use violence in confronting the military regime was translated into a spiral of terrorist attacks by groups on the far left:

* On August 30, 1983, the intendant of Santiago, General Carol Urzúa was murdered by a MIR commando group. The members of a MIR cell involved in the attack were soon arrested.

* On November 12, 1983, a bomb exploded against a police bus. Four police were killed and ten were injured.

* On November 4, 1984, the police station in La Cisterna was attacked, and two police were killed.

* On March 26, 1985, a bomb placed in the Hotel Araucano killed two CNI members.

* On February 5, 1986, a bomb thrown at a police bus killed one policeman and injured fifteen.

* On April 2, 1986, the UDI leader Simón Yévenes was murdered.

* On April 28, 1986, a policeman was killed in the attack on the Lautaro bakery.

* On July 16, 1986, a bomb set off in the metro killed one passenger and injured three.

* On September 7, 1986, General Pinochet was attacked, and five of his bodyguards were killed. The Manuel Rodríguez Patriotic Front (FPMR) claimed credit. This attack took place shortly after the discovery in northern Chile of large caches of arms that the FPMR had smuggled into the country. The attack deepened the divisions in the opposition since the Communist party was accused of supporting the activities of this terrorist group. On October 23, 1986, seven members of the organization who had been involved in the attack were arrested.

* On September 1, 1987, Lieutenant Colonel Carlos Carreño of the Chilean Army was kidnapped by the Manuel Rodríguez Patriotic Front (FPMR). Two months later he was released in Sao Paulo.

a.1.2) Peaceful approach

Because there were no adequate channels for expressing dissent peacefully, it was expressed first through what are known as National Protests. The first of these was held in May 1983, and it ushered in this period. Small extremist sectors increasingly took advantage of these protests, which the organizers intended to be peaceful actions, and used them for their own purposes, including political violence. The government's response was to adopt drastic measures, which sometimes violated human rights. In doing so, it invoked its obligation to maintain public order. These developments led nonviolent opposition groups to put the emphasis on other ways of expressing their disagreement as such means became available.

At the same time the peaceful opposition became increasingly cohesive during this period. Political parties were reorganized even though they were still prohibited; sector and occupational associations (labor unions, student organizations and professional associations) reorganized; multiparty alliances (such as the Democratic Alliance) and multi-sector alliances (such as the Assembly of Civilian Forces and the Unified Labor Federation) were also formed; agreements with a vast appeal and support such as the National Accord and Broad Political Pacts, and the political platform of the coalition of opposition

parties [Concertación]⁹⁶ were drawn up and signed.

This process culminated with the victory of the "No" vote in the October 5, 1988 plebiscite; the approval of the constitutional reforms submitted to a plebiscite in 1989; and the presidential election December 14, 1989. In each of these developments the issue of human rights played a major role.

a.2) The reactions of groups supporting the regime

a.2.1) The reaction of moderate sectors

Human rights violations committed during this period and information on those committed previously prompted some sectors on the right to become critical of what the military regime was doing. Even though such criticism did not mean that these sectors stopped supporting the government, it did lead to some distancing from it. One sign was the fact that one of the political groups representing these sectors took part in the National Accord promoted by the Catholic church.

a.2.2) Counter-reaction of far right groups

The growing process of opposition to the military regime, and especially the option for armed struggle mentioned above, prompted a reaction on the part of small extremist groups close to the regime. A portion of the terrorist attacks carried out during this period can be attributed to such sectors. The government failed to take effective measures against them. It should be noted that the increasing level of violence that the protests gradually took on, especially in poor areas, was largely due to provocation by these groups. It was in their interest to cause the demonstrators to respond with violence so as to delegitimize the protests as an ethically valid way of exercising their right of dissent.

b. The attitude of those persons making up the regime

During this time political conditions, including the fact that a transition based on the 1980 constitution was underway, greater awareness of what had happened and was happening in the area of human rights, and a generally stronger opposition, led the government to adopt measures to bring about relative

⁹⁶ Concertación: The Concertación is a coalition composed of eighteen center and moderate left parties who worked to successfully defeat the continuation of the military regime and to vote into office President Patricio Aylwin on December 14, 1989.

improvement in the human rights situation in Chile. This development was part of an overall series of institutional changes needed for the transition to democracy (such as issuing constitutional laws to govern the election process and the laws governing the composition of political parties). The government's efforts to lessen the problem of exile by allowing most of the exiles to return toward the end of this period were part of this process.

The resignation of the head of the police César Mendoza, who was a junta member, and of other high-ranking police officials when they were found to be involved in the triple murder of Santiago Nattino, Manuel Guerrero, and Jose Manuel Parada (known as the case of the "slit throats") was a reaction to human rights violations from within the government.

By and large there were no other reactions within the regime to human rights violations. This observation does not refer to private efforts to improve the situation made by some people within the regime. However, there were some grave actions that violated human rights, a portion of which were exacerbated by terrorist attacks made by the advocates of armed struggle. In this category fall the reprisals for the attack on General Pinochet, including the case of José Carrasco, Felipe Rivera, Gastón Vidaurrázaga, and Abraham Mouskablitt. These matters are also discussed in Part Two, Chapter One of this report ("Political Framework").

c. The reaction of the churches

The Catholic church continued to show its concern for the promotion and defense of human rights and to carry out the endeavors it had begun previously. A new feature-important enough to receive separate treatment here-was the Holy Father's visit to Chile.

c.1) Teaching activity of the Catholic church

We now cite some passages from statements by the Permanent Committee of the Bishops and the Bishops Conference which in our judgement represent the position of the church on the matter.

* Christmas letter of the Permanent Committee to fellow Chileans in exile (December 10, 1983). The bishops said that "our faith in Jesus prevents us from accepting the fact of exile. That is all the more the case when it has been imposed

administratively."

* Statement of the plenary assembly of the Bishop's Conference, "A Christian Way" (December 15, 1983). Among the guidelines the bishops offered in this statement were the following: "Those who in some fashion engage in, encourage, or aid in torture gravely offend God and human dignity. The security agencies, and especially the CNI, are utterly and urgently in need of a fundamental reform, so that they may act morally and according to the just laws that ought to govern a country. Only in this fashion will torture, intimidation, informing, and humiliating treatment be avoided. Exiles have a right to return to the country, or at least to have their legal situation clarified before the courts so that they may know where they stand."

* Statement by the president and secretary of the Bishops Conference (September 5, 1984). In response to censorship measures imposed on several radio stations and three magazines, the bishops stated that "again we find these rights to dissent and to information are being violated."

* Statement by the president and secretary of the Bishops Conference on violent actions and the killing of a priest, "One More Holocaust," (September 5, 1984). In this document they pleaded "that God's justice may reach the hearts and minds of our magistrates and that an accurate, competent, and just investigation determine the truth and punish the guilty party."

* Statement of the Permanent Committee, "On the Path of Justice," (August 2, 1985). In response to the decision made by appeals court Judge José Cánovas on the responsibility of police for horrifying crimes, the bishops said, "The events that have troubled our country are a challenge to the conscience of all Chileans. We pray to the Lord that those responsible for these crimes may be converted. And we invite Catholics and people of good will to assume their own responsibility for building up a society that will not be violent but will be family-spirited, and to expel once and for all from our common life everything that violates life and social peace."

* Statement of the Permanent Committee, "We will not be silent nor will we rest," (January 15, 1986). This document discussed reconciliation.

* Statement of the Bishops Conference, "Justice or

Violence" (April 7, 1986). This document stated, "We hope that justice will be fully achieved with regard to those who have disappeared, who have been murdered, tortured, and even had their throats slit. It is not enough to say that justice is slow but eventually comes. Justice not exercised in due time is already injustice... The fact that a number of political crimes have remained in obscurity has been creating a climate of mistrust and suspicion that has contributed to tensions and hatred that is harmful to all Chileans."

* Message of the Bishops Conference, "Happy Are Those Who Build Peace," (July 13, 1986). The bishops here speak about violence. In paragraph 9 they say, "Another cause of violence is the way the police sometimes exercise their functions... the unnecessary or excessive use of war procedures against the civilian population causes terror, anguish, and annoyance among those who suffer it. Very often they have not even been involved in the actions that prompt such repression."

* Statement of the Permanent Committee on the attempt to kill the president (September 10, 1986). In this document the bishops rejected the attack as an act of homicidal violence. Furthermore, in paragraph 4 they said, "[The Bishops Conference] once more reaffirms that peace in Chile will not be brought about by making it a matter of violence and war but by allowing the whole Chilean people to express itself with freedom and responsibility and to participate actively in building a just and family-like homeland." In paragraph 6 they said, "[The Bishops Conference] hopes that the state of siege that the government has declared will be applied with moderation and that the country will return completely to normal as soon as possible." In paragraph 7 they said, "[The Bishops Conference] asks that what has happened these last few days when organized groups have taken several people from their homes and they have later been found dead be brought to light."

* Letter of the Permanent Committee at the beginning of Lent (March 4, 1987). In this document the bishops referred to an army major's confession that he had been involved in the crime against Orlando Letelier. "The moral good of the country and the prestige of the Chilean Army demand that this matter be completely brought to light, not only in the courts but primarily for the sake of the very institution to which they belong or belonged."

c.2) The work of the Vicariate of Solidarity

During this long period the Vicariate continued to be concerned about instances of human rights violations from previous periods, as well as the new cases that continued to present themselves. In doing its work the Vicariate of Solidarity was able to compile very complete documentation on the cases it investigated. It continues to expand that documentation to this day.

The government was openly hostile to the vicariate and demonstrated that hostility in various ways. These included the expulsion of its vicar, the Spanish priest Ignacio Gutiérrez in November 1984, and putting a doctor and a lawyer of the Vicariate of Solidarity on trial for the professional attention they provided to a wounded man who was allegedly implicated in an act of terrorism. These persons were arrested, tried, and imprisoned as a result. In January 1989, the military prosecutor's office attempted to confiscate the files of the cases the Vicariate had undertaken, but the Vicariate refused.

On March 29, 1985, the body of José Manuel Parada, who worked at the Vicariate, appeared with his throat slit along with those of Santiago Nattino and Manuel Guerrero. The fact that government agents were involved caused public outrage.

FASIC, the ecumenical organization, continued to do its work. We refer back to what was said about that institution in the earlier period.

c.3) Ministry of priests and pastors

As was the case in previous periods, in their ministry many priests and pastors continued to advocate the need to respect human rights and to make accusations when those rights were violated. Especially commendatory was the work done on behalf of the poorest sectors by priests and pastors, and especially those in the Catholic church who exercised their apostolate in the shantytowns of Santiago. Government officials singled them out for harassment, for example, when the Catholic priests Pierre Dubois, Daniel Caruette, and Jaime Lancelot were expelled on September 10, 1986, and accused of being connected to the attempt on General Pinochet's life. Father Dubois had exercised his ministry in Chile for more than fifteen years.

Although it does not believe the killing of the French priest André Jarlan was a deliberate action by government officials, the

Commission believes that it should be mentioned because of the great impact it had. The killing happened on a day of protest in early September 1984. A bullet fired by police hit Jarlan as he was praying in a room of the parish house in the La Victoria shantytown in Santiago.

c.4) Participation of the Catholic church in the National Accord

Cardinal Archbishop Juan Francisco Fresno of Santiago was destined to play an important and decisive role in bringing about the National Accord, which gained broad support in our nation as a whole. One of its main points was the defense and protection of human rights. In this regard the document stated: "Reconciliation requires full respect for the right to life and for all the other rights contained in the Declaration of Human Rights, and the complementary agreements. That means rejecting violence as a means for political action whatever its source. It also makes it necessary to bring to light the attacks and crimes that have disturbed the country and bring to bear the full weight of the law on those responsible." The National Accord, which the government dismissed, created major tensions between the government and the church.

c.5) The pope's visit

On April 1, 1987, Pope John Paul arrived in Chile on an official visit. He took part in mass gatherings in Santiago and in various parts of the country, offering a message of peace, love, and commitment to respect for the dignity of the person, which was broadcast widely on the media and was very moving for many people. In his speech to young people at the National Stadium on April 2, 1987, he referred specifically to the human rights violations that had been committed there in the following terms, "[We are here] now, in this stadium, a place of athletic contests, but also of pain and sorrow in the past .." The visit by this eminent spiritual figure allowed members of the Catholic community speaking on behalf of various and broad sectors of society to denounce in his presence the human rights violations that had been committed in the country, in a setting in which people had been drawn together by his presence.

d. The reaction of the media

During this period some measures to control the media remained in place. These included the limitation laid down by Decree No. 5720 (September 16, 1985), which stated that the media could not offer information or opinions over conduct

regarded as terrorist crimes or over activities of a political party character as long as the state of emergency remained in effect. In any case, it should be noted that despite those limitations (which were not always observed as strictly as possible, particularly the prohibition of news on political parties) the limits to freedom of expression were continually being expanded, even though there was not complete freedom of expression in Chile.

Until the appearance of Fortín Mapocho in 1984 and La Epoca in 1987 (after they had overcome great obstacles placed by the government), the work of promoting and defending human rights took place primarily in opposition magazines such as Hoy, Cauce, Análisis, Apsi, Mensaje, Solidaridad, Pluma y Pincel, La Bicicleta, and over radio stations that inclined toward the opposition, such as Radio Chilena, Radio Cooperativa, and Radio Santiago. It should also be noted that some pro-government and independent media allowed journalists to refer to the basic principles of respect for human rights under any circumstance or to provide news on violations of those rights (magazine Qué Pasa).

e. The reaction of political parties

By virtue of Transitory Article 10 of the 1980 Constitution, the prohibition of all political or political party activity was maintained, until the Organic Constitutional Law on Political Parties was issued in March 1987. Political parties representing all sectors nonetheless were intensely engaged in their activity well before that date and with the acquiescence of government authorities. One example is the participation of twenty-one political leaders from eleven organizations of the right, center and left, in the previously mentioned National Accord that Cardinal Fresno had convoked in August 1975 [sic].

With regard to the reaction of parties to human rights violations and terrorist activities, the following points may be noted:

* Criticism of human rights violations and the demand that such practices cease was one of the main banners under which the parties making up the Democratic Alliance and the Coalition of Parties for Democracy [Concertación] struggled. These parties also maintained a clear and steady stance of condemning terrorist actions of any stripe. Nevertheless in elections in particular sectors (such as university elections), they sometimes presented common slates with parties or political coalitions that encouraged all ways of struggling against the military regime. Significant sectors saw this fact as standing in

contradiction with the nonviolent mission of those parties.

* The stance of left parties that did not belong to the Democratic Alliance or the Coalition of Parties for Democracy [Concertación] likewise condemned human rights violations. However, these parties had not taken a clear stand of rejecting acts of terrorism. Some of them, like the Communist party and the MIR, even supported all forms of struggle in opposing the military regime. That position was regarded as clear support for violent groups such as the Manuel Rodríguez Patriotic Front which were involved in very serious acts of terrorism, including the attempt to assassinate General Pinochet.

* Parties representing sectors on the right which generally supported the "Yes" vote in the 1988 plebiscite, continually condemned terrorist behavior. Although they generally claimed to advocate support for human rights, they did not raise their voice with enough energy to criticize and correct practices of violating those rights in Chile.

* Finally those party groups that gave unlimited support to the military regime and to General Pinochet personally, such as Advance Guard of the Nation were not clearly on record as favoring the protection and defense of human rights. Some people in this group had said that they would carry out terrorist activities if the country came to a point where they believed such actions would be justified.

- f. The reaction of professional people and their associations
As they recovered their democratic character, the various professional associations were led to become concerned over human rights violations in Chile, especially when the rights of their own members were violated. During this period, and even today, many professional associations established a human rights department, in order to maintain an ongoing concern over the issue. Likewise during this period the Federation of Professional Associations began to operate. It includes a significant number of these organizations and to this day maintains a human rights department which coordinates the efforts that its member organizations are making in this area.

The Seventh Congress of the Bar Association in 1986 should be mentioned. One of the topics was "Safeguarding Human Rights and Assuring Their Enforcement." The agreed upon resolutions included a categorical denunciation of the situation of human rights violations at that time in the country, and a series of

specific recommendations to end that situation. The particular concern of the Medical Association in its seminars on medical ethics in 1986 should also be mentioned. At that gathering, the findings of the investigation to determine the responsibility of medical professionals in the application of torture to political prisoners were presented. The Journalists Association presented to the Supreme Court the issue of the government policy of preventing the media from reporting the truth.

g. The reaction of the victims and their relatives and of human rights organizations

g.1) Organizations of victims and victims' relatives

This subphase was similar to the previous one, and we refer back to the observations made earlier. In any case it should be noted that the changes in the political situation in the country during this subphase such as the gradual diminishment of the regime's repressive activity allowed organizations of victims or their relatives to carry out their activities with greater tolerance on the part of officials. Likewise the rise of a strong and organized opposition movement, and the gradual albeit uneven reduction of restrictions on freedom of information allowed organizations of victims and of relatives to work together and support one another and to do the same with other institutions. It also enabled them to publicly spread the word about their existence, their aims, and what they had suffered.

g.2) Human rights organizations

We here refer back to what was said on this matter under point c.2) above, where human rights agencies under church sponsorship are discussed and to point c.3) in the previous subphase, since in this subphase many of the agencies created up to that time continued to do their work. We should note that it was during this period (September 1983) that the Sebastián Acevedo Movement Against Torture was established. It played an important role in making known and condemning human rights violations and continues to do so. It chose its name in memory of a father who set himself on fire in front of the cathedral in Concepción, as a last resort attempt to draw public attention to the abduction of his children by CNI members. [See case of Sebastián Acevedo p. 673.]

h. The attitude of other mediating institutions

The process of redemocratizing the various occupational and mediating groups in earlier periods now accelerated and began

to render its fruits. Labor and student organizations, neighborhood associations, and toward the end, universities, returned to electing their officers democratically. Insofar as their by-laws and resources allowed, some of these organizations demanded far more emphatically that human rights be respected without limit. They took a special interest in those cases that affected their associates or members. The fact that some of these agencies were continually pointing to human rights violations in Chile helped create a national awareness around the issue.

- i. The reaction of the international community
As was the case in previous periods, diplomatic relations with various countries remained poor due to human rights violations in Chile. Likewise international organizations continued to give Chile special treatment, preparing condemnations of our country for the human rights situation and recommending measures to improve it. In this respect the following should be noted:

- i.1) Resolutions and actions by the Organization of American States

The main ones are the following:

- * Annual reports of the Interamerican Human Rights Commission for the 1983-1984, 1985-1986, 1987-1988 and 1989 periods, which refer specifically to the human rights situation in Chile.

- * The Commission's request to make a new visit to Chile in November, 1984, which the government rejected.

- * The comprehensive report by the Commission on the human rights situation in Chile during the 1973-1985 period.

- i.2) Resolutions and actions by the United Nations

The main ones are as follows:

- * Reports of the Special Rapporteur for Chile from 1983 to 1989. The reports for the most recent four years were preceded by visits to Chile by the rapporteur.

- * Resolutions in the United Nations General Assembly which on the basis of the reports of the Special Rapporteur and the Human Rights Commission, issued condemnations of the

Chilean government over the human rights situation in the country and asked that appropriate measures be taken.

i.3) Other agencies

We should also mention the continual activity of international non-governmental human rights organizations. Throughout this whole period they continued to be concerned about the situation of human rights violations in Chile, and carried out actions aimed at bringing about an improvement.

Chapter Four: Impact of the most serious human rights violations on families and social relations

In previous chapters the Commission has provided an account of the most serious human rights violations that occurred between September 11, 1973, and March 11, 1990. Those chapters present the cases of people who were killed or who disappeared as a result of grave human rights violations. Likewise, without taking a stand on whether their human rights were violated, the Commission has regarded as victims those persons who were killed or who died as a result of the situation of political conflict in the country.

The Commission believes the truth would remain incomplete if the relatives of these victims were not allowed to testify on what they have suffered as a result of these grave human rights violations. Throughout these years their voices and their pain have been little heard. As it travelled throughout the country, the Commission systematically took note of the harm done to the victims' families, both in order to make it known, and so that this information might serve as the basis for reparation measures.

The Commission received this testimony in private and group sessions. The aim was to assure that people who came forward would feel welcome and that in the interview itself they would experience some acknowledgement and reparation. As a rule family members felt free to express their emotions and feelings, and they reclaimed the good name and dignity of their relatives by telling of their life and personal qualities.

The Commission honestly believes that it must allow these voices and this testimony to be heard directly. Hence this chapter is organized differently from the rest of the report. To present all these personal accounts would be impossible. We had to choose a few that could serve to present as faithfully as possible the overall message we heard in thousands of interviews. Rather than interpreting, the Commission has sought to allow people to speak and to present what it encountered in its interviews and meetings with the greatest respect for the feelings of those relatives who came forward and honored it with their trust.

The suffering that such grave losses and such unjust actions have caused relatives is one and the same no matter who the victims might be, and is entitled to equal respect. The fact that most of the quotes presented here are from the relatives of those who were killed by government agents rather than from those killed by private citizens acting for political reasons should not be regarded as indicating greater sensitivity to the pain of some than to that of others. The fact is that far more of the families interviewed fell into that group. However, beyond numbers-which it should be repeated, do not affect the respect each family deserves-there are certain kinds of harm such as the uncertainty caused by disappearance, or the experience of being outcast, that affected some families and not others.

A. *Loss and grief: "Human beings sometimes kill human beings..."*

The loss of a loved one is always painful-especially when that loss was deliberately inflicted and is perceived as a punishment meted out to adversaries, an irrational violence inflicted as a punishment. Families are at a loss to explain it. They were unable to experience the grief that goes along with death, because the fate of their loved ones who disappear after arrest remains unclear.

1. Death as punishment: "My husband was..."

Most of those killed were officials in the previous government, leaders in organizations, or people identified with an overall political program as leaders, activists, or supporters. Their death amounts to a punishment for their involvement in that political program. The family members experience that punishment, and they impotently communicated it to us when they were telling us about the victims. The relatives of the members of the armed forces and security forces who were killed by political groups have the same feeling of being punished.

* "My father was a specialist in agriculture and regional secretary of the Socialist party. He was not a criminal or a subversive-he was a professional person, and was highly respected around the world. My father was a simple man who devoted his whole life to his ideals, to what he believed, and to his hopes for all Chileans."

* "My husband was a worker; he was president of the Rayonil labor union and active in MIR."

* "My son was a young doctor, 28 years old. He was married and had two children. He was smart, and people liked him because he was easygoing and unassuming. He was an active Communist. From the time he was little he was concerned about justice for humankind."

* "My husband was 35. He was a second corporal in the police. He had been in the police for twelve years and had never done anything else."

* "My son loved being part of the whole military way of life; he felt proud to be serving his country."

* "He was the youngest one killed in the attack. He was only 26. He served in the infantry."

* "All the bodyguards killed in the ambush had children, and their lives in the armed forces had been exemplary."

In other cases the relatives feel that they have been punished and are the victims of a senseless or indiscriminate violence. Such is the feeling of the relatives of many workers, peasants, or students who were killed or disappeared in 1973, of those killed during demonstrations, and of those who were killed by bombs or attacks carried out in public places.

* "He was the only male child. He was 26 years old and worked at the Compañía de Aceros del Pacífico [Pacific Steel Company]. The social worker told me it was a case of mistaken identity."

* "He was 18 and was studying at the Liceo Industrial. He was on an outing when they arrested and killed him."

* "He was thirteen and had gone with a friend to watch TV at the friend's sister's house in the same neighborhood."

"My daughter was 19 and had gone to set up an appointment to get married at the Civil Registry when the bomb went off at the municipal building."

2. Death that remains unexplained: "How can you believe someone would die this way?"

The human mind cannot fathom, let alone justify, a death inflicted in such circumstances. To accept it is to face horror and dehumanization. The family members express this anguishing sensation of finding death meaningless.

* "My mother had died a year before, and I told myself it would bring her rest. My father died when I was young, and I told myself it would make me mature and responsible. I cannot find any meaning to give this unjust death that defies explanation."

* "I am coming to believe that they have eliminated him. It is as though they had erased him. He was useful to society. Why should they eliminate him? He was good in sports and at chess."

* "I had to explain to my five-year-old son that, just like animals and flowers, human beings sometimes kill human beings."

* "I still do not understand it. He was killed in an attack by a subversive group while he was on guard duty in a shantytown in Santiago."

3. Grief disturbed: "They weren't ours even in death..."

Family members were denied not only the possibility of finding out why their loved ones had been killed, but even of seeing their bodies, giving their remains a decent burial, and expressing and sharing their grief. Since they were prevented from participating in any funeral rites, since this death was associated with horror and they then had to survive for years in fear, loneliness, and poverty, these families could not let themselves feel the pain of death.

"They never returned his body to me..."

* "My wound had to heal without first being cleansed. I know he was killed, but they never returned his body to me. The mourning period is still going on."

* "I never learned what had happened. They just told me that prisoners of war are buried in common graves."

* "I learned he had died through the Civil Registry. No one ever told us anything."

* "When my son turned seventeen, he felt so much that he had to know where his father was that I said to him, 'Son, go down to the cemetery and look for the most abandoned grave. Take care of it and visit it as though it were your father's.'"

"I don't know if it was his body or not..."

* "They gave me a closed and sealed coffin. I had to bury it by myself, in one hour. What if it wasn't him?"

* "I don't know if it was my husband's body or not. My father had to identify it, but he wasn't sure either because it was all mutilated."

* "They allowed my brother-in-law and me to dig up about twenty graves. Finally we came across one whose build was like my husband's but he had no arms and legs. We buried him to put my in-laws at ease. I'm sure we buried someone else."

"There wasn't any wake..."

* "They shot him on the road near our house. I heard the shots, and I came out and found his body. They yelled at me to go bury the dog that had just been killed. That dog was my only son. They gave me three hours to bury him and get out of town. I had to wrap him in a blanket, get an oxcart, and leave him in the cemetery."

* "When they told us they had shot them, they forbade us to go into mourning and to have a mass said."

* "He always said that he wanted a wake with all his friends, a big funeral. That's not how it was; there wasn't any wake, and at the cemetery they beat us with rifle butts."

* "The dead are buried in their clothes. They buried ours naked, wrapped in a sheet."

4. Unresolved mourning: "I don't even know whether he is dead or alive..."

The situation of the relatives of those who disappeared after arrest is one of endless ongoing pain. They cannot rest and their feelings of powerlessness become chronic. As more and more mass graves are discovered, the possibility that their arrest might have ended in death becomes fact. But questions remain: do I have to consider him dead? When did they kill him? Insofar as there is no answer or proof enabling them to resolve such questions, the relatives find themselves in the dramatic situation of having to be the ones who bring matters to a close. Most family members find this unacceptable. That aggravates their feelings of powerlessness and uncertainty.

* "My children ask questions, and I don't know what to tell them. I can't tell them where he is or even if he is alive or dead."

* "Every time I see a madman or a hobo in the street I think it may be my husband; or that he might be somewhere in a similar condition."

"Luis' disappearance has meant the destruction of our home, of our common plans. It is hard to describe the torment and psychological torture involved in not knowing what happened."

B. Torture: "If they had just killed them outright, it wouldn't be so hard..."

Many of those killed were tortured. The family is aware of what happened because they have seen the signs on their bodies or through the accounts of other prisoners. The way they died thus becomes a nightmare harsher than their death itself. Astonishment and incredulity over torture combine to produce a new horror: horror at the cruelty of other human beings.

* "They hung him from a crane. He was in such bad shape as we were returning to the cell, that we wrapped him up, and helped him down the narrow staircase. He was very much beaten up and traumatized. When no

one was looking, he threw himself over into the bottom of a hatchway. He couldn't endure one more day of torture."

* "I had searched for him so much. I went down to the beach to cry, and there he was, all swollen with bullet wounds. They had pulled out his teeth."

* "They told me he smoked his last cigarette in handcuffs; he was trembling and couldn't inhale. That's the image that keeps me from dying in peace."

* "If they had just killed him outright it wouldn't be so hard. But since you know they tortured him and don't know what they did to him, your imagination torments you more than the death itself."

Torture was also inflicted in the presence of family members, or they were tortured to get their cooperation.

* "They brought my son to my cell, unconscious and all bruised from torture."

* "They brought my husband to my house, beaten to a pulp, and asked me to convince him to talk."

* "I could hear their sobbing and cries of pain. When I couldn't hear it any longer, I felt that they had died."

* "I took them where my son was because they promised me that they would treat him well. I wanted to save the younger ones from abuse. They killed him just the same."

* "While they were raping me, my husband was screaming at them to let me go."

"When they took my father, they took my husband and me as well. I was raped by a whole group that was guarding me. I never told my husband. That was fifteen years ago."

C. Prolonged uncertainty: "... this long nightmare from which I don't know if I'm ever going to awaken..."

The families of those who disappeared after arrest have been condemned to live in permanent uncertainty. Over and over in the stories told to the Commission, the unanswered questions and hovering ghosts keep coming back. Such is the uncertainty that becomes chronic and that completely permeates life.

1. Waiting: "The front door of the house was left ajar..."
Waiting is a fact of life painfully experienced by the relatives of those who disappeared after arrest. Many have not changed their house, their city, or their job despite threats and problems; others have kept the clothing and possessions of the absent member just as they were. Many have seen their hope of finding them alive evaporate. All would still like to know where they are and what happened to them. Life transpires as waiting.

* "For two years I hurried home from work to see if he had returned."

* "At every party the front door is always left ajar."

* "On windy nights, my mother thought the creak in the door was him. She used to get up to let him in, and then she would weep."

* "My mother keeps his room just as it was when they took him away: his clothes, his notebooks and books, and alongside his bed, a devotional shrine where she puts flowers waiting for him to arrive."

"I want them to return him to me alive. I talk with him; somehow I see him. My mother's heart tells me he is somewhere."

2. Looking for the disappeared: "We've dug up the entire land looking for them..."

One's whole life revolves around looking for the person-nothing else exists. Familiar routines are no longer observed; family members become isolated from one another. The search is unending, but over time the style changes. First came the pilgrimage around jails, detention sites, emergency rooms, the Medical Legal Institute. Then it was a matter of following tips, reports, and rumors leading to secret places and organizations. Today it is the search for remains, for places to dig up, graves to discover. The search for the missing has led family members to become organized, to carry out joint actions, and to act together as a community confronting this challenge that has such power over their lives.

