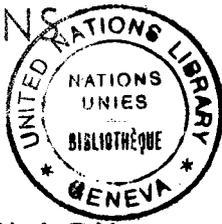


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COMMISSION ON HUMAN RIGHTS
Thirty-sixth session
Item 5 of the provisional agenda

QUESTION OF HUMAN RIGHTS IN CHILE

Case reports on missing persons in Chile prepared by the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile appointed pursuant to resolution 11 (XXXV) of the Commission on Human Rights.

INTRODUCTION

1. The report of the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile (A/34/583/Add.1) transmitted to the General Assembly in accordance with paragraph 6 (b) of Commission on Human Rights resolution 11 (XXXV) contained summaries of a number of cases of missing persons in Chile which had been selected as illustrative of each period during which disappearances had occurred (A/34/583/Add.1, para. 48). Those summaries were based on case reports prepared by the Expert drawing on a number of sources, such as:

- (a) oral testimony and written information from various individuals and organizations which had been received by the Expert;
- (b) information gathered by the Ad Hoc Working Group on Chile; and
- (c) information contained in the publication "Dónde Están" prepared by the Vicaría de la Solidaridad.

These case reports, which could not be made available in time for examination by the General Assembly at its thirty-fourth session, are contained in the present document which is submitted to the Commission on Human Rights in connexion with the Expert's report to the General Assembly (A/34/583/Add.1) which is before the Commission under item 5 of its provisional agenda. In the alphabetical list of case reports below, reference is made to the summary of each particular case in the Expert's report to the General Assembly (A/34/583/Add.1).

2. In each case report the information is organized under the following headings:

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 - B. Detention (Place of, etc.)
 - Description
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 - Treatment
 - C. Legal procedures (Amparo, criminal) and results
 - D. Inquiries by national and/or international organizations
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- V. Annex (Excerpts from the publication of the Vicaría de la Solidaridad "Dónde Están")

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Case Report No. 1

I. IDENTITY

- | | | | |
|----|------------------------|------------------------|-------------|
| 1. | Surname ⁽¹⁾ | Surname ⁽²⁾ | First names |
| | KLEIN | PIPPER | JORGE MAX |
2. Sex: M
3. Date of birth (or age^{*/}): 29 December 1945
4. Nationality: Chilean
5. Identify Card No.: 4.812.198 Santiago
6. Marital status: married
7. Number of children: N/A
8. Domicile: Eduardo Marquire 3969, Santiago
9. Profession: Physician (Psychiatrist)
10. Official positions held (Governor, etc.): Adviser to the General Secretariat of the Government (personal physician of former President Allende)
11. Political affiliations: Communist Party
12. References/Sources (lists, reports, etc.)
- (a) A/33/331, para. 409 and annex LI
- (b) Vicaría de la Solidaridad, "Dónde Están", Case No. 171 (Vol.3, p.731)

II. THE CASE

A. ARREST

DATE	TIME	PLACE
11 September 1973	Afternoon	Palacio de la Moneda, Santiago

*/ At the time of disappearance

DESCRIPTION

Military personnel headed by General Javier Palacios arrested a group of Government advisors, civil servants and security guards at the offices of the President of Chile (Palacio de la Moneda), among them Mr. Klein.

PERSONS MAKING THE ARREST

Armed Forces/Carabineros

WITNESSES

OTHER PERSONS ARRESTED ON SAME OCCASION

Arsenio Poupin Dissel
Enrique Huerta Corvalán
Claudio Jimeno Grandi

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

Photograph published in magazine "Qué Pasa" reported to show Klein in custody of carabineros.

OTHER RELATED CASES

Arsenio Poupin Dissel
Enrique Huerta Corvalán

B. DETENTION (Place of, etc.)

DESCRIPTION

After arrest at "La Moneda" Klein was taken with others arrested at the same time to Tacna Barracks, Regimiento Tacna.