* "I went everywhere, from Arica to Chillán. We've dug up the whole countryside looking for them."

* "All these years his mother took part in the Group of Relatives of Disappeared Prisoners and never stopped looking until she died of cancer last year."

* "When all this happened my mother-in-law paid no attention to

anything else. She spent five years devoted entirely to looking for her son; nothing else mattered. After five years she woke up as though she were returning from a long journey. She suddenly realized that my sister-in-law had finished her fourth year in high school and that her son was managing the home."

* "Until recently we hoped to find them alive. Today we are going around looking for the bones. This is never going to end... this long nightmare from which I don't know if I can wake up, because I've forgotten what it means to live a normal life."

3. The search for the truth: "I have to know the truth..."

Contradictory official accounts or complete silence on the part of officials impel relatives to an untiring search for the truth of what happened. Finding out the truth is a way of putting an end to speculation and finding comfort. What happened to them? Why did they kill them or make them disappear? How did they act? What did they do? How did they arrest them? Where did they take them? These questions obsess the mind and prevent people from finding peace.

* "I have to know what happened to him. I've spent so much time looking, and what happens is that you don't know whether perhaps they need something; whether they might be cold or want a cigarette. How can I live like this! I want to rest and die in peace. That's why I need to know what happened."

* "Even though it won't do me any good, even though it might look useless, I need to know why they killed him; what happened, what he was doing, how they caught him. Anything to put my mind at ease."

4. Denial of hope: "I no longer dare to have hope..."

For long years the relatives have lived with their hope continually frustrated. They have tried to maintain it, partly so as not to betray the missing person, partly out of their own need, but it is ever being denied them.

"We no longer had anything left. We had lost everything looking for him. A fortune teller came to the Araucano Hotel, and my mother sold the last things we had left and went there with my little brother. The fortune teller told her not to worry, that my brother was going to arrive for Christmas. My mother called everyone and cooked up a feast...He didn't arrive that Christmas or ever again."

"My husband was under arrest. I went to see the commander of the

regiment, and he told me not to worry, that they were going to release him for Christmas, that he was a good person. I went to see him December 31, but they told me he was not being held there any more. I came home. A truckload of soldiers had just left a sealed coffin at my front door a few minutes before."

"I no longer dare to have hope. Many people are now happy but not me. And what if they close off all doors?"

D. Damage to personal integrity: "Why did they take away my chance to be happy?"

Statements made to the Commission express the relatives' feeling that they have been wronged in their deepest recesses as human persons. This perception extends to every aspect of the personal life, encompassing their future plans, feelings, attitudes, identity, adaptability and their physical and mental well-being.

1. Ambitions ruined: "I couldn't achieve my life dreams..."

Relatives are nostalgic and sometimes angry over what could have been and was not-over what death or disappearance cut short.

* "I got married on August 5. By October 5, I was a widow. Why did they deprive me of my chance to be happy with my husband?"

* "I was six months pregnant when they killed my husband. My little baby was never born; I couldn't hold it back."

* "My husband was going to retire from the police since he was about to finish twenty-five years of service. We had so many plans, and when we were almost at the finish line, we lost everything-and in such a horrible way."

* "I was expecting my first child. He was a lieutenant and had been in the army for six years. He saved many lives by deactivating the bomb, but I had to go back home to my parents."

2. Growing-up process disturbed: "It is their offspring that have continued to suffer..."

Both parents and children express frustration and fear over the impact these events and the overall situation may have had on childhood.

Children's view: "They deprived me of my childhood..."

* "I was eleven years old. My family fell apart. At fifteen I tried to commit suicide. They deprived me of my childhood. In my house

there were never any birthdays, Christmas, or anything."

* "I was eight, but after they took my father my life never returned to what it was. That day they left my brother and me locked up in the apartment, and cut off our water and electricity. My brother was seven, and he was crying. They had left everything in a mess and had smashed things. Some neighbors came to get us and took care of us for a few days, because my mother was also being held prisoner, along with my twelve-year-old brother."

* "I was thirteen and they took me to the regiment for questioning so I would tell them where my father was. I didn't continue in school or anything. All I wanted to do was die."

* "My mother and father never even noticed when I came in the house or left. From the time I was eight, I felt alone. I felt I didn't exist for anyone. I don't blame them. Now that I have children if I had to see one of them tortured and then went to visit them before they were shot, I wouldn't be normal either."

* "We were six and five years old when they killed my father, who worked as a bodyguard for the intendant."

Parents' view: "Our children are different..."

* "Our children are different from everybody else. We hid the truth from them so they wouldn't suffer. Later on people pointed to them as children of someone who had been killed by firing squad."

* "My son tried to stop them from taking his father out of the house. After what happened he became disturbed."

* "My daughter doesn't talk to me about this issue. I know she's doing it to avoid causing me problems, but she's writing a diary. I've read it, and it's filled with bitterness."

* "Since Pisagua my son doesn't want to watch TV or read the paper. He doesn't want us to talk about the issue. I had to take him to the psychologist again."

* "When they came looking for my husband, our little boy grabbed his legs. They knocked him away with rifle butts and fractured his head. The other children were screaming and weeping. They often have nightmares. They don't look like the other children to me; they've been cut short."

3. Disturbances in mental and physical health: "My mother let herself die..."

The experience of individual and social trauma has an impact on the physical and mental health of the affected families. The impact of these events goes far beyond specific events and colors their whole future. Their lives seem to revolve around a particular point: the death or disappearance of their loved one. The relatives of both civilians and members of the military experience that reality.

* "Neither of my two daughters has been able to have children after what they did to them during the raid on our house."

* "When they shot my father, my mother suffered a facial paralysis."

* "My mother went blind from crying so much; I can say she died of grief."

* "When my brother disappeared my father became a little old man; he went crazy. He died wandering through the streets crying out his son's name."

* "So many years have gone by, and I still have horrible nightmares every night."

"I am still weeping from sorrow and a feeling of impotence. Nothing can assuage my suffering as a father; he was a model officer."

4. Loss in the realm of feeling and self: "Life has changed us..."
People's stories reflect many contradictory feelings and attitudes, ranging from resignation over these lives that were cut short to rebellion, and from certainty to doubt. The result has been major changes in people's self-image.

Guilt: "I feel I'm to blame..."

* "I don't expect anything. I came to present my case because my children despise me for being cowardly and never having spoken out for sixteen years."

* "I sent word to my son to turn himself in, that nothing was going to happen. I feel I'm to blame."

* "I had to tell them I didn't remember the date or place where my husband died. I was afraid they would connect the events, and I wanted to prevent them from feeling hatred and wanting revenge. One day one of them told me he didn't understand how I loved my

husband so much and yet didn't know where or when he died."

* "This is the first time I'm doing something; I've probably been a coward, but I wanted to save my children. Do you think I was right?"

Ambivalence and shame: "I asked him to quit many times..."

* "For a while I hated my husband, since they killed him for getting involved in politics. I blamed him, I felt he had opted for his ideals rather than his family."

* "He was just beginning in the police. I asked him to quit many times, but he answered that he loved his uniform, and so he wasn't going to quit."

* "When I felt so many people rejecting me or not understanding, I preferred to keep quiet. I was ashamed to face reality. I didn't know how to answer where my father was. I wasn't sure whether he was dead or had abandoned us."

* "I was bothered by being questioned about my father. I was convinced that being the child of someone who disappeared after arrest was quite bad."

Hatred: "Hatred is like a disease..."

* "You feel so much hatred...it frightens me because they rotted my brother's soul. He became so hardened."

* "It's the calumny that fills me with hatred-this hatred that I passed on to my children and that they are going to pass on to their children."

* "I have to get rid of all this pain, and also-why not admit it?-all this hatred I have inside; because hatred is like a disease. You can't live when you're full of hatred."

* "From the moment they found his remains and I knew they had killed him, I have been seized with an enormous hatred. We used to have the hope of finding him alive or dead, but at least his whole body. But now we have to be content with just a bone. It's as though they're laughing at us."

* "How terrible is human hatred. The evildoer does not elude God's gaze."

Fear: "Fear is not erased..."

* "We didn't eat, we didn't sleep, we were scared to death. You live as though your forehead were branded."

* "I don't enjoy life. I'm always afraid. I'm afraid of people."

* "Everyone was afraid, and I'm still afraid. I think the whole town now knows that we've come to the Commission. Do you think that after this something could happen to us?"

* "Fear isn't erased in four months. We've learned to live a double life."

* "I'm afraid to wear my uniform. The only thing I want is to reach my retirement."

* "None of us remains unaffected."

Impotence: "Why didn't my instinct as a father alert me?"

* "My son was tortured in the study while I was sleeping. Why didn't my instinct as a father alert me?"

* "They came by my house and asked us for some chains to put on the truck wheels. Later we found out that they had tied their hands with these same chains."

* "Justice has not been done in high profile cases like that of Orlando Letelier. What can we expect?"

* "There was always a climate of tense expectancy in the commander's house. The family was on a state of alert."

Disenchantment and the difficulty of starting over again: "Nothing appeals to me, I don't have any incentive..."

* "After they killed my brother, my father sat down in an easy chair and waited to die. We went to Argentina, to a two-room apartment. My father sat there in his chair, with my mother hanging up photos of my brother. When my father wanted to die, we returned to Chile, and a few days later, he died, in his chair, exhausted, back in his native land."

* "I don't do anything because nothing appeals to me. I don't have any incentive. I do things because I have to, but otherwise, I would bury my head like an ostrich."

* "We were married so few years. I have never managed to fall in love again. I have tried to start over again, but I can't. They screwed up life for me and my children."

* "Since the day they set fire to the bus I've been invalid and unemployed."

* "When the bomb went off my right eye was punctured, and I lost my sight...I had to change my life."

Keeping quiet in order to survive: "I buried my husband's death in order to survive with my children..."

* "When I buried my husband, I buried his death, and I have lived alone with my memory. I buried my husband's death in order to survive with my children and give them the best possible education."

* "They killed my brother-in-law in Santiago. My husband was in prison on Dawson Island. Meanwhile we women had to work and to try to go on living as though nothing had happened."

* "I haven't wanted to even think about that whole period. I haven't wanted my daughters to feel hatred. I've never done anything. I've wanted to forget."

E. Family life disrupted: "They didn't sentence just him. They sentenced the whole family..."

While many people say that their family came together in the face of adversity, in most of the accounts people feel both nostalgia and impotence, as they recall how family ties broke down, family members were scattered, or roles were changed.

1. Breakdown of family ties: "All relationship was broken..."
Individual members of the same family often had different reactions to the death or disappearance of one of its members. Some stood in solidarity with the situation and devoted themselves to efforts to clarify the death or locate the missing member; others did not regard it as such a serious event; others justified it, and others remained silent. Mutual mistrust sprang up among them, and family ties were plainly weakened. The results were greater loneliness, isolation, and a sense of loss and abandonment.

* "They took us both in the same truck. My in-laws thought I had turned him in. I couldn't go to their house for seventeen years. I

remained by myself, hated by those who killed him and despised by those who loved him. What happened in this country if someone could believe that a woman in love is capable of turning in her husband?"

* "My parents never gave me any support. I'm an only daughter. They applauded the government. They forced me to sell my house so that if my husband came back I wouldn't go back to live with him. My parents said to me: 'It's because of that no good husband of yours that we're mixed up in this.'"

"My daughter left home because she thinks we're all cowards for maintaining relationships with those responsible for the death of my oldest son. It's because my other sons went into the armed forces. There's no way to heal this split."

2. Family scattered: "This has broken the family to pieces..."
Economic hardship, exile, or the need to protect the lives of other members after what had happened has scattered families.

* "In order to work I had to distribute my children. I was left with no husband and no children."

* "They killed my father. My mother went to Argentina because she couldn't stand the situation. I was left in an orphanage. They beat me a lot, until I got out. Now I live with an uncle. I've never been able to go to school."

* "After what happened I had to go into exile with my children. I couldn't get used to things elsewhere, and I came back in '81. My three children stayed in Sweden."

* "I've recently gotten back in contact with my son...After his father's death, we were separated for ten years-I was in jail, and he was with my family outside the country."

3. Change of roles: "I work year round with no relief..."
The imprisonment, disappearance, or death of a family member, usually the head of the house or a son, leads to a change in the usual roles within the family: women have to look for the missing person, flee, or get paying jobs with long hours in order to maintain the home; children have to leave school and go to work; the older daughters, closest relatives, and neighbors replace the mothers in taking care of the younger brothers and sisters.

* "The oldest daughter took care of her brothers and sisters while

her mother was trying to locate her father."

* "My father was the family breadwinner. We were all little. We had to leave school and start working."

* "My mother was left alone in the countryside with my nine younger brothers and sisters. I had to leave the university and go to work to help her. She has done nothing else but live to help her children get ahead. I gave up my career as a teacher, the thing I most wanted."

"When my husband was killed in the attack, I was left alone with my son. He now takes care of my mother so I can work."

4. Social and economic hardship: "At dinner time, all my mother could do at the table was cry..."

In many instances deaths and disappearances are connected to being poor. Relatives see the lack of money as an obstacle to the search, to getting things done, having contacts. Because their houses were flimsy a bullet fired during a demonstration could go through the walls. In other instances, death itself has led to a notable lowering in the living standard of the relatives, causing a feeling of abandonment and helplessness, and turning daily life into a matter of survival.

"We were poor..."

* "When he disappeared I was left with eight little children. I managed to find a sitter for the three youngest, my sister took the girl, and the others went to stay with neighbors and some relatives. I went to work as a live-in maid, and whenever I had some money I bought wheat germ and milk to take to my children."

* "There were five of us brothers and sisters when they killed my father. We were very little. My mother began to work washing clothes outside the house. She became chronically asthmatic as a result of her weakness and our poverty. She died of her suffering. Everyone called us "the urchins."

* "My brother left two children. We were poor. My sister-in-law had to go out begging in the streets to feed the children."

* "We were out in the street when everything happened. We were poor. I still don't understand how that bomb exploded."

"Because we were poor..."

* "This is the first time we've made a formal accusation. We were afraid, and we didn't have money for the fare."

* "I have the death certificate, but I'm not sure it's really him. I didn't have enough money to do any more checking."

* "I went looking for my seventeen-year-old son everywhere. I did it all on foot because I didn't have money to take the bus. I never found out anything about him."

"We got poorer and poorer..."

* "We had to sell everything we had to go looking for him from one city to another. We went wherever they told us."

* "There were eight of us brothers and sisters. They threw us out of our house. My mother went out every day looking for him. When she got back at dinner time, we would sit down, and all my mother could do at the table was cry."

* "One of the many times I was away looking for him, I was robbed of the little I had—even the boards on the floor."

* "First I sold my poultry. Then because I was alone they robbed my animals, and later they took away my land because my husband had been arrested and disappeared."

"We have spent money we didn't have so my daughter could recover from the acid burns the terrorists caused her."

F. Sense that familiar reference points have changed: "They changed the country on us..."

Families experience death as part of an overall changing context. The legal framework in force makes people do things that endanger their lives, such as reporting when summoned by a military decree, or going back to work to pass on one's responsibilities. Executions take place without trial; when people disappear there is no investigation, and no one is responsible. The city is no longer the same. It is difficult to distinguish what is safe from what is dangerous. Friends cannot get together. Even words no longer have the same meaning.

5. Disruption in the meaning of legality: "We believed in the legal order..."

▪ "I was 24, and I was taking classes at the university. I took him

to report to the authorities myself."

- "My brother reported voluntarily. Later we found his remains buried in the quarry."
- "Everything began to happen on the basis of decrees nobody had seen."
- "They arrested them because they didn't have their identification cards. They were minors and weren't politically active. After all, they were practically illiterate. And they shot them to death."
- "They didn't die in gun battles. They were murdered while they were in prison and had no chance to defend themselves."

6. Sense of being stigmatized over the direction of one's politics: "To them we were all dangerous subversives..."

- "Our relatives' only crime was to have an ideal and a commitment that was different from theirs."
- "They hit young people and workers hard, as though killing were a heroic act."
- "They did away with the poor as citizens; since then the rich have always been running things, and it has been a sin to have aspirations."
- "They crushed the workers. They didn't have a chance to show that they could be useful to society."

7. Loss of security: "Today you never know..."

- "After they took him away I went ten days without sleeping, watching over my two babies. I was sure they were going to take them away from me as well. The greatest damage we have suffered is never to have felt secure."
- "If they killed the mayor and innocent small farmers, how could you know who was going to be next?"
- "Since '73 when they disappeared there's no way of knowing whether the ocean swept them away - or whether it was the military."

G. Being stigmatized and outcast: "We feel like outcasts in our own country..."

Relatives despairingly speak of how, in addition to the sorrow caused by death, they have had to bear the mistreatment that both the victims and they themselves have received from society, the state, and government agencies. The result has been that their relationships with the outside world have been disrupted, and they feel they have been cast aside.

8. Defamation of the victims by officials and the press: "They weren't terrorists or criminals..."

In their official statements, government authorities referred to those who were killed or disappeared as criminals and terrorists who were dangerous to society. The press adopted that same kind of language and assumed that such persons were guilty. A segment of society also absorbed those ideas, and so those who were wronged were a segment of society also absorbed those ideas, and so those who were wronged were not seen as victims. The families say that the fact that the government itself was defaming their name and that they were prevented from publicly defending their loved ones harmed them in a way that was very hard to repair. It has had a strong impact on their children and has prevented them from sharing with a community their grief over death or disappearance.

* "In our first meeting with the governor, he told us our husbands were criminals."

* "The papers said they were terrorists, and so everyone justified it."

* "The official press presented the victims as the bad guys and as undesirable characters, and portrayed the perpetrators as heroes for whom anything was justified."

9. Abuse of the relatives: "The thing is, they add insult to the pain you already feel..."

Sometimes whole families were arrested. Persecution was accompanied by raids, theft, security forces occupying homes, people being followed. The families tell of how they were humiliated, lied to, insulted, and threatened as they were searching, visiting detention sites, picking up bodies, and looking for traces of those who had disappeared.

Humiliations: "I don't even want to remember all we've been through..."

* "I don't even want to remember all we've been through. Those interminable periods of waiting, being followed, being called traitors

and criminals."

* "They told us he was alive. When my mother remarried, they taunted us asking why she had done this if her husband was still alive."

* "When I went to ask about him, they used to say that since I was so pretty I wouldn't lack for men at night; they even offered to come with me themselves. I would have slapped them, but I didn't say anything, and I was left with their mocking remarks stuck in my heart."

* "The regiment commander sent me this letter that I've brought to you. In it he tells me that if my husband does not come back even though he has been released, I ought to ponder in my conscience whether we really had a good marriage, and whether he might have gone off with another woman. Now his body has shown up in the common grave."

Lies and mockery: "They made fools of us..."

* "They told me they had released him. Now we find him in the common grave blindfolded and with his hands tied."

* "They told me he was fine, watching television. At that moment he was already dead."

* "They told me to bring lunch for my husband. I left and fixed him rice and a fried egg. When I got back to the police station, he laughed and said, 'Lady, you're crazy. Nobody is being held here.'"

* "After eight months they handed us over a body, which according to the forensic specialist, was my father's. We held an all night wake. Just before the funeral, the police came by with an order and said there had been a mistake and that this body belonged to another family. We had to hand it over."

* "I went up and down the country looking for him. When I got back they were laughing at me. Once, when I was coming back from the Dawson Island, as I was getting off the bus in the square, they spit in my face and laughed."

* "During this period there have even been jokes about our situation."

Threats and persecution: "We have been persecuted..."

* "The first time they raided our house, they took us out-my mother was pregnant-and put us up against the wall and pretended it was a firing squad. After that outrageous treatment, they grabbed my six-year-old brother and threatened to beat him if he didn't tell where the weapons were."

* "My sister was disappeared, and they phoned my house and played the song, Late un corazón-["Beating Heart"]. You could hear the receding sound of a man whistling and a woman groaning in pain."

* "They told me to stop looking or otherwise I would suffer the consequences."

* "They harassed my brother so much that he committed suicide."

* "One day the investigative police came to the house for questioning. This won't be any problem, I thought, but for the company where I worked it was, and they fired me."

Material losses: "They robbed me of the little I had."

* "My apartment in the San Borja towers was searched. When I arrived they had left the door open, and people were taking things. So I had the key changed. When I came back, I couldn't get in. The administrator of the building told me the apartment had been taken over by the junta."

* "They searched the house, and they took all the animals in the yard."

* "I went to my daughter's apartment after her death. They had destroyed it. They took her TV set, her equipment, her house clothes. They didn't give them back to me because they said they were needed for the trial."

10. The sensation of having been cast aside: "It was like having leprosy..."

After the death or disappearance of a family member there follows a long history of being outcast. Families encounter discrimination in their job opportunities as do children in access to high schools, universities, and government agencies. The stigma is so strong that when they feel the outside world spurning them, families find themselves sinking into ostracism and enormous isolation. They only feel at ease when they are with those who share their experience.

Discrimination: "You are the daughter of a criminal..."

* "After they shot my father, the principal called me in and said: 'You are the daughter of a criminal and so you can no longer teach in this city.'"

* "When I reported for military service, they set me aside with the young men who had criminal records. They didn't let me do my military service because my father had been shot by firing squad. The same thing happened to my brother, and it has affected us when we tried to get work."

* "I was left with my eight minor children. They only gave me a pension for six of them. They said the oldest was not going to get anything since he had the same name as his father."

Loss of status and social esteem: "My husband was a well-known figure in town..."

* "My father was alderman. They arrested him and brutally tortured him for three months. He was in very bad shape when he came home. He went from being an official in town to work cleaning offices and washing bottles. He died shortly afterwards."

* "My husband was a well-known figure in the town. We had a good life. After all this, my children were so undernourished they had to go to the hospital. I had to work taking in laundry. There came a time when I was so lonely, I took up drinking."

Rejection: "Our friends dropped out of sight, our neighbors never greeted us again..."

* "At school they said to me, 'Your father got killed for being involved in politics.' They called us little subversives."

* "My neighbors told me they were happy over what had happened because he was a Communist. I had to ignore them in order to go on living."

* "So many people had doubts about us and mistrusted us. Our last name was stigmatized."

* "We were like a dark night; we brought bad omens."

* "This was like a plague; our family and friends turned their backs

on us."

H. Positive forces: "I got strength from God, from my wonderful memories of him, and from the support I received from so many people who had gone through the same thing..."

The individuals and relatives who came to the Commission said that in the midst of all their suffering they always found energy and positive strength from a number of sources. Such encouragement helped many of them avoid death even when that was all they wanted.

* "I forced myself to come up with the strength despite my suffering. I had to show society that he wasn't a criminal. I had to clear his name."

* "My greatest strength has been my faith in God."

* "We're Christians. We believe in the resurrection."

* "My children made me come up with the strength I had inside me but was unaware of. I had to do everything possible to keep them from being hurt."

* "It was very important to know I could count on people who had suffered the same thing as I."

* "I am encouraged that we are able to recognize that this is a problem we all share."

* "The memory of how wonderful he had been, helped the family react and move forward."

* "The Vicariate was so welcoming and helpful to us."

I. Feelings today: "One phase is ending but a more difficult one is beginning..."

In their testimony, the relatives express disenchantment, rage, and impotence over the way their experience has forced them to reassess social institutions. They also speak of their hopes, yearnings, and fears about the present, and the need for truth and justice so that they and the country may achieve peace.

11. Reassessment of social institutions: "I never thought this would happen in Chile..."
The country

* "I never thought this would happen in Chile. This is the most horrible thing that has ever happened to me."

* "I am ashamed of my country."

* "When they started looking, my brother reported to government officials. He said, 'There's no reason for me to leave my country, because I'm a Chilean.'"

* "We felt like outcasts in our own land."

* "I wish they would give us a country just for us, because we no longer feel comfortable with people who have had a normal life. They look at us women as though we were crazy, because we still cry after such a long time. They can't understand that these deaths are unlike all the rest, because we were never able to rest from our departed."

The armed forces

* "The ones who took them and killed them are right there, on active duty. They are still mocking us. When I see them a change comes over me. Just looking at them makes you sin, because so many things come to your mind."

* "They've made their power felt in everything. And of course that has made fear an everyday reality."

* "It's frightening to think that you are as human as they are. Where could such evil come from?"

Justice

* "In the courts they treated us like liars."

* "We didn't even try to use the legal system because we was not operational. It was a waste of time. We lost confidence."

* "It makes me angry. Those who ought to end up in jail are still free, and that's partly the fault of the amnesty law."

* "They could have prevented these things from happening."

* "We don't want revenge. We just ask for truth and justice."

* "I don't want them to be killed like they killed my father, but I also don't want them to be out loose in the streets."

12. The need to build the future: "For us this is a very painful but very

important moment..."

* "I was both happy and sad when Aylwin won. I knew one phase, that of silence, was ending, but that another more difficult one was beginning, that of the necessity and duty to do something."

* "For us this is a very painful but very important moment. It's the first time we've been able to speak. We have to speak of this situation with dignity and not keep hiding."

* "I don't want anyone to help me secretly any more. I want to be able to shout out proudly to the world that my father died for his ideas. Finally, I want society to understand that we children of those who were executed are not a public danger."

* "Our family wants to know the truth and wants the whole country to know the truth, and wants to end the impunity surrounding the tragedy we have experienced."

* "Let us hope that everyone in Chile wants the truth, that it's not just a matter of the president appointing a special Commission, but that all Chileans may want and seek the truth."

* "I am ready to forgive, but I need to know who I have to forgive. If they would just speak up and acknowledge what they have done, they would be giving us the opportunity to forgive. It would be more noble if they were to do that. There will be reconciliation only if there is justice."

* "I don't want revenge. I only want peace. I want to rest and so I have to know the truth. We don't want to get revenge, and we don't want others to suffer what we've suffered."

Chapter Five: Cases declared to be unresolved

A. Explanation

As explained in Part One, Chapter One, the Commission agreed to prepare for the country a comprehensive picture of the truth about the most serious human rights violations committed between September 11, 1973, and March 11, 1990. The basis was to be a specific investigation into each case presented by the victims' relatives or human rights organizations. It likewise agreed to investigate each specific case by examining as much evidence as possible in order to have objective grounds for arriving at the moral conviction that each particular victim had died as the result of a fundamental violation of his or her essential rights.

In carrying out its task, the Commission had help from human rights organizations, the victims' relatives, government officials, and many other people. On the other hand, it had to confront serious obstacles, which often turned out to be insuperable. Among these we may mention:

- * The fact that the Commission did not have subpoena power, and hence the testimony and information from non-governmental agencies came entirely from people who were willing to come forward to testify or to provide such information;

- * The amount of time in which the task had to be completed, which often made it impossible to gather the evidence necessary for coming to conviction on what had happened;

- * The fact that for a number of reasons beyond the Commission's control, progress on the investigation into many cases could be made only toward the end of the period, and hence it was impossible to gather enough evidence to establish what had happened;

- * The sophistication of the methods of arrest and detention used, especially during the 1974-1977 period, so that there were no eyewitnesses to the arrests, sometimes preventing the Commission from coming to a conviction on what had happened;

- * Disappearance of bodies;

- * Lack of information on these events from within the institutions to which those responsible belonged, which in many instances was explained on the grounds that the relevant files had been burned;

- * The natural reluctance of many people not directly involved to testify to the Commission either on practical grounds or out of fear;

* The death or disappearance of relevant witnesses or difficulty in finding them after so many years;

* The fact that in many instances the events had taken place more than seventeen years previously;

* The fact that families had often scattered around the world due to exile or for other reasons, such as the search for employment and developments within families;

* The age of family members and witnesses, who sometimes observed the events when they were very small children and hence had very distant memories of what had happened; or at the opposite extreme, were along in years when the events took place and are now old or infirm and have difficulty simply getting to the appointed place to give testimony;

* The fact that crucial testimony was sometimes unavailable because other family members preferred to avoid subjecting mothers,, fathers, wives, partners, or children who had witnessed what happened to the trauma of giving testimony and thus having to relive enormous suffering;

* Finally, the fact that in many cases examined by this Commission, the relatives had never made a complaint to any human rights agency, because they were afraid to do so, or they lived in remote parts of the country where these agencies were not present, or for other reasons. This was a serious obstacle and sometimes made it impossible to carry out a more complete and timely investigation when such complaints were presented, especially in the regions.

We believe that these observations are enough to indicate why the Commission was unable to gather enough objective evidence in some cases within its mandate to declare that people were the victims of human rights violations. 642 people fall into the category of cases which are unresolved because the Commission did not come to a conviction.

Fully aware of the seriousness of the complaints presented, this Commission believes that in many of the cases here declared unresolved such obstacles may in the future be overcome, new evidence or observations may be presented to prove that they truly constituted human rights violations resulting in death, and that they should therefore be regarded as falling into one of the categories the Commission assigned for such violations. Other cases may be decided otherwise.

This Commission is conscious of the significance of a decision to refrain from declaring particular persons to be victims of human rights violations for

the circumstantial reasons mentioned. The Commission trusts that in the future they will be acknowledged as victims if such is proven to be the case. It is absolutely necessary that procedures for doing so remain available. That is the reason for the recommendation made in Part Four, Chapter Three.

B. Unresolved cases

By way of example, we now present brief accounts of some of the cases declared unresolved. Even though a conviction has not been reached, these cases are serious enough that they could be declared to be human rights violations should additional material on which to base a judgement be made available.

René ACEVEDO ESPINOZA, a construction worker and labor union leader in Viña del Mar. A navy patrol arrested him November 11, 1973. He was taken to Armored Cavalry Regiment No. 4 (Corsairs) in Viña del Mar. His dead body was said to have turned up at the naval hospital on November 14. The Commission could not come to a conviction that he was a victim of a human rights violation because there was no documentary proof of his death.

Germán ACEVEDO FARIÑA, a merchant who was active in the Socialist party, a member of the security team of the central committee, and a labor leader until 1973. His relatives say that on the night of November 7, 1977, he and two fellow store owners took a taxi. Because it was late at night, the taxi driver left them at bus stop 16 in Santa Rosa, and they had to continue on foot. Shortly thereafter police from the La Castrina police station arrested them for violating curfew. At 7 a.m. the next day he was released after paying bail. Since his fellow store owner did not have enough money to pay his own bail, Acevedo went back to his store to look for money to give him. He came back to the station, but they did not have change, so he set out once more to get change and then came back. Since that moment there has been no further contact with him.

The Chilean Police subsequently said that he had committed suicide in a cell in the Fourth station at 10:00 a.m. The jail log indicates that he was brought in at 10:05 a.m. His relatives were told that he had hung himself with his trousers, by tying them around his neck and around the jail door. They do not believe that account for the following reasons: he had no reason to make such a decision; it is unusual that he should be arrested twice at different police stations; there is no indication of why he was arrested; his pants had been cut, not ripped and had signs of urine, which would indicate that he had them on; his body showed no signs of a hanging; and finally, there were signs of torture on his body, signs of burns on his chest, armpits, and head, and there was a suture on his skull. The

autopsy report agrees with the police account and is also at odds with what the family says in other respects. Faced with contradictory accounts and without any other items of proof, this Commission did not come to a conviction on how German Acevedo died.

José Ernesto AGURTO ARCE, 27, unmarried, had been a teacher at the Universidad del Norte and was active in the MIR. At the time of the coup he was living in Antofagasta, and his family says he was very afraid. He went to stay with some relatives in Santiago and disappeared around February 1975. Since the Commission has no further evidence, it cannot come to a conviction on what happened to him.

Hugo Fernando AMAYA SEPULVEDA, 35, unmarried, and according to some indications may have been a MIR member. His family says that after the coup he visited them secretly in Concepción, and told them he was being pursued by the security services. He was last heard from in July 1976; since then his whereabouts remain unknown. Without further information, this Commission cannot come to a conviction on what happened to Amaya.

Patricio del Rosario ARAYA OSORIO, 28, a construction worker. He disappeared March 12, 1976, after getting off a bus of the Horizonte line at the Borjas bus station. He had come from San Antonio to Santiago to visit his brother Manuel, an active Communist who was then underground. The Commission does not have enough evidence to come to a conviction on this case.

José Emiliano BALBOA BENITEZ, 79, a retired widower who was an active Christian Democrat. His son says he was arrested by two police from Quilaco at home at about 6:00 p.m. on September 16, 1973. Since that day his family has had no further word about him. The Commission does not have enough evidence to come to a conviction on whether his human rights were violated.

Silvio Francisco BETTANCOURT BAHAMONDES, an unmarried petrochemical engineer who was active in MAPU. On September 12, 1973, his name appeared on a list of people summoned by the military authorities; he therefore decided to leave Punta Arenas where he lived, and go to Argentina. He set out sometime between September 14 and 16. A friend went with him to the outskirts of Punta Arenas. There has been no further word on his whereabouts since his departure. Military officials never acknowledged that he had been arrested, and for a time they even looked for him and interrogated other prisoners on his whereabouts. This Commission does not have enough evidence to come to a conviction on what happened to him.

Néctor del Carmen BRAVO FERNANDEZ, 39, a worker. He was not

politically active and had not suffered repression before. He had left Chile in December 1973, and gone to live in Argentina where he found work. On April 10, 1974, he started back to Santiago to be with his family. His sister went to say good-bye as he took the train from Buenos Aires. He never arrived in Santiago. Subsequent investigation refuted the government's 1975 assertion to the press and the United Nations that Néctor Bravo was living in Mendoza. Nevertheless, this Commission does not have enough evidence to come to a conviction on how Néctor Bravo disappeared or on whether agents of the Chilean government were responsible.

Jaime Humberto CALDES CONTRERAS, 23, unmarried, was studying political science at the University of Chile and was active in the MIR. His family has stated that on December 14, 1974, army troops clashed with a group of MIR activists in an apartment at Calle Estado 115 in Santiago. David Navarrete, a soldier, was killed in that gun battle and several MIR members were captured. One of them was Caldés who was wounded and was taken to the hospital at the Catholic University where they say he died. According to the official account, Caldés was not among those captured. This Commission has not been able to verify whether Jaime Caldés was arrested, was treated at the hospital, or died, and hence it has not reached a conviction on what happened to him.

Sergio Antonio CAMPOS ARAYA, 38, a married merchant who was active in the Communist party. His' family says that Sergio Campos escaped from the hospital in Talca in November 1973, and told one of his sons that he intended to cross the border. Subsequently his relatives found his body at the morgue in Temuco. It was said to have been discovered at Cerro Niebol and registered anonymously. His family was told that he was killed as he was trying to remove a briefcase from a car. On the basis of the evidence provided, it cannot be clearly established under what circumstances nor at whose hands he was killed, and hence the Commission cannot come to a conviction that his human rights were violated.

Juan Francisco CANALES CAÑETE, a worker and an active Communist. His relatives say that he went to Mendoza, Argentina in 1974 in order to work. He then moved to Sarmiento. In 1977 an acquaintance of his who allegedly worked as a DINA agent in Chile (although Canales was unaware of that fact) was in Argentina looking for left activists. He offered Canales the opportunity to do demolition work in the capital at better pay than what he was receiving. His relatives were told that he had accepted the job. On January 2 he fell down an elevator shaft and was killed, according to the alleged DINA agent. They question that story in view of that person's role. Lacking further evidence, this Commission did not come to any conviction on how Juan Canales died.

Mario Arnaldo CARCAMO CARCAMO, 51, an office worker who was

president of the union at the company where he worked. He was arrested by soldiers in Iquique on December 6, 1973. He was taken to the prison camp in Pisagua where he was held until February 11, 1974. He was then sent to internal exile in La Tirana. He died of lung cancer in December 1977. Mario Cárcamo told his relatives that he was repeatedly tortured while he was imprisoned. The Commission cannot come to a conviction on whether Mario Cárcamo died as a result of human rights violations, since the evidence gathered does not make it possible to establish a causal connection between the mistreatment to which he was subjected and his death.

Jaime Juan CARCAMO SALDAÑA, 24. He was jailed in Parral shortly after the military coup and released on October 15, 1973. After his release he was followed by police. On November 19, 1973, his dead body was found in the brush on the road between Copihue and Parral. Without further evidence, this Commission was unable to come to a conviction on this case.

Juan Carlos CARDENAS PEREZ, 24, a married worker. Relatives say that police found the body on a public thoroughfare on February 5, 1974. They are said to have told his wife that he had been run over. However, she doubts that account and blames the military who she believes were operating during curfew. That last assertion seems to contradict the death certificate which situates the time of death as 11:30 a.m. This Commission does not have enough evidence to come to a conviction on what happened to Cardenas.

Marcelino CARDENAS VILLEGAS, 40, was a heavy equipment operator on the Pilmaiquén estate who had leftist sympathies. Testimony received indicates that on December 28, 1973, he returned to his house in Pilmaiquén after he had been jailed by a military prosecutor's office and then released. That night police from the Salto Pilmaiquén checkpoint, which was under the authority of the Third station in Rahue Bajo, Osorno, came and arrested him again. They are said to have killed another person in the house. The evidence gathered by the Commission indicates that he was executed after his arrest, but for lack of evidence the Commission was unable to come to a conviction on whether his human rights were violated.

David Elías CARMONA VENEGAS, 59, an office worker. He failed to show up to meet his sister on May 30, 1974, in order to travel together as they had previously arranged. Since then his family has had no information on his fate or his whereabouts. His death is recorded in the Civil Registry. It is said to have taken place May 30, 1974, due to "thoracic and cephalic trauma affecting the backbone and viscera and acute blood loss." Lacking further evidence, this Commission did not come to any conviction on the what caused the death of David Carmona.

Alfonso Andrés CARREÑO DIAZ, a typesetter, had been head of transportation at ENAMI [National Mining Company] during the previous government. He was active in the Communist party and secretary of the Andean regional committee and a member of the organizational commission of the party's central committee. On July 7, 1974, he left his house, and there was no further word on him until July 31, when his wife received a call from the air force hospital. She was told that he was there and that she should go to see him. A doctor told her that he had had a bleeding ulcer, and that the operation attempted the night before had failed since he had died of a heart attack. She was not given any explanation of how he had arrived there. When she viewed his body she could see that his legs were bruised with signs that electricity had been applied. He had not had an ulcer before being arrested. The autopsy report says that the cause of death was a generalized purulent peritonitis and bilateral pneumonia with red hepaticization; the autopsy also revealed a cardiac hypertrophy, a gastrectomy for bleeding ulcer with gastrojejunal anastomosis, along with nephrosclerosis. Witnesses say he was held under arrest at the Air War Academy. The Commission believed that it did not have enough evidence to determine whether government agentes were responsible for his death.

María Loreto CASTILLO MUÑOZ, a MIR activist. On May 19, 1984, hours after a gun battle in which Jorge Eduardo Muñoz Navarro was killed, according to a CNI statement, María Loreto was killed in an explosion below a high voltage tower. The report said that a bomb that she was trying to set off exploded. However, one person testified to this Commission that both Castillo and Muñoz were arrested during the night and held at the same detention site, but then were killed by CNI agents at different locations. The evidence gathered was not enough to enable the Commission to come to a conviction on what happened.

Ricardo José CASTRO SAEZ, 41, a married carpenter, and there is some evidence that he was active in the Communist party. His family says that on January 13, 1974, he set out on a picnic with colleagues from work but did not return. They were told that he had drowned, but they also received reports that he had been arrested in a dispute with police. On the basis of the evidence it holds, the Commission cannot come to a conviction on what happened to him.

Juana del Carmen COFRE CATRIL, 22, worked in administration at the Panguipulli Lumber and Forestry Complex and was active in the Socialist party. She was in hiding in Huellehue, inside the complex, because the military in Valdivia accused her of having committed subversive actions and were bent on capturing her. The evidence gathered indicates that she committed suicide in Huellehue under the pressure of circumstances, and that local people buried her nearby. The Commission was unable to come

to a conviction on whether she was a victim of human rights violations because it was unable to confirm that this was in fact what had happened.

Juan Antonio COLIHUINCA RAILAF, a peasant league leader and an active Communist. He was found dead on June 4, 1978, near the railroad station in Púa, Victoria. The official report stated that he had been run over by a train. His relatives are skeptical of that account, and think it may have been a political crime. However, the evidence gathered by the Commission does not enable it to come to a conviction on what happened.

Luis Omar CONTRERAS GODOY, 29, was a married master ironworker. His wife told this Commission that on September 26, 1973, he left his house in Chillán and went downtown looking for work. Since that day his family has had no further word about him. The Commission does not have enough evidence to come to a conviction on what happened in this case.

Carlos Patricio DALL'ORZO BADILLA, a leader of the union of artisans in La Caldera. He was arrested in June 1978 at his home by DINA agents who were beating him as they did so. He was then put on trial for breaking the State Security Law and was held in prison for seven months. He later developed kidney disease, which worsened until it turned into a major kidney problem. He was then forced to be hospitalized for long periods of time and to have to undergo dialysis three times a week. He was arrested again in 1986, this time by investigative police, and was accused of setting some transportation vans on fire. Again he was mistreated, and because of his delicate health he had to be hospitalized. He died later, after he had been released without charges. Even though this Commission has proof that he was tortured, it does not have enough evidence to come to a conviction that the torture was the exact cause of his fatal illness.

Luis Herminio DAVILA GARCIA, 21, a merchant who was not known to be politically active. Information provided to this Commission indicates that on September 18, 1973, he came to a house in the Isabel Riquelme shantytown in the San Miguel district. He saw the police as they were carrying out a raid on a house during which one person was wounded. Then on October 15, 1973, he went back to the house and again encountered police. When he saw them he is said to have gone running, and the police shot at him and hit him in the legs. They put him onto a truck from the San Joaquín police station. One of his brothers went there looking for Dávila, who is said to have been very seriously wounded, merely for what is described here. Since then there has been no further word about Luis Dávila. The Commission could not come to a conviction on whether his human rights were violated since it did not have proof of the account given here.

Alfonso Domingo DIAZ BRIONES, 22, unmarried, had studied civil

engineering at the State Technical University and was active in the MIR. He had been living underground since the security forces had arrested a friend of his. He was last seen June 5, 1974, when he said he was being followed. In June 1974 his parents' house was visited twice, first by members of the investigative police and then by unidentified civilians. Both times they asked where Alfonso Díaz could be found. On the basis of the evidence it gathered, the Commission is unable to come to a conviction on whether Alfonso Díaz was arrested by government agents.

Guillermo José DIAZ LONCOMILLA, a dock worker who was active in the Chilean Communist party and a labor leader. Police from the Puerto Montt prefecture arrested him, shooting and gravely wounding him in the process. He was taken to the jail in Puerto Montt, where he was tried before a war tribunal for illegal possession of weapons, and was sentenced to eight years in prison. He died of cancer some time later. The Commission was unable to come to a conviction that his death was the result of a human rights violation, since it was not established that he died from the torture he underwent while under arrest.

Alfredo DURAN DURAN, who worked at the Civil Registry in Catillo, was on the job for only two months. According to hearsay testimony, police from the Catillo checkpoint arrested him on October 13, 1973. The Commission received accounts that he and four other local people were taken to the prison in Parral. However, representatives at the prison denied that he was being held. There has been no further information about him. This Commission did not come to a conviction on this case for lack of further information.

Luis ERRAZURIZ VELIZ, 40, an unmarried merchant. His relatives say that on February 7, 1974, he was arrested where he worked by four men in plainclothes who were apparently police. Without further information, the Commission cannot come to a conviction on what happened to him.

Tatiana Valentina FARIÑA CONCHA was active in the Young Communists. The newspapers reported that she died May 14, 1985, when a bomb she was carrying exploded at the Social Action Service of the Lo Prado municipality. Susana Sánchez Espinoza, a municipal employee, also received several wounds. Tatiana Fariña's relatives, however, say that she was killed by government agents because of her political activity and her work among students. Although it has at hand the judicial investigation that was carried out (which is temporarily suspended), this Commission does not have enough evidence to come to a conviction on what happened.

Lorenzo FLORES FLORES, 39, worked as a newspaper vendor and sold El Siglo. He was active in the Communist party. He had been arrested in San Felipe immediately after the events of September 11, 1973, and was held

for a week. When he was released, he returned to the house of a congressional deputy for that area where he lived and took care of the deputy's daughters. The deputy and his wife had decided to go into hiding since the military were looking for them. Information received indicates that on October 23 or 24, he was arrested again by police from La Ligua and brought to the local police unit. He was taken out by night to an unknown destination. Nothing has been known about his whereabouts to this day; since that moment he has not carried out any government business, nor is he registered as having left the country or having died. The Commission was unable to come to a conviction on whether he had died of a human rights violation for lack of sufficient evidence to that effect.

Blas Emilio FLORES PINO, 41, a married merchant who was sympathetic to the Socialist party. His family says that in January 1982, he travelled from his home in Rancagua to Santiago and that there has been no further information on him. Lacking further information, this Commission cannot come to a conviction on what happened to him.

Ruben FUENTES CORTES is said to have died of a bullet wound near the cemetery in Maipú, on the night of August 12, 1983, the date of the fourth National Protest. A witness told the press, "Several young people set up a barricade with wood and tires and were shouting on the corner, when a police van pulled up. They began shooting, the young people all ran away and Fuentes Cortés was hit and fell down." On the basis of the evidence it received, the Commission cannot come to a conviction on his death and the surrounding circumstances.

Manuel FUENTES VIDAL, a lumber worker at the Panguipilli Lumber and Forestry Complex who was not known to be politically active. He disappeared from his workplace in early October 1973, and his whereabouts have remained unknown since that time. The Commission has not been able to come to a conviction on whether he suffered a fatal human rights violation, since it could not be established that he was arrested nor is he registered as having died.

Carlos Alberto GALAN MANCILLA, 26, unmarried, and there is some evidence that he belonged to the Manuel Rodríguez Patriotic Front. His family says that he was arrested in Santiago in November 1988. A television news program reported that he and other activists in that subversive organization had been arrested. Since this Commission has no further evidence, it cannot come to a conviction on what happened to him.

Ernesto GALLARDO ZAPATA, 30. Accounts obtained from a human rights organization indicate that on September 25, 1973, while he was being held in the jail in Arauco, he was killed by police after he momentarily went crazy and attacked prison guards. Because the evidence is insufficient, this

Commission has not been able to come to a conviction on how he died.

Sergio Alberto GAJARDO HIDALGO, 15, an unmarried high school student. He was arrested October 23, 1973, in the Ramón Cruz neighborhood of the Ñuñoa district, as he was walking toward his sister's house. The accounts given by his family indicate that witnesses saw him being arrested and that he was put into a white vehicle. His whereabouts have remained unknown since then. For lack of sufficient evidence, the Commission has been unable to come to a conviction on whether he suffered a fatal human rights violation.

José Manuel GARCIA ORELLANA, a Ladeco Airlines employee who belonged to the MIR. He was killed January 6, 1977, in an aviation accident on the ground. The family questions that account and suspects that he died of politically motivated foul play. Nevertheless, the evidence gathered by the Commission does not provide enough material to enable it to come to a conviction on what happened.

Héctor GARZAN MORILLO was arrested by police on October 2, 1973, along with José Héctor Luque Schurmann and Héctor Gustavo Marín Álvarez for not having their identification papers. They were at the Baquedano train station in Antofagasta and were attempting to travel to the southern part of the country. The newspapers at that time indicated that five miles out of Antofagasta on the Salar del Carmen road, as they were being taken to their detention site, they tried to run away and were executed by police. This Commission does not have enough evidence to come to a conviction on how they died.

Susana del Rosario GOMEZ ANDRADE, 32, married. She went out for a walk in Arica at about 5:00 p.m. on September 12, 1973. There has been no further information on her. Her relatives have testified to this Commission that Susana Gómez was emotionally disturbed and had been diagnosed as having schizophrenia, and that at that moment she was especially disturbed. All the steps necessary for discovering her whereabouts were taken, but there was no information on her. Since no witnesses have testified that she was arrested; curfew was not in effect when she went out to walk; and she suffered mental disorders that caused her to lose her memory, this Commission has not been able to come to a conviction that Susana Gómez suffered a fatal human rights violation.

Enrique GONZALEZ ANGULO, 22, was not known to be politically active. He was arrested on October 2, 1973, by police from the Salto de Pilmaiquén checkpoint, which was under the authority of the Third station in Rahue Bajo, Osorno, according to testimony received by the Commission. Since that day there has been no further information about him. For lack of evidence that would confirm the statements made by those witnesses the

Commission was unable to come to a conviction on whether he suffered a fatal human rights violation.

Jorge Iván GONZALEZ AVALOS died August 12, 1983, the day of the fourth National Protest, from cervical and thoracic trauma caused by a perforating bullet wound. The Commission was unable to examine evidence on how he died nor on how it might be connected to political violence, and hence could not come to a conviction that he was a victim.

Fernando GONZALEZ CALQUIN, 32, a former member of the presidential bodyguard who was an active member of the Socialist party. His relatives testified to this Commission that their contact with him was only occasional even before September 11, 1973, due to his political activity. In October 1973 he went to say good-bye to one of his children, and said that he planned to go away, and did not know when he would return. He explicitly asked them not to try to find him. Since there are no witnesses that he was arrested, and since he told a son that he was leaving, and explicitly asked them not to look for him, this Commission has not been able to come to a conviction that he suffered a fatal human rights violation or political violence.

José Gilberto GONZALEZ DE LA TORRE, 44, worked as a farmer and was not known to be politically active. Witnesses say that sometime in early January 1974, police from the Salto Pilmaiquén checkpoint, which was under the authority of the Third station in Rahue Bajo, Osorno, arrested him at the boarding house where he lived. A few days previously the owner of the boarding house had been arrested, and the domestic servant had been found dead. After being arrested, González is said to have been executed and his body was left nearby. For lack of sufficient evidence, the Commission was unable to come to a conviction that he had suffered a fatal human rights violation or political violence.

Francisco Javier GONZALEZ MORALES, 22, a truck mechanic who was not known to be politically active. He was killed November 27, 1973. Witnesses had observed him being arrested at about 4:00 p.m. November 25, as he was entering a movie theater in downtown Santiago. The arrest was made by members of the investigative police, and they took him to their headquarters on Calle General Mackenna. According to his family, the investigative police said that he was going to be released the next day. On November 27, however, they were told that González had hung himself in his cell with his shirt. The family says that González was being accused of being involved in the so-called "Plan Leopard." The evidence presented and that which the Commission has been able to gather do not provide a basis for establishing that he died at the hands of government agents.

Celso Alamiro GUAJARDO BETANCOURT, a worker who was active in the Socialist party. He was beaten with rifle butts and kicked by troops from the

Tejas Verdes Regiment as they were searching his house on November 21, 1973. Afterwards he began to vomit blood and had a fever. He died of many causes January 14, 1974, according to the autopsy report. This Commission is not in a position to attribute them to the mistreatment described, and hence it could not come to a conviction on whether he was a victim of political violence.

Carmen GUTIERREZ SOTO, 14, a high school student. Her relatives say that on September 13, 1973, she and a sister took advantage of the fact that permission had been given to people to leave their houses to buy some groceries. There were many people in line at the bakery. Suddenly the bread supply gave out, and the people began to protest. A police van pulled up to bring matters under control. The police began to disperse the crowd and shot into the air. Everyone began to run, but Carmen fell to the ground. One of her brothers who had been told what happened came to the area and saw that she had a bullet wound on the back of her head. The relatives say it was very difficult to get permission to have her buried; they did not have a death certificate since the body had been picked up on a public thoroughfare. They say that a doctor at the Barros Luco Hospital later helped them and wrote them a certificate stating that the cause of death was "rheumatic fever." Thus they were able to bury her. This Commission did not come to a conviction on what happened, and hence it could not determine the exact cause of death.

Juan Antonio HERRERA CLAVERIA, 42, had been a municipal worker in Valparaíso and was active in the Socialist party. The accounts the Commission has received indicate that on September 7, 1973 [sic], a navy patrol came and shot him down in his home. They then took his body to the Van Búren Hospital in Valparaíso where he died shortly thereafter. For lack of enough evidence, the Commission was unable to come to a conviction on whether he was a victim of a human rights violation.

Héctor Alfonso INOSTROZA PAREDES, 21, unmarried. He was last seen at about 7:00 p.m. on September 24, 1973, by one of his sisters in the Contreras Gómez shantytown in the city of Los Angeles. The family received accounts from witnesses that he and other people were arrested for curfew violation. The family looked for him in a number of sites but was unable to determine his whereabouts. The Commission did not come to a conviction on this case because it regards the evidence presented as insufficient to determine what happened to Héctor Inostroza.

Mauricio Edmundo JORQUERA ENCINA, 19, an unmarried student leader who was active in the Revolutionary Left Movement. He was arrested August 5, 1974, by unidentified civilians. According to information supplied by his relatives, he was arrested that day and has not been heard from again. However, he is registered as having renewed his identification card in

December 1974. Because it received this information only toward the end of its work and could not carry out a thorough investigation, the Commission has not come to a conviction on this case.

José Domingo LEIVA DIAZ, 23, was unmarried and had leftist sympathies. The family has testified to the Commission that he was a second corporal in the band at the Military Academy. His parents, who live in Valparaíso, have had no information on him since September 1973. The Commission cannot come to a conviction on whether José Leiva was a victim of a human rights violation because it does not have enough evidence.

Javier LEON PAULSEN, president of the labor union of the Shyf workers and active in the Communist party. According to his relatives, between 7:30 and 8:00 a.m. on September 28, 1975, he left the union offices on Calle Salvador where he had spent the night. He was walking. His family says that at the corner of Calle Lincoyán he was stopped by a car. Four civilians got out, and one of them immediately shot him to death. They then put a pistol in his mouth to simulate suicide. This Commission has not been able to gather more evidence to confirm this account, and hence it has not come to a conviction on this case.

Eugenio Pascual LIRA MASSI, a journalist. He was living in exile in Paris. He had taken asylum in the French embassy after being summoned by the junta to report to the authorities. On June 9, 1975, he was found dead in his apartment in Paris. He had apparently died of natural causes, and hence there was no judicial investigation nor was any autopsy performed. The Commission has received evidence that the DINA killed him using a special gas. Indeed, on the day Lira died a prominent DINA agent was in Paris. Nevertheless, this Commission did not obtain enough evidence to enable it to come to a conviction on what caused the death of Eugenio Lira.

José Héctor LUQUE SCHURMANN was arrested by police on October 2, 1973, along with Héctor Garzán Morillo and Héctor Gustavo Marín Alvarez at the Baquedano train station in Antofagasta. They were arrested for not having their proper identification papers, when they were setting out toward the southern part of the country. The newspapers at that time indicated that five kilometers outside of Antofagasta on the Salar del Carmen road, as they were being taken to their detention site, they tried to run away and hence were executed by police. This Commission does not have enough evidence to come to a conviction on how they died.

John Patricio MALHUE GONZALEZ, 21, worked as a driver in the Employment Plan for Heads of Households. The Commission has received evidence indicating that on the morning of August 4, 1986, he was killed when a bomb went off in the car he drove and which he was going to park near the Libertadores Regiment. The Commission has been told that third

parties took advantage of John Malhue in this case, but it does not have enough evidence to come to a conviction on the matter.

Héctor Gustavo MARIN ALVAREZ was arrested by police on October 2, 1973, along with Héctor Garzán Morillo and José Héctor Luque Schurmann, at the Banquedano train station in Antafogasta for not having their identification papers as they were setting out toward the southern part of the country. Newspapers at that time reported that five miles outside Antofagasta on the Salar del Carmen road, as they were being taken to their detention site, they tried to run away and hence were executed by police. This Commission does not have enough evidence to come to a conviction on how they died.

Mario MARTINEZ RODRIGUEZ, a Christian Democrat who was the general secretary of Feusach and finance secretary of Confech. On Saturday, August 2, 1986, about noon, Mario Martínez left his house in the La Florida district and told his parents that he was going to the house of a friend to return his backpack and some books, but he never arrived. On August 4, a farmer found Martínez's body at the Las Rocas beach in Santo Domingo. He was still clothed and had on a backpack. The autopsy report says that the cause of death was drowning, and found no proof of bruises that would indicate foul play. This Commission has been told that Martínez felt he was being followed and was in danger stemming from his activity as a student leader. Furthermore, he was working on a report on the security agents who were operating in the University of Santiago. Finally, his body was found on the beach in Santo Domingo even though he had never mentioned having been there. Taken all together, these facts raise doubts about the causes of his death. This Commission does not have enough proof to come to a conviction on what happened.

Victoriano MATUS HERMOSILLA, 39, was a worker at the Panguipulli Logging and Forestry Complex. Although he was not politically active, he had had ties to some members of the Revolutionary Peasant Movement (MCR) and to MIR activists. He was arrested after September 11, 1973, and released some days later. The Commission received testimony that on January 15, 1974, he was arrested again by police from Panguipulli. A few days later his family was told that he was being transferred to Valdivia. He never arrived there, but turned up dead along the road under circumstances that could not be determined. The Commission could not come to a conviction on whether he was a victim of a human rights violation, because it did not have enough evidence on how he died.

Danilo MENESES AVILES, 38, a married civil engineer who was an active member of the Socialist party. On May 16, 1975, he left home to go to a soccer game and never returned. Lacking further evidence, the Commission cannot come to a conviction on what happened to Danilo

Meneses.

Oscar Hernán MIRANDA SEGOVIA, 17, a news vendor who was not known to be active in politics or labor unions. According to accounts given to the Commission, while riding his bicycle he ran into a relative of someone who collaborated with the Melipilla police in carrying out repression. Private citizens therefore apprehended him and turned him in to the police. To this day there has been no information on his whereabouts. The Commission could not come to a conviction on whether he was the victim of a human rights violation because it was unable to gather more specific information on the fact of his arrest and his subsequent whereabouts.

Enrique Segundo MOLINA CANDIA, 32, was a reserve subofficer in the marines. He had worked on a Russian fishing boat that operated out of Valparaíso. When he was arrested he was taking a course at the Coastal Defense Regiment at Las Salinas. He was not politically active. On an unspecified date, shortly after September 11, 1973, he was arrested at his home by members of the navy and transferred to the El Belloto naval air base where he was held for a few days. Later he was held in solitary confinement at the Naval War Academy. Both these locations were used for holding political prisoners. On November 19, 1973, Enrique Molina committed suicide in his cell at the War Academy. His body was sent from Valparaíso to the morgue in Viña del Mar. The navy reported that he had been accused of several common crimes. His criminal file and other documentation indicate that he was not subjected to any judicial process. The Commission could not come to a conviction on whether his death was the result of a human rights violation, because it could not determine whether it was the result of foul play. Likewise it could not be determined whether he may have been impelled to take his own life by the conditions of his confinement.

César Manuel del Carmen MUÑOZ CALDERON, 26, an electrician who lived and worked in Collipilli. On October 26, 1974, his family, which lived in the area of Sagrada Familia, received a letter from one of his co-workers indicating that Muñoz had disappeared and that his identification papers were at the court in Collipulli. The judge is said to have told them that soldiers had found his papers and his parka at the Malleco Bridge, and that even though the police were looking for him, they did not know where he was. Subsequently, the family is said to have received a letter from the police telling them that a body had been found and was at the Collipulli morgue. When they went there, they were told that the body had been buried without being identified. This Commission has not been able to verify the possible arrest, detention at a military or police facility, or death of this alleged victim, much less whether government agents may have been involved. Hence it was unable to come to a conviction on what happened to him.

Carlos Abel MUÑOZ MESIAS, a married miner who was active in the Communist party. He was arrested shortly after the coup at the Central El Toro where he worked as a miner and was also a labor union leader. His family has testified that he was tortured during this period and hence was taken to the local hospital. He escaped from the hospital in mid-October 1973, and went to his house in Talca where he remained hidden for about a month. During that time people who never identified themselves continually came looking for him. On November 28, 1973, while he was in very poor health, as he told his wife, he left the house for the first time in order to go to the doctor. That very day he was found dead along the railroad tracks. This Commission does not have enough evidence to come to a conviction on how he died.