Date	Place	Witnesses
(a) 11 September 1973	Regimiento Tacna	Arsenio Poupin Dissel Enrique Huerta Corvalán Claudio Jimeno Grandi
(b) Days following 11 September 1973	Unknown	

WRITTEN ACKNOWLEDGEMENT OF DETENTION

None

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	DATE/OUTCOME
(a) Amparo	Appeals of Santiago	289-74	29/3/1974	23/12/1974 denied ^{1/}
(b) Crim. Procs.	1st Criminal Court of Santiago	106-657	24/2/1975	29/9/1975 declared himself incompetent
(c) Military Prosecutor		1.382-76	1/7/1976	14/9/1976 temporary suspension of investigation

DESCRIPTION

Writ of amparo denied but at the recommendation of the Supreme Court a Special Investigating Judge (Ministro en Visita) Mr. Zurita was appointed (20/2/75) who declared himself without jurisdiction (29/9/75) since the persons making the arrests were military personnel and sent the case to a military court which suspended temporarily the proceedings on 14/9/76.

D. INQUIRIES BY NATIONAL AND OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

Ad Hoc Working Group (A/33/331).

III. POSITION OF THE GOVERNMENT

The Ministry of the Interior's report as provided to the Ad Hoc Working Group on Chile (A/33/331, Annex 4) shows that the official files have been checked for information on Mr. Klein's identity and personal status, on any police records and on whether he had left the country. The French Embassy was consulted and stated that Mr. Klein had been the personal physician of former President Allende.

IV. EVALUATION

The evidence in this case reliably attests to the arrest of Mr. Klein Pipper by military or carabineros personnel. The Government's investigation failed to determine the exact army unit responsible for the arrest. It is recommended that the investigation be reopened and in particular, the unit responsible for Klein Pipper's arrest be identified as well as those responsible for the Tacna Barracks where Klein Pipper was held.

^{1/} Supreme Court orders the appointment of a Special Investigating Judge.

V. ANNEX

Excerpts from Dónde Están?^{1/}

FACTS

This person, an active member of the Communist Party, was arrested on 11 September 1973 at the Palacio Presidencial de La Moneda, his place of work, after midday and after the aerial bombardment of the Palacio. Military personnel under the command of General Javier Palacios, were ordered to arrest and remove from there a group of persons who included Government advisers and officials, personal physicians and security guards of President Allende and some members of the General Investigation Bureau.

His relatives were advised that same afternoon that Klein Phipper was among those who had been arrested in the military operation against La Moneda. The information was given by one of the President's personal physicians; the physicians were freed a few moments after their arrest, at the exit of the Government offices, although the majority of them were arrested again later and sent for some time to various places of detention. The report of the arrest was confirmed later by other members of the group who were arrested at the same time, including agents of the Investigation Bureau, who were freed after having passed through and spent time in various detention camps.

The persons referred to above are witnesses to the fact that Klein Phipper and other persons taken prisoner at La Moneda were taken to the Tacna barracks. From there he is reported to have been taken by military personnel, some days after 11 September 1973, to an unknown destination, along with a group of persons who were also transferred, including Arsenio Poupin Dissel, Government Deputy Secretary General of the Government, Enrique Huerta Corvalán, Quartermaster of the Palacio, Claudio Jimeno Grendi, Adviser to the Secretary-General of the Government of President Allende.

At the preliminary investigation conducted by Investigating Judge Zurita (details of which are given below), full information concerning the arrest of Klein Phipper by personnel of the Armed Forces was provided.

In declaring himself incompetent and referring the case to the military courts the judge, in the pertinent order, based his decision on the fact that responsibility for arrests of persons who subsequently disappeared, including the cases brought before him, lay with personnel of the Armed Forces.

LEGAL ACTION

On 29 March 1974, an application for amparo was submitted to the Santiago Court of Appeal on behalf of 131 persons, including Klein Phipper, who had disappeared since 11 September 1973; application No. 289-74.

^{1/} Publication of the Vicaría de la Solidaridad of the Archbishopric of Santiago, Chile, containing information on 477 cases of missing persons. Case No. 171, Vol. 3, p. 731.