Jorge Eduardo MUÑOZ NAVARRO, a MIR activist. He died May 18, 1984. The CNI has said that early that morning two individuals were caught in a suspicious situation at the bottom of a high voltage tower in the Renca district. When they were ordered to halt, one of them fired a gun, and there ensued a shootout in which Muñoz was killed. His partner escaped. Some hours later María Loreto Castillo Muñoz was killed in an explosion. However, a witness told this Commission that both were arrested by night and held at the same detention site, and then killed by CNI agents at different locations. The evidence gathered was insufficient to enable the Commission to come to a conviction on what happened.

Alberto MUÑOZ POLANCO, an agent of the Banco del Estado in María Elena who had socialist ideas. He died October 7, 1976, of a brain hemorrhage. The family thinks that there could have been politically motivated foul play, but the Commission does not have enough of the material that would be needed for it to accept that account.

Néstor Edgardo NAVEA CORTES, an army second corporal who belonged to the presidential guard company which provided the president with security. The official account was that he was killed July 17, 1986, at the Military Academy when a gun fell off a rack and went off, and he was hit by the bullet. The kinds of wounds on the body, the fact that it was not his weapon, and his skill in handling weapons have made his relatives skeptical of that story. This Commission nonetheless does not have enough evidence to come to a conviction on what happened.

Vicente OLIVARES STEVENS, a retiree and active member of the Communist party. Nothing was heard of him after March 2, 1974, when he went to collect his retirement check. Then on March 4 someone told his relatives that he was dead on a public thoroughfare in the Nogales shantytown in Santiago. The family says his body showed signs of having been beaten, and there was a major wound on his back. That account could

not be confirmed through other sources, and seems to contradict what is stated on the autopsy report. The Commission, moreover, has no evidence on anyone alleged to have been involved in what happened. This Commission therefore does not have sufficient material on which to come to a conviction on what happened in this case.

Manuel Aristides OÑATE MORA, 35, a married master ironworker. His relatives say that one day during the second half of October 1973, he left his home at about 8:00 a.m. on his way to work. There was no further word on his whereabouts. They initiated procedures to have him declared presumably dead, and the declaration was finally issued in 1984. During the course of the Commission's investigation into the whereabouts of Manuel Oñate, the international police stated that a Manuel Oñate Mora, of Chilean nationality, born in 1938 or 1939, with identification card No. 141526, is registered as having left the country February 17, 1975, and there is no record of any subsequent reentry. In view of the foregoing, the Commission does not have enough evidence to come to a conviction on this case.

Pedro Juan ORELLANA VILLA, 28, an unmarried furniture maker who was active in the Socialist party. On September 30, 1973, at about 6:30 p.m. he was found gravely injured with a bullet wound to the head at the municipal lagoon in San Carlos. He later died of that wound. The autopsy report says that the exact cause of death was a bullet wound to the cerebral cranium typical of suicide. A police report found in the court process for presumed homicide says that he was found lying in some blackberry bushes, had wounds on the face, and was bleeding from both eyes. It also says he still had valuables on him, and hence robbery was discounted as a motive. The weapon that had caused the injuries was not found. The Commission has not been able to come to a conviction on what happened, for even though there are some signs pointing to possible foul play in the death of Pedro Orellana, his death may not have been a human rights violation, but rather a common crime. The Commission has borne in mind the nature of the wounds and the fact that the judicial case was ultimately suspended without determining who was responsible for his death.

Javier Ernesto PARADA VALENZUELA, 25, married, had studied agronomy, and was active in the MIR. His family says that he had been arrested after September 11, 1973, and held in Temuco for about a month. Afterwards he and his wife went to Santiago to live. They are said to have been under continual pursuit, and hence had been forced to separate. In November 1976, an aunt who owned the house where he lived told his wife that he had been arrested. Lacking further evidence, this Commission cannot come to a conviction on what happened to Javier Parada.

Gabriel PERALTA ESPINOZA, 54, an interior government local

representative during the Popular Unity government who was active in the radical party. On October 28, 1973, he went fishing with some friends and did not return to the place where he was lodging. The next day his drowned body was found at the Calcurrupe River. It was wrapped up in his fishing line. The Commission could not come to a conviction on whether he was the victim of a human rights violation since it could not be certain whether his death was the result of foul play.

Hernán PEREZ AGUIRRE, a married pensioner from the Ministry of Public Works. His family says that on November 1, 1974, he left his sister's house in the Renca district and has never been heard from again. Lacking further information, this Commission could not come to a conviction on what happened.

Mario Alberto PILGREN ROA, 22, a married driver. His wife says that he was killed by police from Contulmo as he was violating curfew by driving his bus with passengers in it. This happened in the city square at 11:00 p.m. on a day in September 1973. His wife says that the body was taken to the morgue in Negrete and that their house was later searched. The Commission has not been able to come to the conviction that this was a case in which human rights were violated since the evidence presented is insufficient to do so.

José Domingo PILQUINAO LLAULEN, a married farmer. His relatives came to the Commission and said that police had arrested him in Lautaro in 1973 but that they did not remember which month. The reason for the arrest was that he had allegedly committed robberies. They do not know where he was taken. In this case there is no official documentation of a death; the relatives do not know the date of the arrest, and they do not recall having engaged in any procedures to locate him. Hence this Commission does not have the evidence on which to come to a moral conviction that José Pilquinao's human rights were violated.

Héctor Osvaldo PINEDA INOSTROZA, 25, a married day laborer at the Disputa Mining Company who was active in the MIR. On May 22, 1974, he was killed on the job. The mining company says that rocks fell down the mineshaft and hit him primarily on his head and killed him. The autopsy report is consistent with that account. Since the Commission has no other proof, it cannot come to a conviction on what happened to him.

Alejandro PIZARRO SAN MARTIN. The Commission received testimony from a person who knew him that he was held under arrest along with Rubén Soto Soto and Luis Alberto Urrutia Sepulveda at the police station in Perquenco in September 1973. He is said to have been driven out to the road between Perquenco and Selva Oscura and killed. Since there are no statements from relatives, and no official report of his death, and since the

exact date on which this is said to have happened is not known, this Commission does not have enough material on which to come to a moral conviction on whether he was the victim of a human rights violation.

Benedicto POO ALVAREZ, 40, an unmarried independent farmer. His relatives have testified that police arrested him in September 1973 in Lautaro. There are no witnesses to his arrest, he is not recorded as having died, and the site to which he was taken is unknown. Since the evidence the Commission has examined is insufficient, it has not been possible to come to a conviction on whether Benedicto Poo's human rights were violated.

Alicia Viviana RIOS CROCCO, a psychology student and MIR activist. The newspapers reported that at 4:00 p.m. December 22, 1984, she was riding a bicycle along Avenida San Eugenio when a bomb she had on the seat of her bicycle went off. Her body was thrown into an arc six meters high and ten meters forward, and she died instantly. Her relatives say that she was killed by government agents who had placed the bomb on her bicycle and set it off by remote control. The Commission was able to examine the judicial investigation and other evidence, but it did not find enough material to enable it to come to a conviction on what happened.

Miguel Angel RIQUELME SOLIS, 25, merchant sailor, active Communist, and labor leader until September 11, 1973. On April 18, 1985, he went out with other sailors on the boat "Soraya" from Puerto Montt. On May 6 or 9 it was officially reported that the boat had shipwrecked. Among the names of the disappeared crew members as reported by the police was that of Miguel Riquelme. This Commission does not have enough material to come to a conviction on what happened to Miguel Riquelme about whom there has been no further information.

Lorenzo RIVERA RAMIREZ, 36, a married pensioner from the merchant marine. His relatives had contact with a witness who says that in early October 1973, Rivera was in the Playa de Lota area. He had been drinking and consequently he is said to have insulted the armed forces and was arrested by a military patrol. The Commission does not have enough evidence to come to a conviction on this case.

Oswaldo Gustavo ROJAS ORTIZ. The October 6, 1973, issue of La Tribuna in Los Angeles says that he was killed in an attempt to escape from a regiment along with other people. This information is not completely reliable since the Commission has verified that one of these people is still alive. Moreover, requests to the Civil Registry and other official agencies did not produce any evidence that could corroborate what was said in the newspaper account. For these reasons, the Commission was unable to come to a conviction on this case.

María del Carmen RUIZ OJEDA, 45, a domestic servant who was not known to be politically active. On December 30, 1973, she was found dead at her workplace in Pilmaiquén. The owner of the house had been arrested by police from the Salto Pilmaiquén checkpoint, which was under the authority of the Third station in Rahue, Bajo Osorno, and taken away from that same site. Lacking sufficient evidence, the Commission was unable to come to a conviction on whether her human rights had been violated.

José de las Nieves SAAVEDRA VERGARA, a farmer. He was taken from his house in the early morning of April 8, 1976, by three unknown men who beat him, put him into a vehicle, and drove off toward an unknown destination. Since that day there has been no further information on the whereabouts of José Saavedra. This Commission does not have enough evidence to come to a conviction on this case.

Carlos SANTIBAÑEZ NAHUEL, a teacher who was active in the Socialist party. Police arrested him in September 1973, and he was held at the station in Nueva Imperial and then in the Temuco jail for three and a half months. The family says that when he was released he had been very much affected psychologically. He did not tell them he had been tortured physically, but they say they learned it through other means. Later they were subjected to house searches and hence were forced to move. Carlos Santibáñez died on May 6, 1976. The Commission does not have enough evidence to connect Carlos Santibáñez's death with the torture he underwent in 1973.

Juan SEPULVEDA GONZALEZ, 21, an unmarried university student. He disappeared September 23, 1973, after leaving his house in Los Angeles on his way to the university. His father says that in early October he went to the Red Cross in Los Angeles and saw his son's name on a list. The father says he wrote a message, but never received any answer. The Commission believes that the evidence presented is insufficient to come to the conviction that the disappearance of Juan Sepúlveda González was due to a human rights violation, particularly since the Red Cross says it does not have any record of such a person.

Rubén SOTO SOTO. The Commission received testimony from a person who knew him indicating that he was held under arrest along with Alejandro Pizarro San Martín and Luis Alberto Urrutia Sepulveda at the police station in Perquenco in September 1973. He is said to have been driven out to the road between Perquenco and Selva Oscura and killed. Since there are no statements from relatives, and no official report of his death, and since the exact date on which this is said to have happened is not known, this Commission does not have enough material on which to come to a moral conviction on whether he was the victim of a human rights violation.

Jacinto SUFAN SUFAN, 52, married, the mayor of Santa Bárbara and an active Socialist. His relatives say he was arrested in September 1973 by police and then taken to the Los Angeles Regiment. There he was repeatedly tortured and was released October 1, 1973. He is said to have had many open sores on his back. They say that he died on August 10, 1974, as a result of the mistreatment to which he was subjected while under arrest. This Commission does not have enough evidence to come to a conviction on how he died.

José Gilberto TORRES GARCIA, 20, an artisan who also gathered and sold shellfish and was active in the Young Communists. The family testified to this Commission that a person whose name they did not remember had told them that on September 23, 1973, a truck with soldiers had come to the Las Machas beach in Arica and asked to see the identification papers of a group of six people, including José Torres. For unknown reasons, the troops shot at the group, killing some and arresting others. There is no official notification of his death, nor was there any record of the cases of the others who were supposedly arrested and killed. Hence the Commission could not come to a conviction on whether José Torres was a victim of a human rights violation.

Luis Alberto URRUTIA SEPULVEDA. The Commission received testimony from a person who knew him indicating that he was held under arrest along with Rubén Soto and Alejandro Pizarro San Martín at the police station in Perquenco in September 1973. He is said to have been driven out to the road between Perquenco and Selva Oscura and killed. Since there are no statements from relatives, and no official report of his death, and since the exact date on which this is said to have happened is not known, this Commission does not have enough material on which to come to a moral conviction on whether he was the victim of a human rights violation.

Luis Oscar VALENZUELA LEIVA, 22, a sociology student at the University of Chile. He was active in FER (Revolutionary Students Front). When he disappeared he was living underground and was sleeping at the homes of different relatives, including occasionally his parents' house. Security agents raided that house in late 1974 and among the things they took was Luis Valenzuela's agenda book. He was last seen January 10, 1975, when he told a relative that he was being pursued and was about to be captured. There has been no further information on him since then. This Commission has not been able to verify that he was arrested or held at any detention site. However, in view of the characteristics of that period and his political involvement, the possibility that he may have been arrested and disappeared at the hands of government agents cannot be discounted.

José Miguel VARGAS VALENZUELA, 26, active in the Socialist party. On September 26, 1973, his body was found at the corner of Calles Estados

Unidos and José Joaquín Pérez. Information received indicates that he was killed by shots fired in a gun battle. The cause of death listed on official documents was a generalized purulent peritonitis. This Commission could not come to a conviction on the cause of José Vargas's death, since his injuries may have been caused by a bullet, but the destruction done to his abdominal region made it impossible to find any bullet.

Juan VASQUEZ SILVA, 19, an unmarried worker. On September 17, [sic] a patrol came to the settlement where he was living in the General Cruz area. His mother says that the police accused the people there of intending to attack the checkpoint. Witnesses told his family that Vásquez was killed by the police. The Commission does not have enough material to come to a conviction on how he was killed.

Sergio VERDUGO HERRERA, civil engineer, president of the Association of Employees of the Sociedad Constructora de Establecimientos Educacionales, and an active Christian Democrat. Security services investigated him in 1975 and 1976 because he had been accused of being a member of the Communist party. On Tuesday, July 20, 1976, he went to work as usual at the Sociedad Constructora de Establecimientos Educacionales. That afternoon he came back to his house which was empty, and apparently left in a hurry. Unverified accounts indicated that he was arrested. The next day his body was found on the bank of the Mapocho River. The autopsy report states that the cause of death was drowning. Having examined the very careful judicial investigation which could not confirm that Verdugo died of foul play, this Commission does not have evidence that would enable it to come to a conviction on the events that led to Verdugo's death and whether they involved foul play.

Jaime Edison VILLAFRANCA VERA, a Patria y Libertad sympathizer. On July 25, 1976, a group of individuals burned a Chilean flag in the plaza in San Fernando. That night soldiers in plainclothes arrested Villafranca and a friend. This person says they were taken to the regiment. There the military questioned them about the flag burning, all the while beating them and applying electricity. Shortly afterward someone was heard moaning, and then two shots were heard. Despite the value of that account, this Commission has not been able to identify who the victim was, and hence could not come to a conviction on what happened.

Luis Sijisfredo VILLANUEVA RAMIREZ. He died September 12, 1983, of bullet wounds sustained in an incident in the area of Rahue Alto, Osorno, the previous day. There is no information on who those responsible were, nor is there any evidence indicating that it was the result of political violence. Hence the Commission could not come to a conviction that Villanueva's human rights had been violated.

Luis Alberto VILLEGAS MEZA, an enlisted man in the navy and MIR sympathizer. On October 1, 1975, he entered the military service. On October 8, a navy patrol told his mother that her son had deserted. She had no further information on him until October 1976, when she received a visit from agents who claimed to be from the DINA. They told her they had found him, and that he had committed suicide. In June 1990 she received information from an anonymous source indicating that he had been tortured along with the Communists in Fort Borgoño and had died as a result. This Commission has not been able to gather more evidence to confirm that report and hence has not come to a conviction on this case.

C. List of names of other unresolved cases

The following is a list of the names of the other persons whose cases the Commission declared to be unresolved after investigating them.

ABARCA AÑO, Luis Virgilio
ABURTO GALLARDO, Evaldo Segundo
ACEVEDO CARIZ, Carlos
ACEVEDO RUBIO, Samuel Eduardo
AGUAYO BUSTOS, Anselmo
AGUILAR GONGORA, Sergio
AGUILERA CONTRERAS, Ramón Luis
ALANO CONTRERAS, Jorge Eduardo
ALARCON ALARCON, Jaime
ALARCON FRITZ, Sergio Rolando
ALFARO FREZ, Luis Humberto
ALFARO RETAMAL, Waldo César
ALTAMIRANO NAVARRO, José Otto
ALUCEMA OSORIO, Segundo
ALVAREZ, Ernesto
ALVAREZ SEGOVIA, Gumercindo del Carmen
ALVEAR ORTEGA, José Aladino
ANDREUS CONTRERAS, Juan
ANDURANDEGUI SAEZ, Pedro Julio
ANTIO MACHACAN, Luis Felidor
ANTIQUERA GALLEGUILLOS, Orlando
ARANCIBIA LUCERO, Waldo Darío
ARANDA RECANI, Tolentino
ARAVENA ARAVENA, José del Carmen
ARAVENA SEPULVEDA, Luis Antonio
ARAYA ARAYA, Miguel Angel
ARELLANO ROJAS, José Antonio
AREND C., Erwin V.
ARIAS VELOZ, Raúl Segundo
ARJONA GARCES, Rafael
ARMIJO CASTILLO, Juan Carlos

ARREDONDO HERRERA, Guillermo
AVENDAÑO QUINTANA, Carlos Aladino
AVILES JOFRE, Oscar Luis del Carmen
BAEZA CONTRERAS, Luis Humberto
BARDE VIRALTA, Juan Cristián
BARRAZA GUERRA, José Tulio
BARRIA GOMEZ, Oscar Alonso
BARRIA GUZMAN, Segundo Bernardino
BARRIENTOS CARCAMO, Otto Ignacio
BARROS CARTAGENA, Antonio Mercedes
BELLO LOPEZ, Alberto Rodrigo
BELTRAN CURICHE, José Claudio
BERCOVICH MARTINEZ, Isabel Fanny
BERNAL VEGA, Waldo
BERNIER LEAL, Robinson
BEROISA CARRASCO, Juan
BERTOLO RIVAS, Juan Manuel
BETANZO ORTEGA, Emilio
BIDEGAIN GREISSING, Raúl
BLANCO CASTILLO, Juan Andrés
BORQUEZ PATIÑO, Rafael
BRANIFF ROJAS, Grover
BRAVO GUERRERO, Jaime Eduardo
BRAVO LEAL, Juan Carlos
BRAVO RIVAS, Guillermo
BREVE TOLEDO, Jaime Enrique
BRIGNARDELLO LARA, Eduardo Guido
BRITO MIRANDA, Luis Fernando
BROMENFIELD, Alejandro
BRUNA SANTIBAÑEZ, Luis Federico
BUGALLO, Oscar Héctor
BUGUEÑO, Marcelino
BURGOS MUÑOZ, Manuel Alberto
BUSTOS CANALES, Carlos Alejandro
CAAMAÑO QUIJADA, Claudio Emilio
CACERES GAMBOA, Ernesto Antonio
CALDERON SANHUEZA, Omar Rogelio
CAMPOS CACERES, Ricardo Octavio
CAMPOS VIVES, Heriberto
CANALES CRUTIÑO, Joel
CANDIA SOBINO, Carlos Alciades
CANO MONTROYA, Ramón Antonio
CAPDEVILLA ARRATE, Guillermo Ramón
CARDENAS AREL, Iván Alberto
CARDENAS, Hernán
CARMONA CONCHA, Camilo Clariel

CARMONA GILBERTO, Luis Alejandro
CARMONA PARADA, Angel Patricio
CARRASCO AYALA, Juan Carlos
CARRASCO CARRASO, Victor Segundo
CARRASCO GATICA, Alejandro
CARRASCO TAPIA, Nelson
CARVAJAL APABLAZA, Juan de Dios
CARVALLO, Juan Mesías
CARVALLO, Juan Nemías
CASTILLO CALCAGNI, Hernán
CASTILLO JIMENEZ, Pedro José
CASTILLO LOPEZ, Juan Carlos
CASTILLO SOTO, Manuel Segundo
CATALAN OJEDA, Pedro Luis
CERDA MEZA, Manuel Antonio
CHAMORRO ACOSTA, Nicanor Segundo
CHAMORRO LLAGUEL, Manuel Jesús
CHAVEZ CARDENAS, Adrián Bernabé
CHEUQUELAO MILLANAO, Manuel
CHRISTIE BASSY, Jim
CID NAVARRETE, Carlos
CIFUENTES ALQUINTA, Rodolfo Américo
COLIPAN, Juan Carlos Raimundo
COLLAO SARPI, Carlos Emilio
COLPIANTE CAIHUAN, Pedro María
COLPIHUEQUE, Alberto
COLPIHUEQUE, Licán Alberto
CHONCA CALLEJAS (VALLEJAS) Raúl Dantón
CONSTANT, Victor
CORDERO HUERTA, Humberto Joaquín
CORDERO LOPEZ, Rosa Irene
CORDOVA ARENAS, Iván
CORREA VELOSO, José Antonio
CORREA VERGARA, Luis Alberto
CORTES LUNA, Jorge Jerónimo
CORTES NAVARRETE, José Anselmo
CORTEZ ESPINOZA, Rosendo
CORTINEZ OLGUIN, Julio Omar
CRETTON VARGAS, Emilio César
CRUZ ORTIZ, Manuel Félix
CUADROS ACEVEDO, Rolando Freddy
CURAQUEO ALARCON, Domingo David
DAVEGGIO NUÑEZ, José Agustín
DE LA ROSA DONOSO, Eduardo
DEL CANTO RODRIGUEZ, José Enrique
DELGADO SANHUEZA, José

DIAZ ACEVEDO, David
DIAZ MENDEZ, Manuel Oscar
DIAZ MUÑOZ, Luis
DIAZ PEREZ, Julio Rolando
DIETERCH GUERRA, Rodolfo
DUPRE NARVAEZ, Ingrid Jeannette
DURAN AGUILERA, Leovino Antonio
DURAN, Diego
EGAÑA ALDAY, Servando
ELTIT GONZALEZ, Carlos Humberto
ESCALONA CABRERA, Segundo René
ESCOBAR CARVALLO, Héctor h.
ESCOBAR SALINAS, Ruth María
ESPARZA OSORIO, Tomás Segundo
ESPEJO ESPEJO, José Gabriel
ESPEJO PLAZA, Sergio
ESPINOSA BARRIENTOS, Pedro Segundo
ESPINOZA BUGUEÑO, Ana María
ESQUIVEL PEREIRA, Diego Pastor
FAUNDEZ LATORRE, Julio del Carmen
FERNANDEZ NUÑEZ, Manuel Segundo
FERNANDEZ ROBLEDO, Carlos Enrique
FERRADA, Eduardo Segundo
FLORES PEREIRA, Alejandro
FLORES REYES, Sergio Raúl
FLORES RIQUELME, Juana
FORT ARENAS, Alfonso Gonzalo
FRANCOVICH PEREZ, María
FUENTEALBA HERRERA, Carlos Roberto
FUENTEALBA MEDINA, Luis Antonio
FUENTES AREAS, Manuel
FUENTES CARREÑO, Sebastián
FUENTES MARQUEZ, Ismael
FUENTES OVANDO, Patricia
FUENTES VELIZ, Francisco Manuel
FUENTES ZAMORANO, Juan Abelardo
GACITUA MARTINEZ, Juan Richard
GALLEGUILLOS SEPULVEDA, Rafael Enrique
GANGONTENA VALLEJOS, Alfredo
GANGOTENA, Alfredo
GARCES GARCES, Romilio
GARCES PORTIGLIATI, Pedro Juan
GARCES SANHUEZA, Nelson
GARCIA GONZALEZ, Manuel
GARCIA RAMIREZ, Juana
GARCIA RAMIREZ, Marcela

GARCIA RAMIREZ, Michael
GARRIDO ESPINOZA, Fermín
GARRIDO ROJAS, Adrián Alfonso
GODOY ALVARADO, Alfredo
GOMEZ ARAVENA, Patricio
GOMEZ ARRIAGADA, Sergio Arturo
GOMEZ SAEZ, Joaquín Alfonso
GONZALEZ ALARCON, Jaime Eduardo
GONZALEZ, Carlos
GONZALEZ, Cervando
GONZALEZ GONZALEZ, Moisés Patricio
GONZALEZ INZUNZA, Juan Carlos
GONZALEZ MILLONES, Víctor Manuel
GONZALEZ MOENA, Ana Janett
GONZALEZ MONDACA, Patricio
GONZALEZ PIÑONES, Manuel Saturnino
GONZALEZ POCOTUREO, Santiago
GONZALEZ REYES, César Raúl
GONZALEZ SOLAR, Juan Miguel
GREZ, Juan Carlos
GUAJARDO PALMA, Oscar Constancio
GUTIERREZ CONTRERAS, Gumercindo
GUTIERREZ FUENTES, Simón
GUTIERREZ GUTIERREZ, Juan Antonio
GUTIERREZ ROMERO, Ramón
GUZMAN CUEVAS, Oscar Jesús
GUZMAN OLIVA, Nicanor
HENRIQUEZ AGUILAR, Luis Alberto
HENRIQUEZ LIZAMA, Miguel Angel
HEPP KOHLBERGER, Herman Pedro Luis
HERMOSILLA PEREZ, José L.
HERNANDEZ MONDACA, Juan Luis
HERNANDEZ MORALES, Gonzalo
HERNANDEZ SALAZAR, Mario Alejandro
HERRERA ANDRADE, Custodio
HEYDER GOYCOLEA, Osvaldo
HIDALGO CONTRERAS, Juan Ruperto
HONORES AGUIRRE, Hernán
HORN ROA, Luis Armando
HUENUL HUAQUIL, Domingo
HUERTA ACEVEDO, Gregorio del Tránsito
IBARRA PINO, Manuel
IBARRA SAAVEDRA, Julio Marcelino Patricio
INAREJO ARAYA, Marcos
JARA CORDOBA, Julio Antonio
JARAMILLO FIGUEROA, Osvaldo

JIMENEZ CORTES, Luis Carlos
JIMENEZ MUÑOZ, José Alejandro
KLENER KLENER, Juan Carlos
LABRA PALMA, Andrés Rigoberto
LAGOS SILVA, Luis Alberto
LARENAS INOSTROZA, José Miguel
LATORRE RODRIGUEZ, Elizabeth del Carmen
LAUREL ALMONACID, José Alberto
LAVANDEROS FUENTEALBA, Isaías
LEAL RIVEROS, Victor Ricardo
LEIVA VASQUEZ, Emilio Ernesto
LEON ESPINOZA, Sergio Francisco
LEUTON MIRANDA, Francisco Segundo
LEVICOY EMELCOY, Alfredo
LICHSTSCHEILD BAZAES, Otto
LINCOPAN CALFULAF, Francisco Javier
LISAMBARTH RODRIGUEZ, René
LIZAMA BOROA, Antonio
LLANCO CATRINELBUN, Pedro
LLANOS TORO, Luis
LONCOMILLA BALCAZAR, Paula
LOPEZ ARELLANO, Jaime Eugenio
LOPEZ FIGUEROA, Ricardo
LOPEZ LEYTON, Rafael de la Cruz
LOPEZ PALMA, Sergio Antonio
MAC-DONALD TRONCOSO, Santiago Ramsay
MALDONADO URRIA, Raúl Fernando
MALDONADO VELASQUEZ, Jorge Germán Luis
MALIHUEN TRIVALAO, Celia
MALLEA GONZALEZ, Gumercindo Segundo
MANCILLA BERNAL, Milko Andrés
MAQUIAVELO, Hugo
MARCHANT CESPEDES, Oscar Eduardo
MARILLAN BECERRA, Héctor
MARQUEZ AROS, Germán
MARTINEZ CELIS, Tomás Ricardo
MARTINEZ, Hilda
MARTINEZ NOCHES, Francisco Herminio
MARTINEZ OLIVA, Olga
MARTINEZ PAREDES, Juan
MATAMALA, Carlos
MATTA, Francisco
MAYORGA MILLAN, Juan Fernando
MEDINA MEDINA, Luis
MELGAREJO DURAN, Alicia
MELIMAN MARIN, Luis Bernardino

MELIN PEHUEN, Manuel Segundo
MELIPILLAN LLANCAPANI, José Orlando
MELLA MARTINEZ, Juan
MELLADO VILLABLANCA, Ricardo Patricio
MELO DONAMI, Manuel
MEMOLA HORMAZABAL, César Roque
MENA SANCHEZ, Marcos David
MENDOZA TORO, Félix Alberto
MENDOZA VILLAGRAN, Renato Antonio
MEZA ARRIAGADA, Víctor
MILLAHUINCA ARAYA, Francisco Segundo
MILLANAO CANIHUAN, Jaime Pablo
MIRANDA KASANEVA, Sergio Juan
MIRANDA MORALES, Julio Florencio
MOLFIQUEO, Víctor
MONDACA ZELADA, Jaime Irineo
MONTENEGRO, Fernando
MONTIEL, Camilo
MORA ESCOBAR, Víctor
MORA VICTOR, Manuel
MORAES, Sergio
MORAGA HERNANDEZ, Víctor Manuel
MORAGA TAPIA, Raúl
MORALES, Germán Otto
MORALES GONZALEZ, Héctor Gerardo
MORAN PEREZ, Eduardo Rogelio
MOREIRA GARRIDO, Jorge Hernán
MORELLI CANDIA, Julio Enrique
MORGADO OYARCE, Carlos Alberto
MOSTAJO, Amado
MOYA AYALA, Pedro Enrique
MOYA ROJAS, Miguel Angel
MOYANO SALAS, Néstor
MUNOZ ALARCON, Eliseo del Carmen
MUÑOZ ARELLANO, Luis Emilio
MUÑOZ FARIAS, Enrique
MUÑOZ GONZALEZ, Hernán Rigoberto
MUÑOZ GONZALEZ, José Luis
MUÑOZ HERNANDEZ, Miguel Angel
MUÑOZ MUÑOZ, Juan Ricardo
MUNOZ MUÑOZ, Manuel Jesús
MUÑOZ ULLOA, Sergio
MURPHY, Allan
NAVARRETE BURGOS, Juan Antonio
NAVARRO CASTILLO, Oscar Eduardo
NEGRETE CASTILLO, Sergio Osmán

NUNEZ ALVAREZ, Luis Francisco Pascual
NUÑEZ CANTILLANA, Francisco Rafael
NUÑEZ, Juan
NUNEZ OYARZUN, Manuel Genaro
OLIVARES PEREZ, Raúl
OLIVARES ROJAS, Gabriel Omar
OLIVERO SANCHEZ, Pedro Leandro
OÑATE BELTRAN, José Santos
OPORTU DURAN, Aliro
ORELLANA JARA, Luis Alfonso
ORELLANA ROJAS, Héctor
ORTEGA GARCES, Segundo
ORTEGA RAMIREZ, Ricardo Esteban
ORTEGA RUIZ, Rosa Inés
ORTIZ BARRERA, Luis Armando
ORTIZ VILLALOBOS, Héctor
OSORES SOTO, José Miguel
OSORIO ORTIZ, Luis Osvaldo
OYARCE GUARDA, Martín Alejandro
OYARCE OYARCE, Juan
OYARCE VALDIVIA, Leonardo
OYARZO MORALES, Francisco Segundo
OYARZO TUREUNA, Osvaldo
PAILAMILLA, José Agustín
PALACIOS BUSTAMANTE, Germán Eduardo
PALACIOS PALACIOS, Edgardo Iván
PALMA GONZALEZ, Luis Segundo
PANDO ROMERO, Luis Humberto
PANTANALLI ROSAS, Lorenzo del Rosario
PARADA, Víctor
PARDO CATALAN, José Belisario
PAREDES TRUJILLO, José Manuel
PARRA BENITEZ, Marcelo Rudecindo
PARRA FARIAS, Alfredo Antonio
PARRA SANDOVAL, Juan Francisco
PARRA TOLEDO, Sergio Gustavo
PASTENE CABELLO, José Bautista
PATIÑO GONZALEZ, Mauricio Ernesto
PEÑA ARAVENA, Arturo
PENA ESCOBAR, Ricardo Osvaldo
PENA MARDONES, Julio Hernán
PERALTA VIDAL, Raúl Ricardo
PEREZ ARAVENA, Gerónimo Jonadac
PEREZ GONZALEZ, Alvaro Mariano
PEREZ, José
PEREZ MARAMBIO, Ricardo

PEREZ MEDINA, Horacio Hernán
PEREZ, Moisés
PEREZ NAVARRETE, Ernesto Alfonso
PICHUN CAYUL, José Abelino
PICON CORTES, Miguel Alberto
PIEROLA, Jorge
PINO CASTILLO, Camilo Antonio
PINTO SOTO, Luis Alberto
PIZARRO AVILA, Jorge
PIZARRO BARAHONA, Víctor Ramón
PIZARRO PEÑA, Rigoberto Luis
PLAZA NARVAEZ, Miguel Segundo
POBLETE CARRASCO, Rafael Edgardo
POLDEN PEHUEN, Mercedes Luzmira
PONCE BLANCO, Roberto Hernán
PONCE QUEZADA, Orlando Miguel
PONCE SILVA, Samuel Antonio
POVASCHECK, Juan Antonio
PURAN, Guillermo
QUEZADA CAPETILLO, Danilo
QUIDIANTE QUIDIANTE, José Osvaldo
QUINTANA DIAZ, Segundo Arcanio
QUINTANILLA PALOMINOS, Guido Froilán
RAMIREZ BELMAR, Oscar Enrique
RAMIREZ, María Elena
RAMIREZ MUNOZ, Manuel Diógenes
RAMIREZ PEÑA, Juan Guillermo
RAMIREZ RAMIREZ, Franklin del Carmen
RAMIREZ ZURITA, Manuel Marcelino
RAMOS FARIAS, Eduardo Hugo
RANTUL GOTCHLICH, Humberto Ramón
REBECO LEON, Ricardo Antonio
REBOLLEDO, Marcos
REBOLLEDO PARRA, Ricardo Serafín
RETAMAL MARTINEZ, Guillermo
RETAMAL SOTO, José Rolando
REYES CHOUQUER, Luis Alberto
REYES CONEJEROS, Juan Alberto
REYES CORDOVA, Rigoberto Hernán
REYES FLORES, Juan Antonio
REYES GONZALEZ, Ricardo Enrique
RUFFO FUENTES, Renato
RIVAS GARCIA, Roberto Segundo
RIVERA CUBILLOS, Germán Reinerio
RIVERA RAMIREZ, José Antonio
RODRIGUEZ, Elena

RODRIGUEZ MARTINEZ, Rodolfo
RODRIGUEZ MUGA, Rodolfo Antonio
ROJAS ALVAREZ, Roberto
ROJAS BUSTAMANTE, Rafael
ROJAS MENDEZ, José Rodolfo
ROJAS ORELLANA, Raúl Orlando
ROJAS ROJAS, Enrique
ROJAS VILLARROEL, Robinson
ROJAS ZAMORA, Guillermo Haroldo
ROMERO FIERRO, Luis
ROZAS AGUILA, Teobaldo
RUBINET RUIZ, Luciano
RUBIO FAUNDEZ, Sergio Mario
RUBIO, Juan
RUBIO, Julio
SAAVEDRA NAVARRO, Segundo Benigno
SACCO VALENCIA, Aldo
SAEZ VICENCIO, Jorge Roberto
SAGARDIA, Gilberto
SALAS ALIAGA, María
SALAS ROJAS, Jorge Antonio Marcelo
SALAZAR AVALOS, Miguel Ilderino
SALAZAR QUEZADA, Noelia
SALDIVIA SALDIVIA, José Sofanol
SALGADO SALGADO, Claudio
SALINAS MARTINEZ, Miguel Arturo
SAN JUAN NAVEAS, José
SAN MARTIN ALLENDES, Carlos Enrique
SANCHEZ, Luis
SANDOVAL FONSECA, José
SANDOVAL PUGA, Segundo Guillermo
SANDOVAL SANDOVAL, Palermo
SANDOVAL SOTO, Enrique
SANHUEZA SANHUEZA, Juan Carlos
SANTIAGO CASTRO, Marco Antonio
SANTIBAÑEZ ROMERO, Julio Carlos
SANTOS G. (F.), Romero José
SANTOS ORTIZ, Raúl Fernando
SEGURA HIDALGO, Carlos Gustavo
SEIFFERT DOSSON, Nolberto
SEPULVEDA BENNER, Hernán Guillermo
SEPULVEDA FUENTES, Julio Segundo
SEPULVEDA, Julio
SEPULVEDA, Lucy
SEPULVEDA MALBRAN, Alejandro Rodrigo
SEPULVEDA PALMA, Luis

SERRANO, Juan Carlos
SICHEL GARCES, Silvio Aurelio
SIERRA CONTRERAS, Miguel Antonio
SILVA ABARCA, José Rosario
SILVA BARRAZA, Luis
SILVA CONTRERAS, Samuel Eduardo
SILVA SARAIVA, Abdón
SILVA SILVA, Luis Humberto
SOTO CARDENAS, Víctor Manuel Rolando
SOTO PINUER, Alberto
SOTO REYES, Artemio
SOTO ROBLEDO, Claudio Rogelio
SOTO SOTO, Hernán
SOTO VEGA, Juan Carlos
SOVINO, Francisco
STOCKLE POBLETE, Gloria
STUARDO RODRIGUEZ, Joaquín Alberto
SUAZO VIVANCO, Alexandro
TERAN SANDOVAL, Luis Armando
TOLEDO, Jorge
TOLOSA SEPULVEDA, Leopoldo
TORO ORTIZ, Marín Eugenio
TORREJON RUBILAR, Luis Enrique
TORREJON RUBILAR, Patricio Antonio
TORRES GUZMAN, Antonio
TORRES RIVERA, Luis Carlos
TRANAMIL PEREIRA, José María
TRONCOSO TRONCOSO, José Alberto
TRUNCE MAITRE, Custodio
TRUNCE MAITRE, Teobaldo
UBEDA, Jorge Segundo
URRUTIA CASTILLO, Leonardo Baltazar
URRUTIA MOLINA, Héctor Daniel
URRUTIA SERRANO, Miguel
VALDEBENITO JUICA, Wilson
VALDENEGRO ARANCIBIA, Juan Manuel
VALDERA L., Jorge
VALDERRAMA MUÑOZ, Marcela del Carmen
VALDEVENITO MIRANDA, Juan José
VALENCIA CACERES, Manuel Jesús
VALENZUELA COFRE, Oscar Mario
VALENZUELA FUENTES, Luis Arturo
VALENZUELA MELLA, Oscar
VALERIA BURGOS, Miguel Moisés
VALLEJOS PARRA, René Daniel
VALLEJOS RAMOS, Jorge

VANINE, Jane
VARGAS FERNANDEZ, Félix
VARGAS LARA, Juan Alberto
VARGAS MIRANDA, Luis Orlando
VASQUEZ RIVERA, Ruperto Alberto
VEGA BARRIOS, Jaime
VEGA GONZALEZ, Oscar
VEGA RIVERA, Víctor Hugo
VEJARES VEJARES, Víctor del Carmen
VELASQUEZ AGUILAR, Jorge Alberto
VELIZ GONZALEZ, Guillermo Segundo
VELOSO BUGMAN, Luis
VENEGAS RIVAS, José Nieves
VENEGAS SILVA, Luis Alfonso
VERA GONZALEZ, Oscar
VERA VASQUEZ, Gaspar
VERGARA CERDA, Jaime
VERGARA, Ramón Angel
VIGOREAUX, Cristián Eduardo
VILLAGRA VELOSO, Javier
VILLALOBOS LOPEZ, Humberto
VILLARREAL CASTILLO, Manuel Fernando
VILLARROEL CARMONA, Augstín de la Cruz
VILLARROEL MELLA, Isaías Alejandro
VILLARROEL SOTO, Eduardo
VISSER MAARTEN, Melle
VIVES GONZALEZ, Nelson
WAITTERS, Héctor Manuel
WALKER AREANGUA, Carlos Joaquín
WALKER GOMEZ, Jorge Alberto
WEBSTER ALVARADO, Freddy Germán
WEISFEILLER, Boris
WILLIAMS MUÑOZ, Orlando Segundo
YAÑEZ, Manuel
ZAMBRANO MARTINEZ, Yopton Luis
ZAVALA ALMAIZ, Sergio Antonio
ZUÑIGA ARELLANO, Víctor Manuel
ZUÑIGA LLANQUILEF, Ariel Eduardo
ZURITA GAJARDO, Ita María Margot

PART FOUR

Chapter One: Proposals for reparation

A. Introduction

Previous chapters have enabled readers to come to an understanding of the truth about the grave human rights violations that have taken place and the injury borne by the victims' relatives. Following our mandate, we will present in this chapter the measures we regard as just for reparation and the restoration of the good name of the victims.

Obviously, there can be no correlation between the pain, frustration, and hopes of the victims' families and the measures to be suggested here. The disappearance or death of a loved one is an irreparable loss. Nevertheless, moral and material reparation seem to be utterly essential to the transition toward a fuller democracy. Thus we understand reparation to mean a series of actions that express acknowledgement and acceptance of the responsibility that falls to the state due to the actions and situations presented in this report. The task of reparation requires conscious and deliberate action on the part of the state.

Furthermore, the whole of Chilean society must respond to the challenge of reparation. Such a process must move toward acknowledging the truth of what has happened, restoring the moral dignity of the victims, and achieving a better quality of life for those families most directly affected. Only in this fashion will we be able to develop a more just form of common life that will enable us to look with hope toward the future.

* Although the specific measures of reparation adopted must be designed to be effective, they will obviously be unable to accomplish anything by themselves. The great ideals-truth, justice, forgiveness, reconciliation-must come first.

* Measures of reparation must aim to bring society together and move toward creating conditions for true reconciliation; they should never cause division.

Only within an atmosphere that encourages respect for human rights will reparation take on vital meaning and shed any accusatory trait that might reopen the wounds of the past. The reparation process means having the courage to face the truth and achieve justice: it requires the generosity to acknowledge one's faults and a forgiving spirit so that Chileans may draw together.

B. Recommendations for restoring the good name of people and making symbolic reparation

1. Publicly repairing the dignity of the victims

For some people the very fact that this Commission was created by the president and exists may constitute an initial gesture of reparation. Out of our own experience we can attest that many of the victims' relatives who attended sessions throughout Chile saw it as such a gesture.

Moreover, there are already a number of spontaneous initiatives and gestures of reparation throughout the country. Each of them is valuable in itself for what it expresses. Such initiatives need not spring from a law. Indeed it would be beneficial if initiatives for reparation were to multiply throughout the country and in every segment of society. Our hope would be that the creativity of such gestures might add to the artistic and moral endowment of our nation. Thus some day we may have symbols of reparation that are national and others that are regional or local in nature.

However, it would seem that these things are not enough: the country needs to publicly restore the good name of those who perished and to keep alive the memory of what happened so that it may never happen again. Hence the state can take the lead in making gestures and creating symbols that can give a national impetus to the reparation process. Today more than ever our country needs gestures and symbols of reparation so as to cultivate new values that may draw us together and unveil to us common perspectives on democracy and development. If we know how to be attentive to details and observe the formalities, we will also know how to overcome the obstacles still dividing us.

It is to be hoped that as soon as it is prudently possible, the government will see fit to provide the means and resources necessary to set in motion cultural and symbolic projects aimed at reclaiming the memory of the victims both individually and collectively. Such projects would lay down new foundations for our common life and for a culture that may show more respect and care for human rights, and so provide us with the assurance that violations so threatening to life will never again be committed.

2. Some suggestions for restoring the good name of people and making symbolic reparation

This Commission has decided to offer some criteria or suggestions

to aid government officials in taking a position on the kind of gesture or creative expression that could best serve the proposed aims of restoring the good name of people and making reparation. We have received many interesting contributions and note that they have certain common features:

1. People are looking for expressions of reparation that will be public and national in scope. At the same time there is a concern that regional and even local aspects be expressed forcefully and independently.

2. People are aspiring to have each victim's good name and dignity restored: future generations should know and perpetuate their full name so that it may serve to teach and reaffirm the value of life.

3. People are longing to see such expressions reflect a consensus and not be a sign of division exalting some and disparaging others. Such expressions could make a contribution to greater unity and social cohesion.

4. People are especially aware of the role played by the mass media in symbolic acts of reparation in view of their impact in creating culture.

Simply by way of example we can report that we have received many suggestions for symbolic reparation. Most frequently they are along the lines of:

- * setting up a commemorative monument that would list all the victims of human rights abuses from both sides;

- * building a public park in memory of those who lost their lives, to serve as a place of commemoration and a lesson, as well as a place for recreation and for bolstering a life-affirming culture.

- * giving the recently created "National Human Rights Day" the importance it deserves so that each December 10 will be observed throughout the country with public observances and ceremonies in the schools and other gestures aimed at symbolic reparation;

- * organizing campaigns, cultural celebrations, and the like, so that we may continue to move toward creating a climate of national reconciliation.

With regard to how to implement these and other possible proposals, this Commission can only urge government officials to

invite the most representative social sectors to design projects that both have artistic value and are intended to help make social reparation. In particular, we would like to suggest that those who work in art and culture be invited to make their own specific contribution. Likewise family members could be consulted in the design phase of the project.

3. Solemnly restoring the good name of the victims

Before ending this section we would like to offer a suggestion we regard as extremely important. This Commission takes the liberty of suggesting that the state-whether represented by his excellency the president of the republic, or by the Congress, or by a law-solemnly and expressly restore the good name of the victims who were accused of crimes which were never proven and who were never given the opportunity or adequate means to defend themselves. It is our hope that such a gesture may initiate an era in our common life as a nation in which a reaffirmation of life may serve to guide us toward the future.

C. Legal and administrative recommendations

1. Unresolved legal issues

The Commission has found that the immediate family members of the victims of the most serious human rights violations are burdened by a whole series of legal and administrative problems. Some of these problems deserve particular attention. We are referring to those problems arising directly from the state of legal uncertainty of people who have disappeared after arrest, due to the lack of proof of what has happened to them.

In addition to the uncertainty and anguish of this situation, family members confront a long list of problems in connection with their civil status, inheritance, ownership of the disappeared person's property, school tuition for the children, wives' legal interest in marital property, and a host of situations that harm the family estate.

There have been two possible approaches to this problem, one provisional and the other more permanent. One is the judicial appointment of a legal caretaker for the missing person's property. The disadvantage of this approach is that it grants only provisional power to administer the victim's property. The other possibility is to ask that the person be declared to be presumed dead in accordance with Article 81ff. of the Civil Code. The problem with this approach has been that the family members have often preferred not to utilize this procedure because it seems to imply that they are somehow

giving up their efforts to discover the truth or to find the person alive, or for some other reason. These reasons should be respected.

We think both of these approaches were designed in another context and for other purposes, and they are not adequate for resolving the present problem. Hence we would like to propose that consideration be given to a special procedure for declaring dead those persons in whose cases we arrived at the conviction that government agents were responsible for their arrest and disappearance.

2. Special procedure for declaring persons arrested and disappeared to be dead

Here we will merely state some criteria for the consideration of those persons authorized to enact laws.

a. Criteria

We propose that a new criterion for declaring a person to be presumed dead be added to those which the law already stipulates. We are referring to those people who have undergone arrest and disappearance at the hands of government agents and are therefore victims of human rights violations and who are listed as such in this report. Since for lack of evidence, this Commission did not come to any conviction in some cases, we suggest that the possibility of applying this criterion to such cases be studied. It would have to be established before the relevant agency designated in the law and within the time limit set by the law that such persons were victims of human rights violations.

b. Proof

We would recommend that the conviction of this Commission should constitute sufficient proof for such a court decision and be the only evidence required. In other words, the only proof needed would be that the person's name appear on the list of victims in this report; no other procedure would be required. Accordingly, we would like to propose that any other kind of evidence in this procedure, such as issuing a public summons for the missing person, be eliminated.

c. Procedure

We believe that this procedure would have to be governed by the general rules of law. Those formulating the law should study changes to make it more accessible, simpler, and free of charge for persons requesting it. To that end we propose:

* that the petitioner be permitted to present the request for a declaration of presumed death to the judge with jurisdiction over

the last domicile of the disappeared person or the judge with jurisdiction over the petitioner's domicile;

* that the presumed date of death be determined to be that of the last information indicating that the person was still alive (this would constitute a clear exception to normal procedure);

* that final possession of property be granted without, passing through a prior provisional possession, in view of the circumstances peculiar to disappearance, which make it more likely that the disappeared person is indeed dead.

In view of the documentation the Commission has obtained, we would recommend that the lawmaking authority consider the possibility that this procedure and legal assistance be free of charge to petitioners.

It has been our intention to recommend a special procedure for clarifying the legal dimension of the problem. We hope that such a procedure might to some degree help alleviate the plight of the relatives of those persons who disappeared after arrest. We hope that measures such as these will enable those affected to have available a legal instrument adapted to the special requirements of such cases, and that the petitioners themselves will be able to use it when they so choose. The social, symbolic, and ethical dimensions of the problem of those persons whom government agents arrested and subjected to forced disappearance leads us to maintain profound respect for the different choices that their relatives may have made or be led to make in the future.

D. Recommendations in the area of social welfare

1. Antecedents

The aim of our recommendations in the area of social welfare is to repair the moral and material harm that the immediate relatives of the victims have suffered. Their plans and hopes have been altered radically by the violations that this Commission has examined.

We believe that by its very nature the state is obligated to undertake measures which support the efforts the affected families have made to seek a better quality of life. Hence we now propose a series of social welfare measures specifically in the areas of social security, health care, education, and housing, as well as other needs and rights. All these areas have been affected and all need mending in order to restore our

common life.

* The support provided should not only help people deal with particular problems concerning their welfare; it should also encourage the participation of the relatives themselves, since it is they who can best determine which of their needs are most urgent and how they may be satisfied.

* We would also suggest that the measures finally adopted aim at providing a quick and effective solution, since these problems have been mounting up over the years and they hinder efforts to reintegrate these families into Chilean society.

Although there are social and economic as well as cultural differences between the victims' family members, we think it would be wise that there be a single set of welfare measures applicable to all so that the reparation made will be permanent rather than momentary. In other words, such measures should support a process in which their quality of life is enhanced. These welfare measures should take into account the irreparable loss of a family member as well as what many years of searching does to a family and its fortunes.

2. Recommendations in the area of pensions

A number of the statements we have received lead us to think that the right of the victims' relatives to social security should be reestablished. This is one of the tasks of reparation that the state should assume.

a. Countless problems and the complexity of solutions

There are countless problems related to pensions, owing to the death, or arrest and disappearance of the victims of human rights violations. Solutions would be very complex, especially due to the changes in the social security system in recent years. The people who were killed or who disappeared after arrest may be regarded as the source of rights to an array of pension benefits that their relatives have never received or have collected only in part. Thus many are owed benefits as survivors (widows, or orphans), from life insurance, and so forth. Remedying this situation would require the removal of legal and administrative obstacles, such as extending the time limits for receiving benefits, certifying or presuming the death of the person who is the source of such a right, bringing the amounts of payments owed in line with increases in the cost of living, and retroactively paying the monthly allotments due.

b. Proposal for a single reparation pension

In accordance with these antecedents and the interesting

suggestions we have received, we think it possible to propose a single reparation pension for the immediate relatives of the victims. The only condition is that the name of the person who is the source of the right must appear on the list in this report. That is, the relatives of those who have disappeared after arrest need not go through the procedure of having the person declared to be presumed dead.

The reason for proposing a single reparation pension is that it would be difficult to resolve quickly and satisfactorily the pension problems we have noted by following the established procedures for providing survivors' pensions. In many of these cases the circumstances of the person's death are not established, and in others their situation vis-à-vis pensions is quite abnormal.

On the basis of our own judgement and many opinions we have received, we would like to recommend that special legislation be drawn up to create a single reparation pension. To that end we would like to present some ideas on the kinds of issues on which the lawmaker or lawmaking body will have to come to a decision.

* There is a convergence of opinion that the single pension should apply to all cases starting on a single date. That date should be at least twelve months prior to the day on which the law goes into effect, and the first payment should be accumulative. The victims' relatives would thus be able to receive a lump sum of money that could serve in part to cover the costs incurred thus far.

* In view of the documentation provided by specialized agencies and taking into account the needs of most of those affected, we suggest that the monthly sum given to each family be not lower than the average income of a family in Chile.

* There is good reason to propose that the people in whose name the single reparation is to be paid be those persons who suffered human rights violations in all the categories laid down in Chapter Three of this report and those who were killed as a result of political violence, as defined there. Their names are listed alphabetically in the final volume of this report [not translated into English].

We suggest that after this Commission is dissolved, those persons over whom it could not come to a conviction may be

able to be defined as victims by an agency designated for that purpose, within a time frame to be established by the lawmaking body.

* Laws should be enacted to determine who the beneficiaries are to be, in what order of priority and in which proportion they are to share in any single pension like the one being proposed. We trust that the lawmaker will give due consideration to the most up-to-date standards for social security and will also take into account special cases that may present themselves.

* We would also like to pass on the suggestions that we have received that this pension be for life. We hope that the lawmaker will take this aspect into account and will also define to whom such lifelong benefits are to accrue.

* The observations we have received indicate that receiving a single reparation pension should be incompatible with any other pension arising from the same cause and provided by the existing social security systems in the country. However, should the beneficiaries have a right to more than one pension, they should be able to choose the one that is most advantageous to them.

* The Commission believes that it is the role of the lawmaker to define whether this pension is compatible with any other legal claim the relatives may make on the basis of the victims' death or disappearance after arrest.

* We believe that in view of the reason for the reparation it would be fitting that the pension be granted quickly, easily, and in a manner that makes it accessible to the victims' relatives; the time period for payment should be established by the lawmaker.

The expenditures required by the single pension are to come from the general funds of the national budget, although the lawmaker may make it possible that funds be received from other sources, especially those donated or collected for that purpose.

3. Recommendations in the area of health care

- a. Consequences from the standpoint of people's health
We have received significant and helpful opinions concerning health care. In general, they focus on the health of the family members of the victims and recommend that these people be

provided special attention in view of the effects human rights violations have had on their health.

* Specialized agencies have declared that the victims and their relatives have particular problems in both physical and mental health. They add that these problems are different from the way illnesses affect that portion of the Chilean population that has been less exposed to such violations.

* The permanent stress to which these people have been subjected has made them more vulnerable. They manifest grave symptoms in the area of mental health. They have had traumatic experiences so intense and so strong that their psychic structure has not been able to process them. All their subsequent efforts at reorganizing their lives will be marked by the damage done unless they receive specialized help.

* In terms of bodily health, although the pathology is not notably different, these people have been observed to differ from others treated in hospitals in being more precocious and in their level of commitment. Many of these persons and families are from the popular sectors and have little money or have gradually become poorer from the time they were victims of human rights violations. In some instances serious nutritional problems have been observed. We are especially concerned for senior citizens and children. All indications are that they are going to be exposed to a biological, psychological, and social deterioration that must be treated directly.

* Such disruption of health is not limited to the immediate family circle of those who were killed or who disappeared after arrest, or the survivors of serious torture or acts of violence committed for political purposes. They also affect social relations, work situations, the neighborhood, and indeed the whole community. The health of individuals, families, and society has been harmed.

* Moreover, such harm is both manifest and still latent in the population. Specialists say it will be difficult to overcome such damage in the short run, since it may extend even to the third generation.

No matter how extensive it may be, the specialists who offered their opinions to this Commission believe that this problem is very serious from a qualitative standpoint and that it involves an extreme degree of trauma. The situation is complex because

these illnesses have themselves become injustices, or may have taken the form of a mute or stigmatizing pain. Some people have experienced their health problems in the form of an obscure or confused punishment, or as a comforting explanation for why they are powerless to express their truth. Sometimes the passage of time has made certain illness chronic and renders a comprehensive solution difficult or impossible. In such cases regaining health is more complex since it also requires that the person revise what he or she expects to achieve in life.

b. Need for specialized health care

These brief observations suggest the need for specialized health care for an unspecified number of families who have suffered very serious violations of their rights. The Commission believes that it is primarily the task of the state to respond to this situation. The Ministry of Health will be best able to develop a program or a number of programs aimed at the most directly affected population.

In accordance with our observations here and with suggestions we have received, we propose that the direct beneficiaries of such health programs be all those persons who have been subjected to extreme physical or mental trauma as the result of a grave violation of their human rights committed by government agents or by private citizens who used violence for obvious political reasons. We have in mind the immediate family members of all the persons listed in this report. We would also like to explicitly recommend that those persons who have been the victims of severe physical and mental torture also be included, along with those who have been seriously injured as a result of politically motivated terrorist actions committed by private citizens.

In the context of social reparation, we want to point to the need to serve the health needs of those persons who have been involved in practicing torture in detention sites and to those who have acknowledged their participation in actions whose grave results we have investigated, as well as to those who may require such care in the future for the same reasons. It would seem that both humanitarian and technical reasons converge to urge that this population be furnished with comprehensive health care. Starting with their recovery and physical and mental rehabilitation, such care should go on to encompass levels of prevention and positive action that may extend to broader sectors of society.

c. Suggestions for organizing health activities

We have received numerous suggestions on how to organize health activities on behalf of this sector of the population that is most in need. We would like to single out some of the more interesting suggestions concerning the manner in which health care is provided:

* Such activities should incorporate the experience people had to undergo. Insofar as necessary, people should be allowed to express the personal and family experience that have given rise to their need for treatment.

* The approach to each person seeking attention should be comprehensive (biological, psychological, and social). Hence it is desirable that the teams be interdisciplinary and be familiar with the various reasons leading them to seek care. Insofar as possible, they should be alert to the needs of the family as a whole, and kindness and understanding should be part of the treatment.

* Activities should be planned so as to involve not only persons affected by human rights violations, but groups of such people, when the representational character and experience of such groups make it appropriate.

* The projected time period for such health care activities should not be too short. However, such activities should ultimately be aimed at integrating those in most need into ordinary health programs.

Necessary services should be provided with no regard for the ability to pay of those most directly affected by human rights violations.

d. Responsibilities of the health care system

Beyond making some suggestions, it is not the role of this Commission to take a position on the most adequate ways to organize and carry out health activities. Health officials will have to devise a special program, and the funding and coordination will have to come from the Ministry of Health. Such a program should seek technical cooperation from non-governmental health organizations, particularly those that have provided health care to this population and have accumulated valuable experience over all these years. It is suggested that the private health care sector be allowed access to these programs and

their funding so as to allow the clientele a variety of alternatives from which to choose.

We think it will be the task of health care providers to determine the existing needs and resources. We are certain that carrying out programs of this nature will require substantial amounts of economic and human resources. The government will have to redouble its efforts to provide the funding and to attain the national coverage that the problem demands. We likewise assume that the contributions that the armed forces and police could make to the overall health care system should not be overlooked. Some of their beneficiaries or potential beneficiaries belong to the population affected by the kinds of problems considered here.

In the spirit of uniting the various segments of our nation, all institutions and care providers in the health care system should be concerned about satisfying the basic needs of such persons.

4. Recommendations in the area of education

- a. Need for a vast creative effort to devise ways to make reparation in the realm of education

At first glance it might seem that the educational problems of the immediate relatives of human rights victims have to do with younger children, but that is not the case. Most of the children are adolescents or even adults whose opportunities for attending school or the university can now hardly be recovered. The events that so radically altered people's future plans usually took place years ago. The situation of people who lost their opportunity to receive an education is of special concern to us.

The cases we have examined have shown us how the chances of entering and remaining in the various levels of the educational system were disrupted for children and adolescents who were not especially predisposed to take such a risk. Here again poverty and declining living conditions have aggravated the problem of education for many of these families. In addition such children and young people have had to bear with emotional upheaval and learning problems during their elementary and high school years.

As a result of all these factors combined it has not been easy for them to enter universities and institutes for advanced technical training. Our country needs the contribution of all its youth and particularly these young people who have been excluded from

formal education by the facts and circumstances presented in the earlier chapters of this report. There is no need for a lengthy diagnosis. It is obvious that we need a vast creative and perhaps unprecedented effort in our country to find ways to make reparation in the realm of education before it is too late and the situation is irremediable. At the same time, the tasks of making reparation in the realm of education must be coordinated with the efforts to prevent human rights abuses and forge a culture respectful of human rights that we propose below.

b. Measures to take as quickly as possible

In accordance with the nature of the problem and the opinions we have gathered on this issue, it would be desirable to implement measures on behalf of the children of persons whose names are listed in this report in any of its categories as soon as possible. Our recommendations in this regard are directed to the Ministry of Education so that it may study the possibility of devising a program of reparation. The starting point for the program should be a diagnosis of the problem and should involve the participation of those who have suffered, human rights organizations, professional associations, the National Teachers Association, and other relevant bodies.