The application was rejected on 28 December 1974; this decision was confirmed on 31 January 1975 by the Supreme Court which, at the same time, recommended the appointment of an Investigating Judge. The full court, by a decision of 19 February 1975, confirmed the previous decision and, by official communication No. 00230 of 20 February 1975, ordered the appointment of Mr. Zurita as Special Investigating Judge.

On 24 February 1975, Judge Zurita began his investigation in the First Departmental Criminal Court of Santiago; the case was assigned the number 106,657.

On 29 September 1975, Judge Zurita declared himself incompetent, basing his decision on the fact that in the various cases under investigation members of the Armed Forces (FACH, DINA, Carabineros) appeared to be involved as the persons making the arrests.

The dossier having been sent to the Military Judge, the latter accepted competence on 1 July 1976 and assigned the number 1,382-76 to the case.

On 9 August 1976, the trial judge of first instance appointed for the investigation declared the preliminary investigation closed and, on 14 September 1976, the case was temporarily suspended.

Case Report No. 2

I. IDENTITY

1. Surname (1) Surname (2) First names
OLIVARES MORI FERNANDO DE LA CRUZ
2. Sex: M
3. Birth date or age^{*/}: 22 July 1946 - 27 years old
4. Nationality: Chilean
5. Identity Card No.: -5.047.881 Santiago
-21239 San Miguel
6. Marital status: Single
7. Number of children: N/A
8. Domicile: Ipiranga 5559
9. Profession: Accountant
10. Official positions held (Governor, etc.): Staff member since 1965 of the Latin American Demographic Center of the United Nations (CELADE).
11. Political affiliations: N/A
12. References/Sources (lists, reports, etc.):
- (a) A/C.3/32/7
- (b) A/33/331, para. 410, annex LII
- (c) Number 56 of the Vicaría list of 600 missing persons. See Chapter II above.

II. THE CASE

A. ARREST

DATE	TIME	PLACE
5 October 1973	10.30 a.m.	Office of CELADE in Chile, 34 Huelen Street, Providencia, Santiago

^{*/} At the time of disappearance

DESCRIPTION

On 6 October 1973, Mr. Olivares Mori was arrested within United Nations premises by Navy Lieutenant (Teniente 1º del Cuerpo de Infantería de Marina) Jorge Osses Novoa, who stated he was acting on the orders of Major Vergara. Mr. Olivares Mori, followed by a fellow staff member of the United Nations, Mr. Jorge Arévalo Martínez, was taken to the Ministry of Defense. The following day Mr. Arévalo returned to the Ministry of Defense and was informed that Mr. Olivares Mori had been transferred to the National Stadium. However, on that same day, Mr. Arévalo was informed at the National Stadium that Mr. Olivares Mori was not on any of their lists of detainees.

PERSONS MAKING THE ARREST

Navy Lieutenant Jorge Osses Novoa

WITNESSES

Jorge Arévalo Martínez

Carmen Miro (Director of CELADE) plus 50 employees of the Latin American Demographic Center of the United Nations (CELADE).

OTHER PERSONS ARRESTED ON SAME OCCASION

None

WRITTEN ACKNOWLEDGEMENT OF ARREST

National Executive Secretariat for Prisoners (SENDET) acknowledged the arrest under Document No. 3550-300 of 9 January 1974.

OTHER RELATED CASES

None

B. DETENTION

DESCRIPTION

Reportedly taken to the National Stadium but at National Stadium was informed that Olivares was not on any lists of detainees.

Dates

Places

October 1974

National Stadium

WITNESSES

N/A

WRITTEN ACKNOWLEDGEMENT OF DETENTION

None

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	DATE OUTCOME
(a)	Amparo	Appeals of Stgo	375/74	19/4/1974	3/5/1974 denied
(b)	Complaint Appeal	Supreme Ct. of Stgo		6/6/1974	11/7/1974 denied
(c)	Amparo Appeal	Appeals of Stgo	835/74	1/7/1974	28/11/1974 denied

DESCRIPTION

The application for Amparo as well as the complaint Appeal were all denied on the basis of the information provided by the Minister of Interior to the courts that Mr. Fernando de la Cruz Olivarez Mori "has never been arrested by authorities of that Ministry."