Among the measures we regard as most interesting we suggest the following:

* A portion of scholarships for higher education should be reserved for the children of human rights victims who are ready for such studies.

* Study should be given to the possibility of canceling debts that the children, spouses, or other immediate relatives of such victims have incurred with the state or universities, provided the proper authority approves.

* Young people and adults who did not complete their studies and do not have a trade should be regarded as having a right to enroll in certain institutes and centers for technical training.

* Similar opportunities and incentives should be provided for surviving spouses or partners, or other immediate family members, should they request it.

* We urge that educational measures be organized in the framework of our recommendations for social reparation so that

they may make it as easy as possible for people to acquire a profession or trade, complete their training, or retrain for that purpose. We also urge that the government assume the costs within certain limits and time frames, once the scope of the demand has been assessed. Finally we urge that the aim must always be to reincorporate the relatives of human rights victims into society and that the stigma and risks of isolation that might derive from granting special aid be avoided.

c. Appreciation for the efforts of those teaching outside the government system

Finally, we have come to an appreciation of the various efforts made by nongovernmental agents to aid in the education of the victims' family members. We hope that their contribution will continue to complement the initiatives that the government may undertake in this area and that new study and training opportunities may open up for young people and even older adults who also need them.

5. Recommendations in the area of housing

a. Different problems

Housing issues might seem minor when compared to the serious consequences already described. There is no point in debating the issue, however, since housing is a basic need, and the ability of those affected by human rights violations to satisfy that need has been seriously impaired. Insofar as possible, reparation for that impairment should be made in a social manner.

In many instances the events we have investigated have forced families to move to a different area, leaving their home and even losing it. In other instances, the family did not have a house of their own when these events occurred. Had they not taken place, however, it is quite possible that the now missing head of the house would have been able to obtain a house for his family as the fruit of his work.

This Commission has also learned of land and goods being confiscated, of houses damaged by violence, of debts owed for housing payments, of situations in which insurance policies that should have paid off the mortgage when the person was killed or disappeared did not do so, problems with deeds, and so forth.

b. Special treatment

In view of these factors, we think it would be just for the government to offer special treatment for the housing problems of the relatives of victims of the most serious human rights violations whose names are listed in this report. In connection with the reparation that the state should make, we offer two suggestions by way of example:

* We urge the Ministry of Housing and Urban Planning to give priority to those immediate family members of the victims of human rights violations to participate in social programs, should they apply. The very fact that they can prove they are such family members should entitle them to participate. We have in mind people who have no house of their own, who want to apply for a subsidy, and who fulfill the other requirements. How they can do so is to be established by the proper authorities.

* We likewise urge the ministry to study the possibility of setting aside a certain number of places within special housing programs for the victims' immediate family members who desire to apply for them and who fulfill the other requisites.

As was the case in other areas, it would be interesting to encourage specialized non-governmental agencies, building contractors, and professional associations to become involved and work together with those affected and their organizations to devise new and concrete solutions that may quickly remedy the housing needs of this portion of the population which is spread throughout the cities and rural areas of the whole country.

6. Further recommendations in the realm of social welfare

a. Recommendations for canceling debts

In the general area of reparation, we suggest that study be given to the possibility of canceling some outstanding debts to the government owed by people who were killed or who disappeared after arrest and who are listed in this report. Such debts would include those related to social security, education, housing, taxes, or others that may still exist with government agencies because requirements were not met within prescribed time periods. The aim is to alleviate the burden that the families have had to bear. We are also assuming that the state has a responsibility in the area of reparation.

b. Recommendations concerning obligatory military service

In view of the evidence the Commission has in hand, and following suggestions from eminent moral authorities, we suggest that within the climate of reparation needed if the

various sectors of the nation are to come together, the competent authority should study the possibility of allowing the children of those who suffered the most serious human rights violations the option to accept or reject military service without suffering discrimination in other opportunities for study or employment. The only basis for making this recommendation is the understandable problem of sensitive feelings aroused by this matter. In no way are we motivated by any lack of esteem for military service, which deserves our wholehearted respect.

- c. Recommendations concerning most vulnerable groups
We could not end this chapter without noting a concern shared with other agencies with whom we consulted. That concern is the priority that should be given to serving the needs of certain groups in the population due to their vulnerability and what they represent to society. In this regard we single out older people who have been left alone as a result of the events we have been considering. The children who have also suffered from these events deserve a very special priority, as do a group of Mapuche families who have likewise been significantly affected. We would like to recommend that along with the efforts it organizes on behalf of these more vulnerable groups, the state take into account the experiences of reparation in this area already existing in our country and in other countries as well.

We believe that the obligation to make reparation to future generations falls on the whole society. However, it also benefits the whole society because insofar as we truly become concerned for these people we are doing something to prevent such grave human rights violations from ever recurring in Chile.

E. The most urgent recommendations

In concluding this chapter the Commission would like to note that the information it has gathered and a body of suggestions that it has received would seem to indicate that certain reparation measures deserve more urgent attention from government authorities. These measures have to do primarily with symbols, law and administration, and social welfare.

* There seems to be a need for a symbolic gesture that will meet the requirements outlined above for restoring the good name of the victims and so that Chile may never again endure the kinds of events we have had to bring to light.

* In the area of law and administration, a special procedure for declaring dead those persons who disappeared after arrest would help reestablish

the necessary quality of life for their families.

* The social welfare of those families demands that lost or diminished pension rights be reestablished. The Single Reparation Pension would seem to be the most desirable means for doing so.

In pointing to the urgency of these three measures, it has not been our intention to simplify a situation that is inherently complex for the government. Our aim has been to convey the needs of those affected in order to set in motion the process of social reparation that his excellency, the president, announced when he created this Truth and Reconciliation Commission.

Chapter Two: Prevention of human rights violations

A. Introduction

The human rights violations committed in recent years and the high level of tolerance shown toward such violations strongly suggest that during that period our country failed to have a sufficiently firm national conscience that respect for human rights must be absolute. We believe that education in our society was remiss in not incorporating those principles into our culture.

A country lacking in a fully developed conscience on respect for, and the promotion and defense of, human rights will produce legislation incapable of protecting those rights. Such has been the case in Chile. If we examine the traditional Chilean legal system in the light of the standards contained in international treaties and in the light of the values and principles inspiring human rights doctrine, we are forced to conclude that even though that system formally enshrines the relevant basic principles, it suffers from significant flaws and shortcomings. That is not surprising since the system is made primarily of laws that were drawn up before the development of human rights doctrine. Our main legal codes went into effect at a time when there was no clear and well-developed conception of human rights either nationally or internationally.

By way of example, we may mention three of the many flaws in our traditional system that made human rights violations possible. First, the Military Justice Code violated those rights in a number of its provisions, particularly with regard to due process and human rights even though human rights are enshrined in all codifications of international law. Second, the State Security Law did not define crimes with precision, and it made it possible to assign punishment for so-called "crimes of abstract danger," that is, crimes for which the only illegality of a particular conduct is that it may lead to a violation of another legally protected right. Third, the 1925 Constitution left much to be desired in the area of constitutional states of exception, since it granted too much authority to officials in the executive branch and did not provide for adequate control to be exercised by other government bodies.

Until 1973 a whole series of functioning democratic institutions mitigated our legal system's inability to adequately protect human rights to the point where that inability was scarcely noticed. The most important of those Institutions were freedom of the press and the weight of public opinion. They prevented the human rights violations which were committed during that period from reaching such proportions that the flaws in the system would be noticed and arouse pressure for reform. When democracy was

suddenly suspended in Chile, we had to confront the harsh reality of a legal system that was flawed and defective in the area of human rights and was now applied without the controls normally operative in a democracy.

The protection provided by our traditional legal framework was weak, but it existed. After September 11, 1973, constitutional, legal, and even regulatory safeguards were lowered, repealed, or simply ignored. For example, Decree Law No. 5, published in the *Diario Oficial* on September 22, 1973, declared that the "state of siege due to internal disturbance" was to be understood as a "state or time of war" in matters of sentencing. That decree also declared that "when the security of those attacked so requires, the perpetrator or perpetrators may be killed on the spot." Decree Law No. 51, published in the *Diario Oficial* on October 2, 1973, besides conceding broad authorization for the delegation of the jurisdiction to military courts, repealed paragraph 2 of Article 75 of the Military Justice Code, which prohibited the commander-in-chief (in this case the military junta) from delegating the power to approve death sentences. Yet another example is Decree Law No. 13 (consisting in a single article), published in the *Diario Oficial* on September 20, 1973, which stated that wartime military tribunals were to try all military cases initiated since the appointment of the junta as commander-in-chief of the armed forces. By failing to safeguard the principle of the non-retroactive nature of criminal law enshrined in the Constitution, Decree 13 made it possible for war tribunals to hear cases on events that took place before September 11, 1973, and to apply sanctions established after the acts were allegedly perpetrated.

The result was a legislation that was even further weakened in the area of protecting human rights. That situation is slowly being reversed with the constitutional changes approved by plebiscite in 1989 and the laws that the National Congress is currently studying at the initiative of the president. The institutional and legal reforms proposed below for the sake of strengthening the rule of law in Chile, are intended to move further along the same path.

Such reforms, however, as necessary as they might be, will not by themselves serve to protect society from further human rights violations. As we said above, the true cause of human rights violations is an insufficient respect for those rights in a national culture. Hence we will have to include in our national culture the notion of unrestricted respect for, and adherence to, human rights and democratic rule, for democracy is the only political system that truly protects those rights. Therefore, we believe that the topic of human rights and of respect for each person's dignity must be incorporated into formal education, and that symbolic measures aimed at promoting these values must be adopted. These essential steps must be taken without delay if we are to achieve our purpose. We will return to these important issues after we point to measures that this Commission would

like to recommend in the institutional and legal realm.

The grave human rights violations committed in recent years left a still festering sore in our national conscience. Divisions and conflicts are still at work in our society. Hence we cannot expect to fully achieve the intended aim of preventive measures unless at the same time we advance along the road of reconciliation, which by its nature constitutes the greatest safeguard against the repetition of what has taken place.

B. Suggestions in the institutional and legal area to assure that human rights remain in force

Adequate respect for human rights demands that certain legal conditions, not satisfactorily met in our present framework, must be present together. The following are some of the main topics:

- * bringing our nation's legal framework into line with international human rights law in order that domestic juridical norms may truly respect and protect these rights;

- * a judicial branch that really plays its role of guaranteeing the essential rights of persons;

- * armed forces, security forces, and police committed to exercising their functions in complete accordance with the obligation to respect human rights;

- * the creation of an institution to protect human rights;

- * specific changes in the legal order in constitutional, criminal, and procedural matters in order to better protect human rights.

We now propose a series of suggestions aimed at truly meeting these conditions in our country.

1. Bringing our nation's legal framework into line with international human rights law

In theory the Chilean state is already incorporated into the international system for protecting human rights. That is the case because Chilean law makes international customary law automatically normative for us, and furthermore, because Chile has ratified most international conventions in this area, thus making them part of the Chilean legal system.

In practice, however, Chilean legislation is only partially in line with international law. If our country is to be, truly and not merely in theory,

incorporated into the international system for promoting and protecting human rights, it will at least have to adopt the measures we now propose.

a. Ratifying international human rights treaties

This Commission first recommends that the Chilean government ratify all international agreements that may be adopted or have been adopted in the area of human rights and to which Chile is not yet a signatory. It is often argued that such treaties or conventions are repetitive and simply pile up, and that hence there is no need to ratify all of them. The Commission believes that even if such is the case, it would be a good idea to ratify treaties and conventions, since such a move would be a step toward strengthening international law. Such a strengthening is absolutely necessary for preventing human rights violations in Chile and around the world. In any case, before any proposed treaties were to be signed, it would have to be determined that they are in accord with the ethical principles that are part of our culture.

Because it seems to be an extremely important measure, we urge the ratification and promulgation of the Optional Protocol to the International Covenant on Civil and Political Rights. It also seems necessary to carefully examine the reservations with which Chile has ratified or agreed to such international conventions so that our country may move toward being fully incorporated into the international system for promoting, respecting, and protecting human rights.

- b. Improving our national legislation so as to make it compatible with what is known as international human rights law
- Secondly, bringing our national legal order into line with international human rights law entails that Chile comply strictly with the obligations that flow from international agreements and from customary law in the area of human rights; it should not simply sign human rights treaties but respect the obligations flowing from them. Hence three things must be done: laws contrary to or incompatible with international law must be repealed; those not fully in line with international law must be modified; and those complementary laws required for making such rights a reality and for promoting them must be drafted. In doing so, the condition noted above in section a) is to be met.

From a strictly logical standpoint, the provision in Article 5 of the reformed Constitution stating that "government agencies are bound to respect and promote such rights (the essential rights

flowing from human nature) that are guaranteed by this Constitution, as well as by those international treaties that Chile has ratified and are currently in force" might render superfluous the repeals and changes, or the preparation of complementary legislation proposed in the previous paragraph. Indeed, the essential rights of the human person, being inherent and consubstantial with, that very condition, constitute a limitation on state sovereignty and are superior to all domestic legislation, including other provisions of the Constitution, since they all flow from that sovereignty.

Such is the clear sense of the constitutional clause quoted above. Nevertheless, given the diversity of interpretations that have arisen over this issue, the Commission recommends that a law of constitutional interpretation be issued to confirm that duly ratified international human rights agreements have a higher authority than any norms of domestic law.

While Article 5 of the Constitution clearly resolves any problem arising from a clash between domestic law and international human rights treaties in favor of the latter, this Commission believes that it would be highly desirable to repeal or change existing law and draw up complementary legislation in order to truly bring our national legislation into line with international law. The judiciary would thereby be saved from the problems of interpretation it will often have to face as a result of contradictory legislation unless such measures are enacted. Our lack of a solid culture in the realm of human rights and the tendency of our judicial community to regard national legislation as outweighing international law are further powerful reasons for improving our domestic legislation.

To that end we propose the following measures:

* The issuance of a binding interpretative regulation of constitutional rank declaring both that every juridical norm should be understood in the way that best protects human rights and that a human right acknowledged by the existing order can be restricted only when another and higher ranking right is thereby better safeguarded, in accordance with Article 29 of the American Convention on Human Rights (the "San José Pact").

* A reexamination not only of the Constitution but of all the national legislation that in one way or another affects human rights. It is very important that such a revision include examining whether the permanent constraints that the Constitution and

laws set to human rights fulfill the international requirements that they be established by law, that they be necessary to a democratic society, and that they be adequate and effective for protecting the values denoted in international law. The Chilean Constitution is flawed in this respect.

* Such an examination must also consider whether the temporary suspensions of human rights due to a constitutional state of exception are in line with the norms of international law. Articles 39-41 of our Constitution and the Organic Constitutional Law on States of Exception should be examined in order to determine whether they might not violate, for example, Article 27 of the American Convention. That article provides a complete list of the motives for which some rights may be suspended; it declares that the state may take only such measures as may be necessary for dealing with those reasons, but only insofar as they are necessary and for a time period strictly limited to that particular situation.

* The issuance of domestic complementary laws to assure that the treaties are properly implemented. For example, the Convention on Genocide imposes on signatory governments the obligation to define and establish the crime of genocide and assign penalties in appropriate places in legislation. That step has not yet been taken in Chile.

- c. Establishing effective procedures for defending human rights
Finally, bringing Chilean legislation into line with international law means that there must be effective national procedures for protecting human rights. Recent experience has proven that habeas corpus and the appeal for protection are not adequate for that purpose, and hence they must be improved. When we deal with the reforms needed in the judiciary we will indicate the measures the Commission believes must be adopted in this regard.

- d. Complementary measures
It is also obviously very important that Chile participate in the system for promoting and protecting human rights and help extend it.¹ In this regard we urge that the Chilean government adopt the following criteria for international activity in this field:

* Increasing the trustworthiness of international agencies which oversee the human rights behavior of governments, by exercising vigilance over the composition of such agencies. It seems absolutely necessary that they be composed of

independent experts who are respected for their moral and professional qualifications and are not involved in partisan politics.

* Using the system. For example the Interamerican Human Rights Court has the power to issue advisory opinions in certain areas, and our country should keep in mind the possibility of using them should it be necessary. Another possibility is to use the advisory capacities of many international organizations, such as UNESCO, UNICEF, the ILO [International Labor Organization], and the OAS [Organization of American States], to help provide education in human rights, as the need arises.

* Improving the system. Although the international system has been and still represents a major step forward in the development of human rights, it suffers from flaws that should be rectified. The system must be made accessible to individuals. It must furthermore respond to appeals over human rights violations effectively and in a timely manner. As increasing use of the system makes its limitations more obvious, it will no longer be regarded as trustworthy unless efforts are made to correct the flaws that slow the court processes and decisions on matters subjected to international supervision.

If the system is to be improved it would also be a good idea to review the general and special treaties on human rights in order to make them more consistent with one another and to eliminate possible repetitions. Finally, such an effort entails developing new international treaties on human rights to take up aspects that do not yet fall under international law. One such example is the proposal to define the crime of forced disappearance as a crime against humanity.

2.A judicial branch that really plays its role in safeguarding the essential rights of persons

The historical experience of humankind demonstrates that life, liberty, and the other rights of persons can be safeguarded only when power is held accountable before the law. Merely acknowledging citizens' rights or delineating what the various branches of government or individuals may do will not bring that about. It is essential to establish procedures that can effectively protect such rights.

Society assigns the exercise of that extremely important function to the judiciary, and entrusts to it the defense of the lives and liberty and the other rights of its members. Hence this branch of government requires the greatest vigilance.

Those Chileans whose human rights were violated for political reasons in recent years did not encounter in the courts of justice the protection and support that their constitutional duties and their status as a branch of government required them to provide. The proof is that of the approximately 8,700 writs of habeas corpus presented by the Committee for Peace and the Vicariate of Solidarity from 1973-1988, no more than ten were accepted. During that period many of the people for whom they were being presented were being tortured, humiliated, executed, or subjected to forced disappearance on the property of those institutions named in the writs of habeas corpus and by members of those institutions.

A reversal of this situation so that the judiciary will fulfill its fundamental duty to protect the essential rights of persons and thus safeguard unlimited respect for human rights in Chilean society will require a profound reflection that leads to specific measures to enable our judicial system to be renewed and strengthened. Among such measures the Commission suggests that the following be considered:

a. Measures aimed at assuring an independent and impartial judiciary

The essential aim of any organizational reforms in the judiciary must be to strengthen the independence of the judicial branch. Such independence should be understood to mean not only the power to resolve cases in accordance with the law and independently of other considerations, but also the commitment to resolve them in that fashion. Here lies the very heart of the issue of judicial protection of human rights—that judges have the will and moral force needed to prevent the violation of those rights, no matter who the violator may be. They should not simply hew to the letter of the law if the actual result is its violation.

The judiciary should be organized in such a fashion that the only obligation a judge feels is to the law. In carrying out his or her responsibility a judge must be subject to only those influences that are part of his or her conscience in legal matters. The ultimate basis for the independence of the judiciary as an institution must be the independence of each judge.

We now propose a number of recommendations aimed at accomplishing this objective. Some of them are already contained in legal initiatives currently being studied. The Commission nonetheless believes that it is worthwhile to present them in this report since they have a direct bearing on

the question of human rights. Our recommendations are as follows:

a.1) With regard to legal training

We urge that the law departments in our country's various universities devote particular attention to the question of human rights so that future judges and lawyers will be well-trained in this area.

Adequate training in human rights demands a knowledge that goes beyond current law, the institutions that express and serve it, and their interrelationships. Such a vision of the law is what we find in legal doctrine. Philosophical and sociological approaches to law must also be taken into account. Positive law teaches that first vision; the second and third enable us to subject positive law to criticism in the light of values and also by considering how effective it is and how adequate it is for society. Only by integrating these aspects will future judges and lawyers be able to have full knowledge and responsibility in the decisions they must make for the sake of society in the course of their professional lives. We therefore propose that law school curricula include all these perspectives in the study of the law in order to make the education they offer more comprehensive.

We further recommend that in all law departments in the country there be a chair for the teaching of human rights and related topics. We suggest that such courses put special emphasis on the obligations that human rights impose on lawyers and judges, such as, for example, those arising from the presentation of writs of habeas corpus and appeals for protection.

Experience in the area of human rights in recent years has shown that under the pretext of a supposed obligation to apply the law in a strictly literal manner, institutions for protecting human rights have been emptied of their true meaning. We therefore recommend that in teaching how the law is to be interpreted, law schools place the emphasis on the substantive aspect of the institution enshrined in legislation and that, if necessary, judges should be willing to set aside their role of simply applying the law mechanically, at least in matters connected to human rights.

In the training of judges in law schools and in special programs for initial and advanced training that may be designed

for them, there should be an emphasis on the commitment of judges to the purposes of the law, so that they may always direct their decisions to that end.

If the judiciary is to be a powerful protector of human rights there must be judges and lawyers firmly committed to the rights of persons and to the permanent values underlying those rights, primarily the principles of the dignity of the human being and of the rule of law.

a.2) With regard to judicial career practices

We recommend that the present system of appointments and promotions in the judiciary be improved so as to make it a truly objective system and to provide safeguards for judicial careers.

If we are to have judges who are, and who feel, sufficiently independent to restrain human rights abuses, there must be a judicial promotion system with clear lines that will enable these public servants to have periodic promotions based on merit and thus provide new members to serve on the highest tribunals in the republic.

To that end we suggest setting in motion the constitutional reforms necessary to make it possible to replace the present system in which the president appoints Supreme Court judges and prosecutors from a list of five names drawn up by that court. In the new system such appointments would be the exclusive prerogative of a body composed of persons with a reputation for intellectual and moral integrity so as to assure the independence of their decisions. The Commission believes that there is a pressing need to adopt this measure or one whose effect would be similar.

We also recommend consideration of the possibility of permitting respected lawyers who are not in the judiciary but who meet the requirements that may be established by law to be appointed as judges or prosecutors in the higher tribunals of the judiciary.

a.3) With regard to the evaluations of judicial officials

We urge the improvement of the system of determining the qualifications of public servants inside the judiciary so as to assure its objectivity.

In order to assure that judges be independent we recommend that the law establish the obligation to provide reasons for evaluations of judges and to inform the judges of them. Such a procedure would offer judges the opportunity to correct and improve their performance when appropriate.

We also propose that the judiciary personnel no longer be evaluated by secret vote, since such a procedure only encourages an irresponsible exercise of that delicate and important function. In this regard the president of the Supreme Court said in his speech last March 1, "I do not see why a magistrate of the republic should be denied the right to learn who has judged that his performance as a public official is unsatisfactory." We likewise recommend that any person who for any reason comes from outside the judiciary and is appointed to a higher tribunal be incorporated into the evaluation system.

Finally we recommend that the boards of the National Association of Lawyers and the Corporation for Judicial Assistance be taken into account in the process of evaluating the members of the judiciary. The opinion these institutions may have of the behavior of the public officials who serve in the judiciary can be very enlightening, since it is they who use the system most immediately. We likewise recommend that the law establish the possibility that other bodies or persons might furnish their observations.

a.4) With regard to responsibility for their actions

We recommend that the judiciary be truly incorporated into the system of mutual supervision that the branches of government should exercise under the rule of law.

In a government under the rule of law all institutions must be held accountable and supervised as they carry out their functions. According to Article 76 of the Constitution judges may be dismissed only if they fail to maintain good behavior. Such a broad formulation applies to the whole judiciary. Article 32, No. 14 of the Constitution obliges the president to supervise the conduct of judges in the court and hence he may order the Supreme Court or Public Ministry⁹⁷ to impose disciplinary

⁹⁷ Public Ministry: Articles 350ff. of the Código Orgánico de Tribunales establish that the Supreme Court prosecutor (fiscal) is responsible for the functioning of the Public Ministry-whose role, in principle, is to serve the public interest. One function of the Public Ministry is to supervise judges and all employees of the Chilean judiciary so that they adhere to a certain criteria for conduct

measures or set in motion the appropriate constitutional impeachment for removal from the bench. Finally, Article 48, No. 2c, of the Constitution makes judges of the higher tribunals subject to such constitutional impeachment.

We suggest that whatever complementary legislation may be necessary to assure the full implementation of such a supervisory system be issued, especially with regard to the judicial behavior of the members of our highest court.

a.5) With regard to the membership of the courts

We recommend studying the possibility of replacing the current institution of "member lawyers" [lawyers authorized to serve ad hoc as judges in certain cases] by increasing the number of judges in the higher tribunals of the justice system.

We believe that the fact that the president has the exclusive power to appoint lawyers to temporary terms on high courts, and that they are allowed to continue exercising their profession at the same time, can affect the independence and impartiality required for a mission as delicate and important as that of serving as a judge. We therefore urge that the continuance of this practice be scrutinized, particularly if the idea of increasing the number of judges proposed in the next section be accepted.

a.6) With regard to the number of judges

We urge an increase in the number of judges and prosecutors in the higher courts.

The heavy workload in the higher courts makes it absolutely necessary to take steps to increase the number of judges and prosecutors in those tribunals. Such a measure would be conducive to taking up the above proposal since it would make it possible to replace "member lawyers" with permanent members who, we believe, would be better able to carry out their judicial functions.

b. Procedural and institutional measures aimed at leading the judiciary to better fulfill its fundamental duty to defend the essential rights of persons

which is established in Article 76 of the Chilean Constitution. The Public Ministry must report violations to the corresponding higher court, which then proceeds by imposing disciplinary measures or, if the situation merits, by removing the violator from his/her duties (constitutional accusation or impeachment).

b.1) Reforming the military judiciary so as to assure respect for the constitutional guarantee that persons will be tried by an independent tribunal

The fact that magistrates and prosecutors in military tribunals are also members of the various branches of the armed services and hence are subject to their command structures seriously compromises the independence of these tribunals in carrying out their judicial responsibilities.

We therefore suggest that the competence of military tribunals be restricted to strictly military crimes, that is, to crimes committed by armed forces and police personnel while on duty and against persons who are also members of these institutions. We also propose that all those who serve on such tribunals be lawyers, and that in all circumstances they remain under the supervision of the Supreme Court for purposes of correcting, providing direction, and supervising expenditures, and that the required constitutional or legal reforms be prepared to this end.

b.2) Undertaking an examination of the procedural regulations in the Military Justice Code so as to assure respect for constitutional guarantees and due process

We especially urge that the regulations on procedures during wartime be examined in order to propose that the legislative branch repeal the amendments introduced shortly after September 11, 1973, which sought to legitimize execution without trial and the delegation of authorization to issue death sentences, a power that had previously been the exclusive prerogative of the commander-in-chief.

b.3) Assuring compliance with court orders

The failure of the police and investigative police to truly collaborate with the work of the judiciary has tended to seriously impede a thorough administration of justice. This problem could be resolved by means of a special police whose sole responsibility would be to assure compliance with court decisions. Such a police force would answer to the judiciary branch rather than the executive branch, which often receives orders issued by the courts. We therefore recommend that the possibility and desirability of creating a judicial police be examined. Another way of solving the problem might be to have the judiciary participate in training the police staff responsible for

assuring compliance with court decisions.

b.4) Improving habeas corpus and the appeal for protection so as to enable these procedures to truly protect human rights

To that end we propose setting in motion the following constitutional and legal reforms:

b.4.1) Reforms requiring changes in the Constitution

* A right not supported by effective protective mechanisms is not a guarantee but a mere formal proposal. We therefore recommend a study of the possibility of extending the scope of the rights protected by the "appeal for protection" to all or some of those constitutional rights that do not now enjoy such protection. Since we are aware of the potential problems in such an extension, we nevertheless recommend the enactment of those measures that might be feasible in our country for protecting those rights which for practical reasons it might be advisable not to include in coverage by the appeal for protection.

* Repeal of the constitutional provision (Article 41, No. 3, part one) which prohibits the court that handles appeals for protection or habeas corpus from passing judgement on the factual bases or circumstances invoked by officials for the measures they adopt in exercising the exceptional powers granted them by the Constitution. Repealing it would also comply with Advisory Opinions Nos. 8 and 9 of the Interamerican Court of Justice.

* Repeal of the constitutional provision (Article 41, No. 3, part two) which prohibits the suspension of the effects of the restrictive measures just mentioned while the appeals are in process. Such a repeal would allow the courts to use their discretionary power, for example, to order that the person be transferred to a different location.

b.4.2) Reforms requiring changes in legislation

* It should be made obligatory on the appeals court handling the appeal for protection to carry out one of the following measures: either to order that the person who is imprisoned and on whose behalf the appeal for protection has been submitted be brought before the court, or to commission one of its members to go to where the person is said to be in order to be informed why he or she has been jailed and whether

the legal requirements for arrest have been met. Any person or authority who fails to comply with, or in practice impedes, such a measure should be punished for criminal behavior. In such cases officials should immediately be dismissed if there should be another attempt to carry out the measure and it is still ignored or disobeyed.

* Those agencies against whom an appeal for protection is made should be legally obliged to make known to the court the names of the agents who carried out the detention. Thus there would be proof of which government employees were involved in possible crimes against that person on whose behalf the appeal was introduced while he or she was in detention. The recommendation made at the end of the first paragraph of b.4.2 would apply here as well.

* It should be declared that the time limit for introducing the appeal for protection will not even begin to be counted as long as the constitutional right prompting the appeal is denied, disrupted, or threatened.