D. INQUIRIES BY NATIONAL AND OR INTERNATIONAL ORGANIZATIONS

International Red Cross

United Nations (H/C.3/32/7)

Vicaría de la Solidaridad

III. POSITION OF THE GOVERNMENT

Detailed information was transmitted to the Government of Chile by the Ad Hoc Working Group (3/8/78) and on 4 September 1978 the Government transmitted the following report to the Group:

"With respect to the present case, which is of great concern to the United Nations, in addition to the information furnished to the Group during its visit to Chile and to what may be ascertained from inquiries in Santiago, the following is submitted:

(a) The Working Group must take into consideration the fact that the event concerned occurred in October 1973, more specifically on the 5th of that month.

(b) On the basis of the information supplied, the existence and whereabouts of the Marine Officer Jorge Osses Novoa is being investigated and an attempt is being made to find out who the person named Major Vergara is and to which branch of the armed forces he belongs.

(c) Once these checks have been carried out and if the inquiries are successful, statements will be taken from the persons concerned regarding the alleged arrest of Fernando de la Cruz Olivares Mori.

(d) In addition, efforts are being made to ascertain why such statements were not taken previously or, if they were, where the documents containing them are to be found.

(e) Finally, an investigation is being conducted into the information regarding the arrest of Fernando de la Cruz said to have been furnished by the National Office of Detainees (Servicio Nacional de Detenidos - SENDET), (A/33/331, annex LII)."

IV. EVALUATION

The evidence in this both witness and written Government acknowledgement of arrest reliably attest to the fact that Olivares Mori was arrested. Despite United Nations intervention the Government failed to investigate the case adequately, in particular the arresting officer and the person ordering the arrest were not located or questioned even though their identities were known. The denial by the Government of any record of arrest does not weigh heavily against the statement of the witnesses and the written acknowledgement of SENDET. The Government of Chile has a special responsibility to the United Nations in regard to this international civil servant and the United Nations itself has a special responsibility (see the Bernadotte case). The investigation should be reopened and in particular Lieutenant Jorge Osses Novoa and Major Vergara should be questioned, the registry books of the National Stadium examined and the officers in charge of the stadium questioned.

V. ANNEX

No annex.

Case Report No. 3

I. IDENTITY

- | | | | |
|----|------------------------|------------------------|-------------|
| 1. | Surname ⁽¹⁾ | Surname ⁽²⁾ | First names |
| | VAN SCHOUWEN | VASEY | BAUTISTA |
2. Sex: M
 3. Birth date or age*/: 3 April 1943
 4. Nationality: British-Chilean
 5. Identity Card No.: 263.726 Concepción
 6. Marital status: Single
 7. Number of children: N/A
 8. Domicile: Bombero Salas 1445, App. 1007, Santiago
 9. Profession: Medical Doctor (Surgeon)
 10. Official positions held (Governor, etc.): N/A
 11. Political affiliations: Member of the Central Committee of the Revolutionary Left Movement "Movimiento de Izquierda Revolucionaria" (MIR)
 12. References/Sources (lists, reports, etc.):
 - (a) E/CN.4/1188, para. 104
 - (b) A/82/227, annex XXXIII
 - (c) Vicaría de la Solidaridad "Dónde Están" Case No. 270 (V.5, page 1095)
 - (d) Testimony of witness No. 1 of 25 July 1979 before the Experts of the Commission of Human Rights.

* / At the time of disappearance

II THE CASE

A. ARREST

DATE	TIME	PLACE
13 December 1973	N/A	Rectory of the Capuchinos Calle Catedral 2345 Santiago

DESCRIPTION

Was arrested on 13 December 1973 in the Rectory of the Capuchinos Catholic Church together with four other persons, by individuals dressed in civilian clothes. Beginning on 11 September 1973 the Government through the media had requested information which would lead to his arrest and offered a reward.