* The courts in every regional department should be granted the competency to deal with such initial measures aimed at protecting or preserving the rights safeguarded by the appeal for protection as may be urgently needed, lest making the same kind of appeal to the proper appeals court be a useless exercise. The recommendation made in the first paragraph of b.4.2 would apply here as well.

b.5) Reinstating the recurso de casación en el fondo⁹⁸ as a way of consolidating an interpretation of the law respectful of human rights

In the context of what was stated about interpreting the law so as to adequately respect human rights and to make the teaching about law incorporate this principle and bearing in mind the need to standardize criteria for interpreting the law, the Commission believes it would be desirable to once more facilitate the use of the recurso de casación en el fondo and

⁹⁸ Recurso de casación en el fondo: Articles 764ff. of the Código de Procedimiento Civil-Libro III-Título XIX establish the recurso de casación. Article 767 defines the recurso de casación en el fondo, which permits the Supreme Court to invalidate a lower court's decision for reasons solely pertaining to the application of the law and not to the trial court's finding upon the facts or procedure (the recurso de casación en la forma addresses incorrect trial procedure). Both are a means to invalidate decisions where the law has been incorrectly interpreted or applied. Excessive formalities for presentation and processing of this recurso restrict possibilities for its use.

make it truly feasible, for example, by making it impossible to rule out such appeals on merely formal grounds and by allowing the Supreme Court to rule on such cases in decisions that might be brief but would provide the reasons for the decision and without having to order an alternative sentence.

b.6) Reforms in common criminal procedure with the aim of assuring the constitutional guarantee of due process and respect for human rights

The aim of the suggestions that follow is to move forward in complying with existing international law in this area, including the 1966 International Covenant on Civil and Political Rights, ratified by Chile and published in the Diario Oficial on April 29, 1989, and the American Convention on Human Rights, which Chile has ratified.

b.6.1) With regard to evidentiary weight

Extrajudicial confession obtained after arrest by police or investigative police should be given no evidentiary weight if the person retracts in the presence of the judge. Allowing for such a retraction should be made an obligatory step in criminal proceedings.

b.6.2) Substantial modification in the institution of solitary confinement

Statistical data from international organizations proves that torture usually takes place during periods of solitary confinement. The aim of changes to be made in this institution is to assure that it serve the purpose for which it was created, namely to prevent suspects from engaging in collusion to impede investigation into the facts of the crime and whether and to what extent they may have been criminally involved in it. It is not intended to serve as a kind of torture.

In order that it serve this purpose, we suggest that the judge who orders solitary confinement be obliged to provide at least a brief statement of the grounds for that decision. We also recommend that solitary confinement not prevent the prisoner from receiving care from an independent doctor. Greater control should be exercised over the maximum length of solitary confinement and whatever means may be necessary for assuring that the established maximum length be really observed should be implemented. Finally we urge that the

physical and mental health of those who are held in solitary confinement be safeguarded and that whatever means are necessary for that purpose be made available.

b.6.3) Abolishment of the secret nature of the initial summary investigation⁹⁹ as a general rule in our ordinary criminal procedure

Currently the secret character of the initial investigation in criminal procedures for felony or misdemeanor violates the human right to a hearing and leaves those being investigated practically defenseless as long as the initial investigation is being conducted. The rights at stake during a criminal investigation are so important that establishing the juridical conditions for their exercise should not be relegated to the end of this investigatory stage of the process.

The only way to allow for the right of defense to be really exercised and to exercise control over the progress of judicial investigation is to allow the summary investigation to be made available. This is all the more clearly the case if we reflect that while the investigation is underway, the persons alleged to be involved in the event under investigation are most often deprived of some of their most important rights, such as personal liberty.

It is certainly true that if the parties are aware that an investigation is underway, the success of that investigation may sometimes be jeopardized. Hence some formula for reconciling these two aspects should be sought.

b.6.4) With regard to orders to investigate

We urge complete compliance with the guidelines contained in Article 120, No. 2 of the Code of Criminal Procedure

⁹⁹ Initial summary investigation: The general Chilean criminal trial procedure calls for an "initial summary investigation" stage. This stage begins when a complaint or suit is initiated. The judge is then independently responsible for investigating the evidence and matters relating to the case. If, during the course of the investigation, the judge establishes or has reason to believe that a crime was committed, he/she may preliminarily indict the alleged perpetrator, accomplice, or accessory. From that moment on, the defendant may be released on bail unless the judge decides that his/her freedom poses a threat to the victim or society or jeopardizes the investigation-in which case he/she may be imprisoned as a preventive measure. The judge's investigation is very thorough, and in contrast to the common English understanding of the word "summary," it may be lengthy and quite detailed. In most instances it is conducted in camera. Upon completing the investigation the judge may decide to temporarily or definitively dismiss the case or proceed to the second "plenary" stage of the procedure during which the judge formally makes an accusation. Evidence is then presented by the plaintiff and/or defendant and their legal representatives. Finally a verdict is delivered and a sentence ordered by the same judge.

stating that judges not issue broad authorization to carry out investigations with the power to detain people and carry out raids and searches. The aim is to assure due respect for the constitutional guarantee for the inviolability of the home and for personal liberty.

It should be specified that such powers can only come from a prior judicial decree which should provide authorization only to investigate particular people and places. Otherwise judicial functions are being placed in the hands of the police and subject only to review by the judge; such a procedure is unacceptable. The police have enough powers of their own when they catch people red-handed in criminal actions. In other cases they will describe the progress they are making and will ask the competent judge (or in urgent cases whichever judge is on duty) for the needed warrants.

b.6.5) The establishment of the institution of the Public Ministry of first instance¹⁰⁰ so as to separate the function of prosecution from those of investigation and sentencing

Article 19, No. 3 of the Constitution states that "it is the task of the legislator to establish safeguards for a rational and just procedure." The Commission believes that the suggested reform will contribute significantly to accomplishing the aim by means of the law that has been recently enacted.

b.6.6) The establishment of emergency tribunals in session outside of office hours (nights, Saturdays, Sundays, holidays)

The aim of this measure is to assure that it be a judge who issues orders for urgent arrests and search operations, authorizes conditional release on bail during such periods, as well as the initial steps immediately required in the investigation. Nevertheless, the documentation is then to be sent to the proper court.

b.6.7) With regard to the right to a defense

We recommend fuller compliance with the obligation to

¹⁰⁰ Public Ministry of first instance: Article 356 of the Código Orgánico de Tribunales dictates that one function of the Public Ministry would be to act as "principal party" to represent the interests of the state and Chilean society in criminal cases. This has never been organized in the courts of first instance, and no such function has been performed. The Public Ministry would play a role similar to that of a public prosecutor, and act totally independent of the trial court judge. The Commission is recommending that the institution of Public Ministry be established in the courts of first instance.

provide legal aid and defense to those who do not have it, especially in the area of human rights, in keeping with Article 19, No. 3, paragraphs 2 and 3 of the Constitution.

b.7) Developing measures so that the courts of justice may better comply with their obligations

For a number of reasons including an excessive workload, the judiciary cannot fully comply with some of its obligations. Examples of these obligations include personally exercising their judicial functions rather than delegating them to subordinates, observing the rules for allowing prisoners to be released conditionally, the time periods for the initial investigation, the time periods for issuing the final sentence once the case reaches the phase for a decision, and so forth. The result is that important rights are often violated.

To remedy this situation and thus assure that justice is administered rapidly and completely, a variety of measures must be implemented, such as increasing the number of courts, eliminating judicial red tape, and incorporating modern techniques into the judiciary, including the codification of procedures for disciplining judges.

We therefore recommend the study and implementation of programs that by taking up these and other measures may enable the courts to fulfill all their legal obligations and make it feasible to require that they do so. Once such measures are in place, judges who fail to comply with their obligations should be sanctioned, and such a failure should be counted against them when they are evaluated.

b.8) With regard to resources

We recommend that funding for the judiciary be in keeping with the dignity and importance of their functions and that it be provided with the necessary independence in these matters.

Many of the preceding suggestions will inevitably require increasing the budget for the judiciary. The appropriation of funds for the functioning of the judiciary and to assure the availability of suitable officials is ipso facto entailed in the implementation of such measures as may be approved.

3. Armed forces, security forces, and police committed to exercising their functions in a way that is fully in accord with the obligation to respect

human rights

Under the rule of law the armed forces, security forces, and police are permanent state institutions which are independent of particular interests and struggles. That is why the entire nation has entrusted to these institutions the exclusive use of legitimate force. It has done so precisely so that in addition to their proper role in defense, they may assure that the rule of law is maintained and that all its institutions continue to operate normally.

The historic tradition of our armed institutions proves that in the past they were able to remain faithful to those principles. That fidelity combined with their honesty and high professional standards, which were acknowledged in other countries, earned them the well-deserved respect of our citizens, in whom they inspired a legitimate national pride. A telling example is the fact that very often the individuals who had served in the government overthrown in 1973 voluntarily turned themselves in, completely confident that their essential rights would be respected.

The Commission's investigation into the grave human rights violations that have taken place in recent years has led to the conviction that members of the armed forces, security forces, and police were involved in them. Moreover, in the vast majority of cases investigated no blame has been assigned either by the courts or by those institutions. The picture we have described has led to profound disillusionment, hopelessness, and frustration in major sectors of Chilean society and has thereby undermined the feelings of affection and esteem enjoyed by the armed forces. It is therefore utterly necessary to take steps to reverse this situation; otherwise, it will be impossible to achieve that national reconciliation which itself will be the best guarantee of respect for human rights.

In any case, this Commission believes that the successful implementation of such measures will basically depend on the degree to which they are accepted in the armed institutions themselves. We therefore regard it as an absolute necessity that they issue from a broad discussion that involves both the military and civilians. Hence the Commission offers the following suggestions simply in order to suggest criteria for the proposed debate.

These suggestions fall into the two different but complementary areas of education and institutions.

- a. Recommendations in the area of education
 - A study should be conducted on how to incorporate, to the extent it has not been done already, courses or content on human

rights and international humanitarian law into the curricula of the major military academies and in general into the schools for the initial and advanced training of the armed forces. The emphasis should be placed on the obligations that such rights place on those institutions. To that end it would be desirable to have available documents approved by international human rights agencies, such as the Code of Conduct for Law Enforcement Officials issued by the United Nations for what it says that is relevant to the police and investigative police. Each member of the armed forces and police must be clearly aware of being a person and that awareness itself must be extended. Each must feel that he or she has human rights and must respect those rights in others.

- It would be well that those courses or contents were taught by specialists in the area, if that is not already the case.
 - Teaching on the topic of human rights should omit subjective political and historical assessments.
 - This suggested educational task could be strengthened by specific programs on these topics prepared by military vicariates. Such programs should be jointly planned by the top military command and leaders of the Catholic church as well as those of other religious denominations and secular moral institutions.
 - The armed forces, security forces, and police should be informed about human rights and ongoing developments in the field, especially in matters that could affect them.
 - It would be a good idea to intensify exchange between the armed institutions and civil society in the fields of education and professional training so as to create channels for dialogue and to generate trust between the various actors in society. To that end we propose that military figures be invited to participate in civilian activities. We suggest that the military be encouraged to participate in graduate programs in the universities. We likewise suggest that civilians be invited to study in military academic centers.
- b. Recommendations in the area of institutions
- Study the concept of national security and its impact on respect for the essential rights of citizens, which official forces are called to protect, with the aim of bringing about the constitutional and legal reforms that such studies may show to be advisable.

- Redefine precisely the functions of the intelligence services, limiting them to gathering information and establishing an adequate system for supervising them. A democratic government must have services for gathering information when it is requested by authorized officials; such services must be able to process that information and to communicate it to the officials who request it. However, the intelligence services of the armed forces and the police and the General Bureau of Investigation must limit their activity to the proper field of each institution. These services, moreover, should be in proportion to their own institution and to the tasks entrusted to them, and in compliance with the principles just enunciated. Bringing about such a redefinition will require studying the drafting of adequate legislation, which will have to include adequate procedures for supervision and control.
- Define an anti-terrorism policy that reconciles effective elimination of terrorism with full respect for human rights. To that end it is necessary to adequately regulate the investigatory powers of the police that may be detrimental to citizens' rights, as is the case, for example, when the period for bringing a prisoner to court is extended to ten days.
- Principle of due obedience. This Commission was able to observe how the indiscriminate application of the principle of due obedience was sometimes a major factor in human rights violations. We urge a careful study of both existing legislation regulating the principle of due obedience and the training which official forces should be given on this point. Thus, without ignoring the validity and importance of this principle in carrying out the functions of the armed institutions, there will also be assurances that its application will not serve as an excuse for violating human rights nor hinder respect for them.
- With regard to obligatory military service, we recommend that respectful treatment of draftees be encouraged and that the remaining practices that may be degrading to the dignity of persons be eliminated. Such a step will instill an awareness that military discipline does not require such practices and in fact would gain from their elimination.
- Place the Chilean Police and Investigative Police once more under the authority of the Interior Ministry. Placing the functions of these agencies, namely to safeguard public order and internal security and make the law prevail, under the authority of

the Interior Ministry will make it easier for that ministry to supervise them and specifically to protect the human rights that may be affected by their activity.

- Adopt measures to assure full compliance with the provisions of Article 90 of the Constitution, namely that the functions of safeguarding public order and security fall exclusively to the police and investigative police. Any other state agency that seeks to carry out such functions should be eliminated and none should be created for such a purpose in the future.
- Issue a constitutional regulation to the effect that only the police and investigative police-and the judicial police, should it be created-may carry out arrests for crimes in which people are not caught in the act. They are to do so, obviously, only upon orders from competent authority.
- Encourage members of the armed forces and police and their families to be more integrated into society, by attempting to incorporate them into common social and cultural activities, and insofar as possible not providing separate housing arrangements for them. Knowing one another is a first step on the way to reconciliation.

4. Creating an institution to protect human rights

By virtue of the Universal Declaration of Human Rights adopted by the United Nations General Assembly December 10, 1948, and especially by virtue of the next to last consideration in its preamble, the Chilean state, like other member states has accepted the commitment to "achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms." As an expression of that commitment, many countries-more than sixty thus far-have created an institution usually known as a "defender of the people" or ombudsman, each with distinctive features according to the country's particular circumstances. In that context and in view of the urgent practical need to revitalize our legal system for protecting human rights, this Commission recommends studying the possibility of establishing in Chile an institution for the express purpose of protecting ordinary people from abuses of power and making such an institution a part of our legal system.

Although it is not our role to say specifically how this should be done, we believe it is appropriate to point to some general principles for such an institution, should there be a decision to establish it:

- * Its main function ought to be to assure that every government official

truly respects those human rights that are guaranteed by the Constitution and by the international treaties that Chile has ratified and are in effect. For that purpose this person could act on his or her own authority or take complaints from those affected by human rights violations; investigate those violations in the manner he or she judges most fitting, and accordingly be empowered to seek information from any government employee, who in turn would be obligated to provide it; and inform the proper officials of the human rights violations he or she might have corroborated, so as to correct them.

* An adequate selection method is required so as to assure that the person or persons appointed to hold this responsibility be independent and of high moral character. Such persons should be exempt from prosecution, so that they will remain independent in exercising their functions.

* This institution should have the necessary powers and resources to operate independently of any other authority. Care should be exercised, however, to assure that its functions not interfere with those of the courts and other government institutions.

* The person or persons who assume this responsibility should exercise it for a limited time period.

5. Specific changes in the legal order in constitutional, criminal and procedural matters in order to better protect human rights
Simply fulfilling the conditions indicated thus far will not by itself create in Chile a body of law respectful of human rights. Complementary measures must also be adopted in several other areas. We now indicate some of these measures.

- a. Assuring full respect for human rights during arrest and in confinement and imprisonment

The aim of the suggestions made below is to make further progress in observing international law concerning the treatment of those arrested and imprisoned as found in the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984) which was ratified by Chile and published in the Diario Oficial on November 26, 1988; the Interamerican Convention to Prevent and Punish Torture (1985) which was ratified by Chile and published in the Diario Oficial on November 26, 1988; and the United Nations Body of Principles for the Protection of All Persons Arrested or Imprisoned in Any Fashion, and the United Nations Code of Conduct for Law Enforcement Officials.

a.1) Suggestions for laws governing the act of arrest

* Study the desirability of reducing the indiscriminate authority that Articles 288 and 289 of the Code of Criminal Procedure grant police and investigative police to fire their weapons as a legitimate manner to control or subdue the person they are attempting to apprehend (either caught in the act or with a warrant) if he or she attempts to run away.

* Abrogate Article 260, No. 4 of the Code of Criminal Procedure, which authorizes arrest on the basis of suspicion alone, or regulate it so as to assure that people may not be held under this provision for longer than a specific time period.

* Work out such regulatory and educational measures that may be necessary in order to assure that the police and investigative police comply with their obligations concerning arrest and specifically:

- o with regard to the provisions of Article 175 of the Code of Criminal Procedure, inasmuch as these institutions do not have the authority to search the clothing or personal objects (purses, wallets, automobiles) of private citizens unless there is sufficient reason to arrest them;

- o with regard to Articles 156ff. of the Code of Criminal Procedure in connection with Article 288, which govern house searches insofar as that can never be done without a prior specific judicial authorization;

- o some of the measures proposed elsewhere in this chapter, such as involving the judiciary in training those charged with assuring compliance with its decisions or making the need to respect human rights part of the training of the members of the armed forces and police, would also contribute toward that same end.

a.2) Suggestions regarding the treatment of people in prisons and jails

* Any accusation of torture, abusive treatment, disappearance, or extrajudicial execution should be investigated immediately and carefully through administrative procedures. The obligation to do so ought to be clearly established through legislation. If such an investigation indicates that a government official or employee is involved, that

person should be suspended while his or her guilt or innocence is being determined. Should the investigation show that the person is guilty, he or she should be dismissed. These measures are independent of any criminal responsibility of the person, which is to be determined by the courts.

* All persons arrested by government officials ought to have a right to rapid access to their family members and to legal counsel and independent medical attention and should receive shelter, clothing, and food as well. To assure that people really have these rights in practice, the person making the arrest should be obliged to allow the detainee to use the telephone or similar means of communication.

* A permanent data bank should be established and made available to all. It would list the names of all those who have been arrested by government officials, along with the jail or prison in which they are being held. This information ought to be available in all police stations and the offices of the investigative police and in those jails and prisons run by the National Prison Service. As a complement to this measure, every government official empowered to arrest should be obliged to register every arrest he or she makes, so that it may be listed in the data bank.

* Measures should be implemented to assure that uniformed officers will always fulfill their obligation to visibly wear a badge with their number and that non-uniformed personnel will present their credentials; more generally, all such agents should be required to identify themselves as they are making the arrest.

* All police stations and detention sites in the country should display, so that those arrested and their families can see, a catalogue of their rights when arrested as well as the duties of those making arrests and managing such sites.

* End the custom of having prisoners being released sign a statement that they have not been mistreated or tortured while under arrest. In practice that procedure amounts to giving up under duress their right to bring criminal charges for abusive treatment or torture against officials who arrested them or were in charge of the prison facility where they were held.

* Improve the manner in which the officials in charge handle visits to jails and prisons, in order to meet the standards in this

area set by international law, such as the Standard Minimum Rules for the Treatment of Prisoners, prepared by the United Nations. In any case inspection visits should be without notice.

* It should be made mandatory to submit anyone jailed or imprisoned to regular medical examinations made by professional people under the supervision of the Medical Association of Chile or some other independent institution to assure that the examination is objective. In addition, any person in jail or prison should have access, upon request, to medical attention within reason. They or their families may also request medical attention from a particular doctor, at their own expense.

* It should be made mandatory on the state to provide medical care and emotional and mental rehabilitation for those who have suffered torture or abusive treatment from government authorities or officials and for the relatives of those who have died of human rights violations.

* Those who have suffered torture or abusive treatment from government agents or officials and the relatives of those who have disappeared, have been tortured to death, or have been executed without due process by government officials should be enabled to receive compensation in accordance with international standards. Regulations regarding both substance and procedure should be established in a manner compatible with the practical feasibility of actually receiving this compensation, either from the state or from those government officials who were directly responsible.

b. Other changes in the legal system

In addition to the reforms in criminal legislation already mentioned in this report, certain further specific changes must be considered in order to develop a system of criminal law that will be truly respectful of human rights. We now list some of the reforms we suggest for that purpose.

* Raise the punishment for coercion, which our Criminal Code currently treats as a mere misdemeanor (Article 494, No. 16), to the level of a felony. Defining coercion (that is, the punishable offense defined as using violence to impede another from doing what the law does not prohibit or compelling him or her to do something against his or her will without authorization) as a felony and not a simple misdemeanor, in conjunction with the other measures that this Commission suggests, is a legal measure appropriate for

dissuading any individual, whether or not he or she works for the government, from violating the physical integrity of persons in those cases in which the violation does not in itself have the features that would constitute another more serious crime.

* Bring the punishment for crimes committed by public officials against the rights guaranteed by the Constitution in line with the established punishments for analogous actions committed by private citizens. Our Criminal Code sets lower punishments for crimes against constitutional rights committed by public officials than it does for the corresponding common crimes. Such is the case with regard to illegal arrest in comparison to kidnapping, for example. We propose that the level of punishment be basically the same for crimes of an equal nature, whether they be committed by public officials or by private citizens. The punishment meted out to a public official should be more rigorous than that given for the corresponding common crime, for in committing such a crime, the public official is also violating his or her public trust.

* Increase the punishment assigned for the crime of torture. Separating torture from the previous point is fully justified in view of the difference between the specific unlawfulness of torture and that of other crimes committed by public officials against constitutional rights. In the case of these latter crimes, the same action is legitimate when the public official is operating under the pertinent legal assumptions and conditions. In the case of torture, however, public authority can never be exercised mistakenly since it is prohibited under all circumstances. The crime of torture becomes all the more serious than the equivalent action committed by a private citizen, insofar as the one committing it is the very person to whom the state has entrusted vigilance over the juridical good being violated.

* Bring up to date the criminal legislation for safeguarding the inviolability of the home and any kind of private correspondence guaranteed by the Constitution (Article 19, No. 5) by including in it all the new ways of violating those guarantees made possible by modern technology.

* Thoroughly revise our criminal law on political matters leading to a combined text that would systematize and make coherent the whole body of laws, pertaining to both substance and procedure, which are currently scattered throughout a number of legal documents. Indeed the Criminal Code, the

Military Justice Code, the Law of State Security, the Weapons Control Law, the Law on Terrorist Behavior, and others, all have such provisions. Each of these legal codes and laws deals with crimes whose definitions are often flawed. Another problem is the fact that punishments are often imposed cumulatively, thus causing numerous problems with the manner in which crimes are related to one another. Finally these laws differ in punishments and procedures. The result is a very complex situation which lends itself to arbitrary decisions. This situation ought to give way to one in which the right to a fair legal process is properly respected.

- * Make forced disappearance a distinct punishable offense as a crime against humanity. An agent who apprehends a person and does not provide a plausible explanation for the whereabouts of such a person could thus be accused of this crime.

- * Establish that the statutes of limitation for crimes against human rights are suspended during periods when the context prevents or hinders employing the relevant legal actions.

- * Draft laws to prevent crimes from being amnestied without a prior investigation of the actions themselves. Any amnesty issued should be applied to the person who is indicted for the particular crime.

- * Reexamine the requirements for declaring and renewing constitutional states of exception in order to assure that they adequately reconcile the protection of the different rights that are at stake.

- * Legally implement such procedures as may be regarded as useful for adequately supervising the ethical conduct of people exercising a profession, while making certain not to invade the realm of the legitimate exercise of the various professions. This task is particularly important when we take into account the vacuum that has existed in this respect since the moment when professional associations were prohibited from supervising the ethical conduct of their members.

- * Improve existing legislation and regulation on the burial and exhuming of corpses, and likewise the legislation governing the Medical Legal Institute and the Civil Registry. Legislation must be issued to ensure the right of relatives to identify and provide a proper burial for their loved ones and the

corresponding duty of government officials who for any reason play any role in this area. Violation of this obligation ought to be defined as a failure to fulfill the duties of a public official; it could even constitute a crime if the circumstances were serious enough.

* Moreover, the laws governing the Medical Legal Institute, the Civil Registry, and cemeteries must be revised in order to improve and assure proper procedures in burial, autopsies, the requisites for registering names, presentation of data, and issuing certificates, so that these procedures may truly serve the public trust and protect the rights of persons.

C. Suggestions aimed at consolidating a culture truly respectful of human rights

1. Creating a cultural environment capable of respecting human rights
The legal and institutional reforms proposed in the previous section do not in themselves offer sufficient assurance that either government officials or politically motivated private citizens will actually respect human rights. Such an assurance can only be achieved in a society whose culture is truly inspired by unrestricted acknowledgement of the essential rights of the human being. Respect for such rights flows naturally out of such a culture as a part of everyday life and is manifested throughout the whole range of the nation's activity, political and otherwise.

Hence the aim is that each member of our society internalize this principle so that behavior in the home, schools, and work, as well as in partisan political activity, in all exercise of authority, and very broadly in all activity, may be an application of that guiding principle. The exercise of public authority deserves special attention, for it requires respect not only for the human rights of one's political adversary but also the rights of the common citizen. When values clash and require conciliation, a prudent balance must always be sought.

It should likewise be noted that it is absolutely necessary that private citizens involved in partisan political activity respect the rules of peaceful coexistence, that is, that they accept that the legitimate differences that may exist in these areas should not serve as an excuse for attacking the essential rights of those who have authority or who hold different positions. Education, which takes various forms, is called to play a key role in making respect for human life a part of our national culture. Indeed, that is what is required by Article 26, No. 2, of the Universal Declaration of Human Rights, issued by the United Nations General Assembly December 10, 1948, which states that education is to

strengthen respect for human rights and fundamental freedoms.

In order to fulfill this responsibility, society will have to call on all the actors and institutions within it, so that the state and society as a whole will accept the challenge with a commitment that will provide the necessary impetus. To the government falls the task of providing the opportunities for training and education required in order to communicate an idea of human rights that will be shared by people of all conditions. Society should require that the education system add to its traditional functions that of providing values and moral formation in human rights. Society should also open the necessary space so as to allow education to make its real and necessary contribution on the matter.

Hence this endeavor will involve the system of formal education in its various levels and modalities (pre-school, grammar school, high school, higher education; scholarly, scientific and humanistic, as well as technical and professional education; training institutions for professions in civilian life and those training professionals in the military, and so forth) as well as the system of non-formal education connected to community organizations and groups (adult education, popular education, women, labor unions, and so forth); and informal education, whose primary expression is found in the media (television, press, radio, and so forth). As is the case with any other kind of cultural progress, incorporating these various actors and bodies into this endeavor will require a long and consistent effort. We must accordingly strive to assure that the effort to introduce respect for human rights into our culture can function over the long run.

2. Desirability that the institution whose creation is suggested in the next chapter ("Other recommendations") issue proposals for assuring a culture solid in the area of human rights

This Commission recommends that the body proposed in the next chapter ("Other Recommendations") take on the task of urging those who work in the various areas of education (formal, non-formal, and informal) to undertake approaches that may help advance our culture by truly integrating a sense of respect for human rights. Care should be taken, however, to assure that such proposals be made by persons who have a reputation for moral integrity and who may provide assurances that they will treat human rights questions objectively and unaffected by partisan politics, and that such figures represent all sectors of the nation so as to assure that their recommendations will enjoy a high degree of acceptance from those for whom they are intended.

The policies or measures that such a body might formulate or propose should have nothing binding or obligatory about them. In their activity they

should not usurp areas proper to existing bodies or agencies, such as the Ministry of Education, the General Secretariat of the Government, the National Television Council, and others. In addition, the right to freedom to teach guaranteed by Article 19, No. 11 of the Constitution must also be safeguarded.

Hence the power of their proposals will depend exclusively on the moral authority of those making the proposals and on their inherent suitability. This body should be particularly concerned to assure that the issue of human rights be introduced into the various areas of education from a perspective that is above politics-that is, one that regards human rights as the common inheritance of all persons by the very fact of being persons, without regard for race, gender, political position, religion, or any other consideration, as acknowledged in the Universal Declaration of Human Rights adopted by the United Nations General Assembly on December 10, 1948.

13. Some suggestions of a conceptual nature that may serve as a framework for teaching human rights

It is commonly accepted that teaching human rights affects three interrelated areas of learning: information and conceptualization, formation of attitudes and values, behavior and actions. We will approach the matter from this angle, without thereby intending to deny the possibility of other approaches.

In the teaching of human rights it is vitally important to prepare a code that of its very nature develops respect for those rights. In this respect it is important that people know, understand, and be able to offer assessments about historical aspects of human rights and on the theories and general observations that have been developed around concepts such as rights, freedom, the human being, civil and political liberties, economic and social freedoms, and so forth.

Second-viewing education as a dynamic relationship that makes possible the development and enhancement of human qualities-we believe that the teaching of human rights entails shaping attitudes of respect and tolerance directly connected to those rights. This area of shaping attitudes and values, however, cannot remain simply a matter of developing benign attitudes toward human rights. It means that and much more. It means developing a consistent overall direction in life in which human rights articulate a kind of ideal aspiration which emerges from a critical posture toward reality; it also means dealing with the contradictions that social and political contexts impose on observing and enforcing such rights. It means not being content to respect human rights oneself, but becoming actively involved in denouncing violations and defending those rights, even when one is not directly the object of a

particular violation.

Third, learning behavior and action emerges as the area in which the ideas, attitudes, and values acquired are put in practice, for they would be meaningless unless they led to behavior in keeping with them. It must be stressed, however, that action requires its own kind of learning; we should not think that it occurs automatically and naturally. It must be developed by creating the conditions for practicing the kinds of behavior associated with human rights. Obviously the many kinds of behavior that must be consciously practiced in the realm of human rights goes beyond the possibilities of any education process. Hence that practice must be connected to everyday life and the daily needs that individuals, their families, and their environment must confront there. Consequently everyday life itself is a basic instance for assuring that human rights are observed in actual behavior. In this connection, special attention should be given to teaching proper use of language so as to avoid a tendency toward harsh language, which often tends to create a climate in which rights are likely to be violated.

14. Some specific suggestions to shed light on human rights education

- a. Suggestions on curriculum
 - a.1) In formal education

The aim should be to assure that curriculum contents and specific points on human rights are present not only in the manifest curriculum of formal education (plans, programs, and textbooks) but also in the hidden curriculum (school culture and the interaction between teacher and student). Efforts should be made not only to make children and young people knowledgeable about international agreements or statements on human rights but, even more importantly, to develop attitudes of respect and encouragement for those rights. Hence such education should involve participation of students, take into account their life experiences, and through a cognitive, sensory, and emotional approach lead them to become practically committed to human rights.

In bringing human rights education into the school system that system must be respected for what it is in order to avoid repeating the well-known experience of educational innovations which have failed because they did not take into account the real nature of the Chilean school system. Thus incorporating human rights education into schools means making reflection on the issue a part of each subject, but within its own proper thrust. Such an approach will also avoid overloading teachers with work, since

they will be able to carry out human rights education in their normal classes. This does not rule out preparing educational materials that will make it possible to incorporate the topic specifically and will make it easier for teachers to bring the issue into their planning, as we will note below.