PERSONS MAKING THE ARREST

N/A

WITNESSES

Father Enrique White arrested with van Schouwen and released eight days later.

OTHER PERSONS ARRESTED ON SAME OCCASION

Patricio Munita Castillo, (dead) his body was returned a few days later to his family.

Father Enrique White

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

See below.

OTHER RELATED CASES

B DETENTION (Places of, etc.)

DESCRIPTION

Not available.

	DATES	PLACES
(a)	End of 1974	Naval Hospital Valparaiso
(b)		
(c)		
(d)		

WITNESSES

Place (a) Reportedly photographed at end 1974, in Naval Hospital Almirante Noff in Valparaiso.

Place (b)

Place (c)

Place (d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

On 8 August 1974 the Minister of the Interior informed the Court of Appeals of Santiago that Bautista van Schouwen Vasey was being held at the disposal of the office of the Military Prosecutor of Santiago (A/32/227, annex XXXIII). An article in the 21 August 1974 edition of El Mercurio stated "For the second time in two months the Court of Appeals denied the writ of amparo submitted by the defence attorney of the ex MIR leader Mr. Bautista van Schouwen. Mr. Bautista van Schouwen is being processed by the first Prosecutor of Santiago. This extremist was detained on 13/12/73, shortly after the military take over of 11 September 1973. Presently, Bautista van Schouwen is under arrest in a national prison".

In an official Government press conference on 17 February 1975, four ex MIR leaders who were under arrest at that time, stated Bautista van Schouwen was in exile. No other details were given. (La Tercera de la Hora 20/9/74). (See also III, below, Position of the Government).

TREATMENT

Reports indicate he was admitted to Naval Hospital at end 1974 for treatment of injuries caused by torture and was immobilized with a suspected broken back and damage to the spinal cord.

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a) Amparo	Appeals of Stgo.	147-74	19/2/1974	denied 4/6/74
(b) Amparo	"	731-74	12/7/1974	denied 16/8/74 and order to continue proceedings in criminal court for possible murder.
(c) Criminal	2nd Crim. Court of Stgo.	82.252-5	30/7/1975	30/7/1975 temporary suspension of investigation

DESCRIPTION

The writs of amparo were rejected on the basis of the negative reports of the Courts received from the SENDETX which stated that his is not in the list of detainees. The Ministry of Interior also informed the Court that Mr. van Schouwen Vasey has never been arrested by order of that Ministry. Finally, the Chief of Zone of the Military Hospital responded to the Court that he has never been admitted as a patient to their unit.

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicarfa de la Solidaridad

III. POSITION OF THE GOVERNMENT

The Minister of Interior on 8 August 1974 informed the Court charged with the criminal case for van Schouwen's disappearance that van Schouwen "is at the disposal of the First Military Judge of Santiago" (Doc. No. 294/21-F-21) (A/32/227, annex XXXIII). This statement was revised on 5 September 1974 by the Minister of Interior who stated "In submitting information about Mr. Bautista van Schouwen Vasey an involuntary error had been committed by this Ministry. Who is under arrest in the state prison of Santiago is Mr. Roberto Fernando van Schouwen Vasey and not his brother Bautista."

IV. EVALUATION

Testimony of witnesses, newspaper reports and a written acknowledgement of arrest by the Government reliably attest to the fact of Bautista van Schouwen's arrest. The Government's correction of its statement of having arrested van Schouwen does not outweigh the other evidence. The investigation should be continued with the officers who arrested Father White and Patricio Munita Castillo questioned in particular.

V. ANNEX

Excerpts from Dónde Están?^{1/}

FACTS

This person, a member of the Central Committee of the Movement of the Revolutionary Left (MIR), was arrested by persons in plain clothes on 13 December 1973, in the Rectory of the Capuchinos Church, at calle Catedral No. 2345, Santiago, together with other persons, one of whom, Patricio Munita Castillo, was

*/ The National Executive Secretariat for Prisoners

^{1/} Publication of the Vicarfa de la Solidaridad of the Archbishopric of Santiago, Chile, containing information on 477 cases of missing persons. Case No. 270, volume 5, p. 1095.

handed over dead to his family, a third person, the priest Enrique White, who was released eight days later, and a fourth person, whose identity is unknown.

He had gone to the Rectory in search of lodging, since, as a political leader, he was being urgently sought by the security organizations of the new Government, immediately after 11 September 1973. The population was even called upon, through the communications media, to provide information that would lead to the capture of prominent political leaders of the previous Government, including van Schouwen. In these requests - among which mention may be made of that published in the newspaper El Mercurio on 28 September 1973 - a reward of up to 500,000 escudos was offered to anyone providing information leading to their capture and the telephone numbers to be used to provide the information were given. The telephone numbers were 65271 (extensions 622, 618, 270 and 524) and 85623.

Following rejection of the application for amparo, case No. 731-74, which was lodged on his behalf (rejection based on the negative reports of the authorities), the newspaper El Mercurio, in its issue of 21 August 1974, reported: "For the second time in the short period of two months, the Court of Appeal has rejected an application for amparo submitted to it by the defence lawyer for the extremist, Bautista van Schouwen, former high official of the banned Movement of the Revolutionary Left (MIR)...".

"... for serious offences, the nature of which is being made sufficiently clear in the proceedings against Bautista van Schouwen that are taking place at the First Military Court of Santiago, this extremist was arrested on 30 December 1973, shortly after the military revolt of 11 September 1973".

"Bautista van Schouwen is at present being held in one of Chile's places of detention".

On 17 February 1975, four former senior officials of MIR, who were then in detention, gave a press conference in the Diego Portales Building, where they were presented by the Secretary-General of the Government. They reported that Bautista van Schouwen was in exile, but gave no further details. (La Tercera de la Hora, 20 February 1975).

However, a photograph of Bautista van Schouwen, showing him lying in a bed in the Admiral Neff Hospital, Valparaíso, and his clinical report, were shown to international organizations by his relatives; the photograph had been taken at the end of 1974.

LEGAL ACTION

On 19 February, an application for amparo was lodged with the First Court of Appeal of Santiago (Case No. 147-74).

The application was rejected on 4 June 1974, on the basis of negative reports made by SENDET, the Investigation Bureau, the Ministry of the Interior, the Military Hospital of Santiago and the State of Siege Area Commander.

On 12 July 1974, a further application for amparo was submitted (Case No. 731-74); it was rejected on 16 August 1974, on the basis of the negative report of the Minister of the Interior.

Upon rejection of the first application for amparo, presumed misadventure proceedings were instituted in the Second Departmental Criminal Court of Santiago (Case No. 82,252-5). The proceedings did not yield any information as to the whereabouts of the person concerned, and they were therefore temporarily suspended on 30 July 1975.

Case Report No. 4

("List of 119")

I. IDENTITY

- | | | | |
|----|------------------------|------------------------|-------------|
| 1. | Surname ⁽¹⁾ | Surname ⁽²⁾ | First names |
| | VAN JURICK | ALTAMIRANO | EDWIN |
2. Sex: M
 3. Birth date or age^{*}: 30 November 1953
 4. Nationality: British/Chilean
 5. Identity Card No.: 6.426. 158-4 Santiago
 6. Marital status: Married
 7. Number of children: None
 8. Domicile: Cirujano Videla 1504 Nufcoa, Santiago
 9. Profession: Salesman
 10. Official positions held (Governor, etc.): Student leader, Secondary School, "Manuel de Sala"
 11. Political affiliations: MIR
 12. References/Sources (lists, reports, etc.):
 - (a) A/10285, paras. 149-151 and annex XVII (Reported dead on the "list of 119" Newspaper "O Novo Dia" of Brazil and Magazine "Lea" of Argentina.)
 - (b) A/31/253, para. 240
 - (c) A/32/227, para. 113, annex XIX and XXXIII
 - (d) Vicaría de la Solidaridad "Dónde Están" Case No. 268 (v.5 page 1081)
 - (e) Testimony of witness No. 1 of 25 July 1979 before the Expert on the fate and disappearance of missing persons in Chile

^{*}/ At the time of disappearance

II. THE CASE

A. ARREST

DATE	TIME	PLACE
10 July 1974	Unknown	Unknown

DESCRIPTION

On the street, in direction to his place of work.