Specifically, we suggest that in preschool and elementary school, human rights be brought into the whole curriculum and the whole activity of the school, on the basis of the Declaration of the Rights of the Child. Emphasis should be given to bringing the child to internalize values like respect, tolerance, cooperation, proper use of language, being able to express ideas independently, and so forth.

From middle school to the end of high school, human rights should be integrated into all subjects and should be expressed in the problems that arise in the subject matter, as well as in the psychological and social development of young people, and in their confrontation with the historic and social reality in which they find themselves. In this regard education must go beyond Chile's recent experience to incorporate all those elements of learning that shape the individual for civic life and to assure that the rights enshrined in the United Nations Charter are fully in effect.

In higher education, all training for professional careers should create appropriate spaces in which students can be imbued with the duties and rights proper to all persons. To that end we suggest that there be a chair or that there be seminars, workshops, or other forms of academic activity devoted to this area.

On the graduate level, we think it is essential to create a body of knowledge around human rights by encouraging dissertations, papers, and so forth, on the issue.

a.2) In non-formal education

Since efforts at non-formal education are connected to the overall development of grassroots organizations, we suggest that human rights education be linked to meeting the needs that individuals and groups are confronting. Thus they may be able to become aware of those rights, demand their compliance on the part of those responsible, and work together toward solving their problems.

a.3) In informal education

It is the task of the mass media to bring human rights into their message, both by presenting the formal content that is proclaimed in the Constitution and by promoting the values, attitudes, and kinds of behavior that are conducive to true respect for those rights. This latter point entails examining the negative values that the mass media are continually communicating.

b. Suggestions for training personnel

In view of the complexity of human rights issues, it is essential that those who are devoted specifically to educating in and about human rights be motivated to teach human rights in their specific areas, and that they have access to the training that such an endeavor requires. The starting point for such training is to become aware that knowledge of human rights is all-encompassing, complex, and dynamic. That does not mean turning human rights into an elite field but rather that at each level of education there must be people trained to teach about it.

b.1) Formal education

The primary agent of education in the school system is the teacher. Human rights education must be based on the work he or she does in the classroom. If human rights education in the school is to be effective, the teacher must, first, have a profound conviction and, second, be adequately trained. No decree, reform, or regulation will work if the teacher is not convinced. Hence human rights education must begin by motivating teachers to take up the task themselves by incorporating it into their usual work without overloading them.

There is an urgent need that those institutions that train teachers assume the responsibility for providing training in human rights to all teachers. They should suit the teaching to the particular features of each field. For those who are already teachers and administrators, the relevant agencies (such as the Center for In-Service Training, Experimentation, and Educational Research, municipal governments, regional offices of government ministries, non-governmental organizations) should organize courses, training workshops, and study days that will enable the participants to learn the theoretical foundations of human rights and how they relate to education, and to develop teaching methods that will enable them to bring human rights issues into the school.

b.2) Non-formal education

In non-formal education we suggest that occasions for training be developed so as to allow other professional people (doctors, police and military, lawyers, midwives, social workers, psychologists, civil engineers, and so forth) as well as other social actors (parents, leaders of organizations, business people, and so forth) to make the exercise of their profession or their work an occasion for human rights education. Formal education is thus not the only avenue for this kind of work. Likewise community educators should be trained to help communities organize around defending their rights and meeting their needs.

b.3) Informal education

With regard to informal education, those who work in the media by the very nature of their work have a great deal of influence on people and groups. Hence we suggest that such professionals be trained so that they will become conscious of their educational task. The starting point should be university training imparted in courses on professional ethics and should continue to develop throughout one's professional career.

- c. Suggestions for preparing and providing educational materials
We believe that there should be no delay in preparing a wide variety of educational resources as a first step toward implementing new ways of educating. The preparation of textbooks, teaching guides, visual aids, videos, and so forth is essential. Rather than being rigid formulas, these should be aimed at triggering ideas. We would urge that primary emphasis be placed on methodologies which in themselves are bearers of the message of human rights, namely dialogue, identifying problems, participation, working in groups, and so forth.

So as to motivate teachers to become involved in this task we urge efforts to create a Fund for Human Rights Projects, which would award grants to teachers on a competitive basis. Thus it would be possible to finance the elaboration, implementation, evaluation, and spread of innovative approaches. The experience of other countries that have made considerable advances in human rights education should be taken into account. The material they have already prepared should be gathered and stored in a Documentation and Educational Materials Center, which could gather the available national and international material, including the vast accumulation of information, analysis, and studies now held by human rights agencies. The body that we urge be created in the next chapter ("Further

Recommendations") could administer the project fund and gather, adapt, and circulate the available human rights material as well as prepare new material.

The media can also make a valuable contribution to human rights education by producing mass circulation audiovisual and written material to be used in the educational system.

15. Recommendations that occasions to discuss and adopt symbolic preventive measures be provided as soon as possible
It is absolutely necessary that a space for broad public debate on human rights be opened immediately. Hence all the various branches and agencies of government must promote a wide range of initiatives aimed at making the issue known and prompting discussion. They must also adopt symbolic preventive measures which may at the same time aid in making reparation.

From this standpoint the adoption of some of the following measures could be considered:

- * Organizing public forums on different levels of civil society and among the armed forces and police;

- * Carrying out a number of cultural activities on National Human Rights Day emphasizing the values of democracy, tolerance, and respect for human rights, as well as the essential dignity of the human person—all of these aimed at reconciling Chileans and bringing them together;

- * Establishing a National Human Rights and Peace Prize, just like the other national prizes, which would be awarded to the institution or person whose activity in promoting and defending human rights had been outstanding.

- * Eliminating symbols that are divisive for Chileans. It is important to take care that they not be replaced by others that have the same kind of effect.

16. Inclusion of terrorist acts in the category of human rights violations
In all areas of recommendations made in this chapter it should be understood that references to human rights violations are expressly intended to encompass those committed for political purposes and especially terrorist actions. Our intention is that the means suggested in the present chapter may serve to arouse energies to reject and overcome such actions and to completely eliminate such practices.

D. Truth, justice and reconciliation as preventive measures

1. A culture that respects human rights can develop only in an atmosphere of a healthy national common life

We have emphasized that respect for human rights demands that a culture take its inspiration from those rights. We must nonetheless acknowledge that such a cultural atmosphere cannot be expected to flourish in a situation in which there are signs of a failure to come together, as is the case in our society.

Hence it is absolutely necessary that we overcome the level of division still present as a result of our experience in recent decades. In other words, creating the cultural climate that we are urging as a preventive measure requires a society that is reconciled. Thus we are led to insist that for the sake of such preventive measures we must attain the truth and justice that are themselves prerequisites for national reconciliation. We now make some observations on truth and justice.

2. Truth

Establishing the truth is clearly both a preventive measure in itself and is presupposed in any other preventive measure that may ultimately be adopted. In order to fulfill its preventive function, the truth must clearly combine certain minimum requirements. It must be impartial, complete, and objective, so that public awareness may be quite clearly convinced of what the facts are and how the honor and dignity of the victims were wronged.

In this connection we recall that the decree creating the Commission on Truth and Reconciliation indicates that its central purpose is to "clarify in a comprehensive manner the truth about the most serious human rights violations committed in recent years." In order to achieve that purpose we believed we should gather as much evidence as possible about each one of the approximately 3,500 cases on which we received complaints and that insofar as possible we should listen to the family members of each of those killed and to the witnesses that they or the organizations making the complaint brought forward. This Commission trusts that the truth that has been obtained in this fashion may in itself serve the intended purpose of prevention.

3. Justice

We have encountered divided opinions over what justice entails. Some argue that for the sake of both reparation and prevention it is absolutely imperative that the guilty be punished. Others, however, believe that given the amount of time that has passed and the manner in which the events took place and their context, it would not be advisable to open or reopen trial procedures, since the results could be the opposite of those

sought.

The stand people take concerning justice tends to determine how they view the notions of impunity and amnesty. In particular some agree that it is utterly necessary that the courts of justice issue sentences, at least in some high profile cases. From the standpoint of prevention alone, this Commission believes that for the sake of national reconciliation and preventing the recurrence of such events it is absolutely necessary that the government fully exercise its power to mete out punishment. Full protection for human rights is conceivable only within a state that is truly subject to the rule of law. The rule of law means that all citizens are subject to the law and to the courts, and hence that the sanctions contemplated in criminal law, which should be applied to all alike, should thereby be applied to those who transgress the laws safeguarding human rights. The Commission's founding decree says as much in considerations 4 and 7, which state that justice must be administered through the courts.

We make this observation fully cognizant of the whole range of practical obstacles that may hinder the full realization of such an important aim, such as the fact that many of these cases have been suspended or amnestied with either no judicial investigation or only a partial investigation; the emphatic legal position taken by the Supreme Court in its decisions in the sense of declaring that it is inadmissible to delve into the facts in those cases that have fallen under amnesty; the fact that a large portion of cases are in military courts; and other limiting conditions.

4. Reconciliation

Truth and justice-insofar as they can be attained through the courts-are the pillars on which a reconciled society must be built, but in themselves they are not enough. The various sectors of society affected must also be brought back together. In this regard it should be noted that this Commission has heard numerous statements from those who suffered indicating their desire that the nation be brought back together and reflecting their spirit of not seeking revenge.

Hence it is to be hoped that those who are in a position to help advance reconciliation with some gesture or specific act will do so. They could, for example, make available the information they may have on the whereabouts of those who disappeared after arrest or the location of the bodies of people who were executed or tortured to death and have not yet been found.

Only by taking such steps will we advance toward the national reconciliation that is an utter necessity and is also the primary condition for avoiding a repetition of past events.

Notes

Strictly speaking the suggestions made here are not intended to bring Chilean law into line with international human rights law but rather to improve that legislation. The fact that the two points are closely connected has led us to include these observations on improving the law in this section on making it fit international law.

Chapter Three: Further recommendations

A. *Creation of a public law foundation*¹⁰¹

The Commission has also come to the conclusion that it should propose to the president the creation of an institution, which we believe should be a Public Law Foundation directly connected to the president in accordance with Law No. 18.575 (Law on the Foundations of the Administration). We suggest that the ultimate authority in the foundation be a board made up of highly respected people from diverse traditions and from across the political spectrum who hold a variety of views on our history. We further believe that this board should be motivated by a spirit that acknowledges the basic norms of democracy and of the rule of law, and that it should accept the fundamental principle that the human person is to be respected because he or she is a person and because the human person is protected by inalienable rights that must not under any circumstances be violated.

This foundation should take on the functions to be indicated here. Some of them are tasks that remain to be done as we conclude our work, while others reflect needs that may arise in the future. We believe the foundation we propose should have the following functions and purposes.

1. Aid in the search for victims

Article 1 of Supreme Decree No. 355, which created the National Commission on Truth and Reconciliation, stated that one of its purposes was to gather evidence that would make it possible to determine the fate or whereabouts of the victims, since there were so many instances of people who disappeared after arrest or whose remains have not been found even though their death has been registered. Despite the Commission's efforts, it proved impossible to achieve that objective, and the scope of the problem remains practically unchanged from what it was when the president issued the decree.

We believe the state should not give up the task of trying to determine where the victims are, or of providing aid to families who are still searching. This was one of the most basic demands we encountered, and broad segments of any population share in that yearning. It will be very difficult to come to reconciliation and a shared common life in Chile as long as this problem remains unresolved.

¹⁰¹ Public Law Foundation: Chilean Law No. 19.123 created the National Corporation for Reparation and Reconciliation, whose mandate it is to coordinate, execute, and promote the "actions necessary for complying with the recommendations contained in the Report of the National Commission on Truth and Reconciliation." The law was passed by the National Congress and signed by President Patricio Aylwin. It went into effect with its publication in the *Diario Oficial* on February 8, 1992.

Hence one of the functions of the proposed foundation should be to keep searching. To that end it should be authorized to become a plaintiff in judicial investigations that may be carried out for that purpose, and it should have access to the initial summary investigation, and in general it should enjoy such faculties as may facilitate its work.

2. Gathering and assessment of evidence

Even as we finish our work we continue to receive items of evidence on human rights violations. Many of them have never been presented to the courts or to specialized agencies because the relatives live in remote parts of the country or because they have not overcome their fear. However, as the president will note when he examines this report, in a significant number of cases the Commission could not come to a conviction on whether the person whose death or disappearance was presented to us actually suffered a human rights violation. Hence work remains to be done, and there is a need for a government agency to continue that work so as to come to an assessment on the status of these persons after the presentation of the evidence not available thus far for lack of time. When a conviction is reached on those cases presented to the Commission, the relatives could have access to such reparation measures as the president may adopt.

3. Centralization of the information gathered by the Commission

A third area is connected to the research that might be undertaken in the future by academics, university students, non-governmental organizations, Chilean and foreign scholars, or simply the general public interested in learning about or coming to a deeper understanding of matters related to human rights violations in Chile. There seems to be a need for an office to centralize the files and evidence on cases and to maintain a library devoted to this topic. People could have access to this office under conditions to be laid down by law. We believe that it would be reasonable for this task to be entrusted to such a foundation and that indeed such an office would enable the foundation to better carry out its other functions.

4. Assistance for relatives

We also think it necessary that this foundation be a coordinating agency so as to make such measures of reparation as the president may adopt more efficient and prompt. Should the families so wish, it could centralize the bureaucratic procedures they might have to undertake in order to obtain those benefits. It would be preferable if the relatives of those who perished did not have to go around to numerous public offices to learn what they have to do and go through bureaucratic procedures in order to benefit from the reparation measures that might be approved. Instead they could go to a single office where they would

be welcomed with dignity and respect and served efficiently.

To that end such a foundation ought to be able to provide the relatives with the legal aid and social assistance they might need. It also ought to enable them to resolve the everyday needs and concerns they will certainly face in the future as well as make certain that the benefits that may be decided upon are actually disbursed.

5. Elaboration of educational proposals

As was noted in the previous chapter, which dealt with "prevention," education policies must be formulated. Information and training on human rights must be presented through formal education as well as through non-formal and informal education. Given the moral authority of its board, such a foundation would be in a good position to propose programs and assure that they were carried out in coordination with the appropriate officials.

B. Applying sanctions for concealing information on illegal burials and competence in investigating such matters

As we have said, there is still no way to determine the whereabouts of almost all those who disappeared after arrest and of a large number of those who were executed and whose families did not receive their remains. Of course those involved in hiding the bodies know where they are, but our law has no provision obliging people to present such evidence to the courts.

Only for reasons of conscience have some of those who have such information made it available, thus making it possible to locate the mortal remains of the victims and then turn them over to their families to receive a decent burial.

Keeping in mind that this problem is a serious obstacle to Chilean reunification, we believe that hiding this kind of information should become criminal. It should be made a specifically defined crime so that those who do not provide it within a particular time period would be punished. In tandem with such legislation, the law should exempt from prosecution those who furnish such evidence. To provide incentives for their stepping forward, they should not be exposed to the risk of being punished.

Such matters should always be handled in ordinary courts, at least until the bodies have been completely located, identified, and turned over to their families.

Chapter Four: Truth and Reconciliation

In conclusion—the need to reflect

Our task revolved around two fundamental objectives: truth and reconciliation. As defined for us, our work was to come to a comprehensive grasp of the truth of what had happened, for it was utterly necessary to do so in order to bring about reconciliation among Chileans.

We are well aware that the task we undertook goes far beyond the thinking, the interests, and the destiny of individual persons. It is an issue facing our whole society. Each and every one of us citizens must be held accountable before ourselves and before all if we wish to encounter a solution—certainly not a final solution but at least one that is gradual and satisfactory—to the issues before us. We will have to assimilate this truth, find ways to establish the justice that any society needs, make an effort to understand where everyone stood when a human life was destroyed in a manner that overstepped all norms proper to the rule of law. We will have to search for paths to reconciliation. Otherwise, democracy—which is an essential part of our culture—will never be more than a name. For democracy means that realm in which the members of society are able to come together and settle their common problems in peace and freedom.

If this report serves such an aspiration, we can only be grateful. The events documented, evidence gathered, and convictions honestly reached will enable government authorities to adopt measures related to the triad of truth, justice, and reconciliation. Those families and social groups that have suffered in their very soul or who had ties of friendship or solidarity with the victims will now be able to exercise their rights and properly demand that those responsible be brought to account. They will also have the satisfaction that the nation as such has acknowledged and restored to its lost neighbor the full dignity proper to a human being and to a citizen. Our country should never have allowed that dignity to be lost as it did.

If all our people draw together in this fashion through the institutions of a democratic state and the rich array of social organizations, it will be easier at the proper time to take the steps that are needed in our country and that a more harmonious atmosphere may make possible.

It would be a mistake, however, to encourage simplistic illusions. We are well aware that many will find it difficult even to read this report. Clashing feelings are bound to arise. There will be problems over facts and interpretation in all honesty and fairness—and unavoidably so. This report will stand on its own.

Nevertheless we believe there is one thing that no one can deny: Chile has undergone a wrenching tragedy. The report itself says clearly and repeatedly that political situations are not on trial here. That is a matter for our country and history to decide. The report does not make distinctions between victims or perpetrators from

one side or the other. It presents events whose seriousness are beyond discussion-incredible situations, sufferings borne by defenseless human creatures who were abused, tortured, destroyed or whose immediate relatives and friends underwent such treatment.

The depth of this suffering must be made known. We cannot conceal it or leave it to offhand commentary, to being dismissed, or for that matter to being exaggerated. We must collectively acknowledge that all of this happened. Only from that moment on-when each individual has plumbed what it means to suffer and to cause suffering-will some be moved to repentance and others to forgiveness. This is not a matter for mere words or for some sort of sentimental sermon. Anyone who had to go over each of the cases recorded in this report and to enter into contact with the huge number of people who told their very personal and unutterable stories will be well aware of how a human being can be ennobled.

We have witnessed and documented the tragedy. We trust that whoever reads this report will appreciate even more the expression, "Never again!" It must be never again, for we cannot return to a situation in which Chileans will again be facing the vile absurdity of resolving political problems through murder, torture, and hatred. Such a "never again" therefore also means not doing to others what has been done to oneself. Legally and politically, that is tantamount to saying that respect for the rights of every human being must come into play as the basis for our common life.

That conclusion leads us to a point that we cannot overlook in these observations. The report several times observes that the Commission believes that the human rights violations that took place during this period must not and cannot be excused or justified on the grounds of previous actions by those whose rights were violated. That is a basic proposition; it must be maintained.

When people think that the violation of fundamental rights has gone beyond the bounds of a legal or political order (or indeed simply a human order), when ordinary life in common has gone beyond the breaking point, and when matters reach the point where one portion of society believes that radical change is necessary, reactions may be very strong and a nation itself may move in a very different direction. That is a fact of political life, a reality of history on which the Commission takes no position. When matters reach this point, a society that is in crisis and faces internal or external aggression certainly has a right to defend itself.

However, as long as it intends to remain human and to respect basic values, it may never-whether for the sake of change, or self-defense, or in exercising power after a successful revolution-justify further violating human rights on the basis of the errors, excesses, or crimes that may have been committed previously.

On the contrary, we maintain that human rights fully in operation constitute the foundation of the democratic order that is now accepted by the community of nations. They are its foundation in themselves and not in terms of other objectives. That

means upholding the natural dignity of the human being.

We hope that truth will serve as the basis for reconciliation. We believe we have responded to the demands of those who may have hoped either that we would show understanding for the harm that they have suffered, or be fair in judging their actions that have been branded as blameworthy. We have presented all cases, and we have taken into account all explanations. We have also fulfilled our mandate by presenting measures to prevent recurrence of human rights violations and to make reparation insofar as possible for the moral and material harm done to the victims.

Hence in concluding its labors the Commission urges all Chileans, especially those who in some manner have believed or still believe that the major problems facing Chile can be solved by inflicting violence or showing contempt for the lives of others, to turn their souls toward the choice that emerges from this long and profound tragedy. The results of what took place during this period and which to some extent remain with us, cry out in sorrow from every page of this report.

APPENDICES

Appendix I: Cases outside the Commission's mandate

After carrying out a diligent investigation of the cases presented to it, the Commission came to the conclusion that 508 of them did not fit within the terms of the mandate conferred on it by its founding supreme decree. The criteria for ruling them out are explained in Part One, Chapter Two. The following are some of the kinds of cases most often ruled out:

- * Those of persons who were imprisoned and suffered mistreatment or torture and did not die, but who wanted to testify on their own cases;

- * Those of persons whom their families or human rights organizations said had disappeared because they had lost contact, but who were then proven to be still alive;

- * Those of old or sick people who disappeared under conditions that had no political overtones;

- * Accidental deaths erroneously attributed to political repression;

- * Accidental deaths of military and police while on duty;

- * Deaths of far left activists killed while handling explosive devices;

- * Deaths resulting from common crimes;

- * Deaths due to illness of people who had suffered political repression which their relatives regarded as due to torture but in which it was not possible to honestly establish a causal connection;

- * Suicides attributed to being under the pressure of being pursued politically and surrounded, in which it was not proven that the death was directly or immediately connected to being pursued and surrounded or with a situation that was inherently unlawful and violated human rights and which drove the person to decide to commit suicide;

- * Murders committed by government agents in which they were not carrying out their assigned duties and in which officials did not show tolerance, acceptance, or protection, and hence were not human rights violations.

Finally, it should be noted that along with a great deal of other information, some human rights organizations gave the Commission lists with the names of 449 more persons who could be the victims of some kind of human rights violations. However, nothing further was provided in the way of supporting evidence and neither those

organizations nor the families of these alleged victims had made any accusations on the matter. Hence the Commission was unable to investigate any of these cases.

Appendix II: Statistics

Statistics¹

| Table 1 | | DECISIONS MADE BY THE COMMISSION |
|---|--|----------------------------------|
| Victims of human rights violations | | 2,115 |
| Victims of political violence | | 164 |
| TOTAL NUMBER OF VICTIMS | | 2,279 |
| Cases in which the Commission could not come to conviction | | 641 |
| TOTAL NUMBER OF CASES | | 2,920 |
| In addition, the Commission received 508 cases which did not fit within its mandate and 449 in which only a name was provided and hence there was no basis for carrying out an investigation. | | |

1. These statistics had to be prepared two days before completing the report. During those two days the Commission made some further decisions on cases, and hence these statistics might vary slightly (one percent) from the data themselves.

| Table 2 | | VICTIMS OF HUMAN RIGHTS VIOLATIONS | |
|--|--------------|------------------------------------|--|
| Victims of government agents or persons at their service | | | |
| A. Killed | | | |
| In war tribunals | 59 | 2.8% | |
| During protests | 93 | 4.4% | |
| During alleged escape attempts | 101 | 4.8% | |
| Other executions and deaths by torture | 815 | 38.5% | |
| TOTAL KILLED | 1,068 | 50.5% | |
| B. Disappeared after arrest | 957 | 45.2% | |
| Victims of politically motivated private citizens | | | |
| Killed | 90 | 4.3% | |
| SUB-TOTAL OF VICTIMS | 2,115 | 100.0% | |
| Victims of political violence | | | |
| Killed in 1973 | 87 | 53.0% | |
| Killed in protests | 38 | 23.2% | |
| Killed during gun battles, etc. | 39 | 23.8% | |
| SUB-TOTAL OF VICTIMS | 164 | 100.0% | |
| TOTAL OF VICTIMS | 2,279 | | |

| Table 3 | VICTIMS BY MARITAL |
|----------------|--------------------|
|----------------|--------------------|

| | STATUS | |
|-------------|--------|--------|
| Single | 960 | 42.1% |
| Married | 1,172 | 51.5% |
| Widowed | 12 | 0.5% |
| Unspecified | 135 | 5.9% |
| TOTAL | 2,279 | 100.0% |

| Table 4 | VICTIMS BY GENDER | |
|----------------|-------------------|--------|
| Female | 126 | 5.5% |
| Male | 2,153 | 94.5% |
| TOTAL | 2,279 | 100.0% |

| Table 5 | VICTIMS BY NATIONALITY | |
|---------------------|------------------------|---------|
| Chilean | 2,228 | 97.76% |
| Spanish | 5 | 0.22% |
| Argentinean | 4 | 0.18% |
| Ecuadorian | 4 | 0.18% |
| French | 3 | 0.13% |
| Uruguayan | 3 | 0.13% |
| Bolivian | 3 | 0.13% |
| North American | 3 | 0.13% |
| Chilean-French | 2 | 0.09% |
| Brazilian | 2 | 0.09% |
| Peruvian | 1 | 0.04% |
| Venezuelan | 1 | 0.04% |
| Mexican | 1 | 0.04% |
| Italian | 1 | 0.04% |
| Austrian | 1 | 0.04% |
| Czech | 1 | 0.04% |
| Vietnamese | 1 | 0.04% |
| Chilean-Argentinean | 1 | 0.04% |
| Chilean-Bolivian | 1 | 0.04% |
| Chilean-British | 1 | 0.04% |
| Unspecified | 12 | 0.53% |
| TOTAL | 2,279 | 100.00% |

| Table 6 | VICTIMS BY AGE | |
|----------------|----------------|-------|
| Under 16 | 49 | 2.1% |
| 16–20 | 269 | 11.8% |
| 21–25 | 557 | 24.4% |
| 26–30 | 512 | 22.4% |

| | | |
|-----------------|-------|--------|
| 31–35 | 287 | 12.6% |
| 36–40 | 152 | 6.7% |
| 41–45 | 164 | 7.2% |
| 46–50 | 97 | 4.3% |
| 51–55 | 53 | 2.3% |
| 56–60 | 34 | 1.5% |
| 61–65 | 15 | 0.7% |
| 66–70 | 8 | 0.4% |
| 71–75 | 3 | 0.1% |
| Over 75 | 2 | 0.1% |
| Age unspecified | 77 | 3.4% |
| TOTAL | 2,279 | 100.0% |

| Table 7 | VICTIMS BY POLITICAL ACTIVITY | |
|------------------------------------|-------------------------------|--------|
| Socialist party | 405 | 17.8% |
| MIR | 384 | 16.9% |
| Communist party | 353 | 15.5% |
| MAPU | 24 | 1.0% |
| FPMR | 19 | 0.8% |
| Radical party | 15 | 0.7% |
| Christian Democrat party | 7 | 0.3% |
| Christian Left | 5 | 0.2% |
| National party | 4 | 0.2% |
| Other parties | 15 | 0.7% |
| Not known to be politically active | 1,048 | 46.0% |
| TOTAL | 2,279 | 100.0% |

| Table 8 VICTIMS BY REGION AND YEAR | | | | |
|---|---------------------|---------------|-----------------|-------|
| Place and date of death for those killed and of arrest for those who disappeared after arrest | | | | |
| Year | Metropolitan Region | Other Regions | Other Countries | TOTAL |
| 1973 | 514 | 747 | 0 | 1,261 |
| 1974 | 244 | 62 | 3 | 309 |
| 1975 | 8 <i>[sic]</i> | 28 | 4 | 119 |
| 1976 | 122 | 8 | 9 | 139 |
| 1977 | 7 | 13 | 5 | 25 |
| 1978 | 7 | 2 | 0 | 9 |
| 1979 | 10 | 3 | 0 | 13 |
| 1980 | 11 | 4 | 0 | 15 |
| 1981 | 20 | 14 | 2 | 36 |

| | | | | |
|-------|-------|-----|----|-------|
| 1982 | 8 | 0 | 0 | 8 |
| 1983 | 67 | 15 | 0 | 82 |
| 1984 | 50 | 24 | 0 | 74 |
| 1985 | 38 | 12 | 0 | 50 |
| 1986 | 45 | 5 | 0 | 50 |
| 1987 | 31 | 3 | 0 | 34 |
| 1988 | 16 | 11 | 0 | 27 |
| 1989 | 19 | 7 | 0 | 26 |
| 1990 | 2 | 0 | 0 | 2 |
| TOTAL | 1,298 | 958 | 23 | 2,279 |

| | | |
|--|--|------------------------------|
| Table 9 VICTIMS BY OCCUPATION | | |
| Professional people | | 207 |
| Administrators, managers, and high-level officials | | 45 |
| Employees | | 305 |
| Workers and peasants | | 686 |
| Self-employed workers | | 314 |
| Students | | 324 |
| Armed Forces and Security Forces | | 132 |
| Other occupations | | 226 |
| Occupation unknown | | 40 |
| TOTAL | | 2,279 |
| Occupational Breakdown | | |
| <i>Professional people</i> 207 | | |
| Lawyers 13 | | Nurses 2 |
| Architects 5 | | Engineers 37 |
| Social Workers 5 | | Doctors 24 |
| Building contractors 9 | | Journalists 10 |
| Teachers 71 | | Professors 20 |
| Economists 3 | | Religious 3 |
| | | Sociologists 5 |
| <i>Administrators, managers, and high-level officials</i> 45 | | |
| Administrators 33 | | <i>Private employees</i> 305 |
| Business people 12 | | Secretaries 11 |
| | | Other employees 294 |
| <i>Workers and small farmers</i> 686 | | |
| Domestic servants (maids) 3 | | <i>Self-employed</i> 314 |
| Carpenters 14 | | Farmers 59 |
| Small farmers 65 | | Artisans 61 |
| | | Merchants 102 |

| | | | |
|--------------------------|-------|---|-----|
| Drivers | 33 | Self-employed | 85 |
| Workers | 571 | Artists | 7 |
| <i>Students</i> | 324 | <i>Armed Forces and Security Forces</i> | 132 |
| Elementary school | 17 | Navy | 3 |
| High school | 48 | Police | 69 |
| University | 165 | Air Force | 3 |
| Others | 94 | Investigative Police | 7 |
| | | DINA | 1 |
| <i>Other occupations</i> | 226 | Army | 37 |
| Homemakers | 17 | Unspecified | 12 |
| Other kinds of work | 130 | | |
| Unemployed | 48 | <i>No information</i> | 40 |
| Retired | 17 | | |
| Did not work | 14 | | |
| | | | |
| TOTAL | 2,279 | | |

Appendix III: National Commission on Truth and Reconciliation Staff

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 Verónica Escudero Ramos
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