PERSONS MAKING THE ARREST

DINA, Osvaldo Romo^{1/} and Capitán Miguel Machenco

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

Bárbara Uribe Tamblay (wife)
Cristián Esteban van Jurik Altamirano (brother)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

See B below

OTHER RELATED CASES

Bárbara Uribe Tamblay (wife)

B. DETENTION

DESCRIPTION

	DATES	PLACES
(a)	12/19 July 1974 and 2 August 1974	38 Londres Street, Santiago
(b)	20 July 1974 and 8 August 1974	Cuatro Alamos
(c)	28 August 1974	Villa Grimaldi
(d)	18 September 1974	House in Domingo Cafias Street, Santiago

^{1/} According to information provided by Colonel Contreras, the Director of DINA, to the President of the Supreme Court, José María Eyzaguirre. Osvaldo Romo was employed by DINA but left Chile in November 1975.

WITNESSES

Place (a) Cristián Esteban van Jurick Altamirano (brother)
Antonio Osorio Olivares
Tamara Valdés Valenzuela
Natacha Valdés Valenzuela

Place (b) Antonio Osorio Olivares

Place (c) Cristian Esteban van Jurick Altamirano

Place (d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

See below C.

TREATMENT

He was tortured together with his wife and brother.

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	DATE	OUTCOME
(a) Amparo	Appeal of Santiago	752/74	16/7/74	1/9/74	Denied
(b) Criminal Proc.	8th Criminal Court of Santiago	1.101.74	2/8/74	N/A	Temp. Suspension of Investigation
(c) Amparo	Appeal of Santiago		25/10/74	N/A	Denied

DESCRIPTION

The writs of amparo were all denied on the basis of the information provided by the Ministry of Interior to the Supreme Court that Mr. van Jurick Altamirano "has never been detained by order coming from this Ministry". The criminal procedures (Querella) for kidnapping were temporarily suspended.

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

British Embassy
Vicaría de la Solidaridad
International Red Cross

III. POSITION OF THE GOVERNMENT

(a) On 18 August 1974 the Minister of External Affairs informed in writing to the British Embassy "This Ministry informs that Edwin van Jurick and his wife Bárbara Uribe are under arrest pending investigation and that their health is perfectly normal. As to their place of detention, we have not been informed yet. (A/32/227, annex XXXIII)

(b) A year later, 25 July 1975, the same Ministry clarifies its statement: "We inform you, not without regret, that our previous information is in error".

(c) The Minister of Interior informed the Supreme Court on 20 March 1975 that Edwin Francisco van Jurick Altamirano "has not been detained by order coming from this Ministry".

IV. EVALUATION

See Case Report No. 5 Bárbara Uribe Tambley

V. ANNEXES

See Case Report No. 5 Bárbara Uribe Tambley.

Case Report No. 5

"List of 119"

I. IDENTITY

- | | | | |
|----|-------------|-------------|-------------|
| 1. | Surname (1) | Surname (2) | First names |
| | URIBE | TAMBLEY | BARBARA |
2. Sex: F
3. Birth date or age: */ 20 years old
4. Nationality: Chilean
5. Identity Card No.: 6.364.277 -0 Santiago
6. Marital status: Married
7. Number of children: None
8. Domicile: Cirujano Videla 1504, Nuñoa, Santiago
9. Profession: Secretary
10. Official positions held (Governor, etc.): None
11. Political affiliations: MIR
12. References/Sources (lists, reports, etc.):
- (a) A/10285, paras. 149-151, Annex XVII (Reported dead on the "list of 119" Newspaper "O Novo Dia" of Brazil and Magazine "Lea" of Argentina)
 - (b) A/31/253, para. 240
 - (c) A/32/227, para. 113, annex XIX and XXXIII
 - (d) Vicaría de la Solidaridad "Dónde Están" Case No. 268 (v.5 page 1081)
 - (e) Testimony of witness No. 1 of 25 July 1979 before the Expert on the fate of missing persons in Chile

*/ At the time of disappearance

II. THE CASE

A. ARREST

DATE	TIME	PLACE
10 July 1974	20 hs	Cirujano Videla 1504 Nuñoa, Santiago

DESCRIPTION

Arrest took place at her home. The person making the arrest identified himself as Titín who said that he was bringing news from her husband, Mr. Edwin van Jurick Altamirano. Bárbara followed him to the garden, where she was pushed by three more people to a pick-up that drove away immediately.

PERSONS MAKING THE ARREST

DINA - Osvaldo Romo and Miguel Machendo 1/

WITNESSES

Ruth Altamirano Hearnest

OTHER PERSONS ARRESTED ON SAME OCCASION

Edwin van Jurick Altamirano (husband)

Cristián Esteban van Jurick Altamirano (brother-in-law)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

See below

OTHER RELATED CASES

B. DETENTION

DESCRIPTION

DATES	PLACES
(a) 12/19 July 1974 - 2 August 1974	39 Londres Street, Santiago
(b) 20 July and 8 August 1974	Cuatro Alamos

1/ According to information provided by Colonel Contreras, the Director of DINA, to the President of the Supreme Court, José María Eyzaguirre, Osvaldo Romo was employed by DINA but left Chile in November 1975.

(c) 28 August 1974

Villa Grimaldi

(d) 18 September 1974

House in Domingo
Cafias Street, Santiago

WITNESSES

Place (a) Antonio Osorio Olivares

Cristián Esteban van Jurick Altamirano

Tamara Valdéz Valenzuela - Natacha Valdéz Valenzuela

Place (b) Antonio Osorio Olivares

Place (c) Cristián Esteban van Jurick Altamirano

Place (d) Cristián Esteban van Jurick Altamirano

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

See III below

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a)	Amparo	Appeals of Santiago	754-74	16/7/74	Denied on 1/9/74
(b)	Criminal Proc.	8th Criminal Court of Santiago	1.101-74	2/8/74	Temp. Susp. of Invest.
(c)	Amparo	Appeals of Santiago	754-74	25/10/74	Denied

DESCRIPTION

The writs of amparo were all denied on the basis of the information provided by the Ministry of Interior to the Supreme Court that Bárbara Uribe Tambley "has not been detained by order coming from this Ministry". The criminal procedures (Querrela) for kidnapping were temporarily suspended.

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III. POSITION OF THE GOVERNMENT

(a) 18 August 1974 the Minister of External Affairs informed in writing to the British Embassy "This Ministry informs that ... Edwin van Jurick and his

wife Bárbara Uribe ... are under arrest pending investigation and that their health is perfectly normal. As to their place of detention, we have not been informed yet."

(b) A year later, 25 July 1975, the same Ministry clarifies its statement: "We inform you, not without regret, that our previous information is in error".

(c) The Ministry of Interior informs the Supreme Court on 20 March 1975 that "Edwin Francisco van Jurick Altamirano and Bárbara Uribe Tambley "have not been detained by order coming from this Ministry"".

IV. EVALUATION

The testimony of witness to the arrest and continued detention of Edwin van Jurick and Bárbara Tambley and the written acknowledgement of the Government, although the latter was retracted, reliably attest to the arrest and detention of van Jurick and Uribe Tambley. Statements of the Ministry of the Interior that they were not being detained under orders coming from that Ministry are not pertinent since DINA had independent powers of arrest. The investigation should be reopened and, in particular, the records of the places of detentions mentioned should be examined and the persons responsible for them at the time questioned.

V. ANNEX

Excerpts from Dónde Están? 1/

FACTS

On 10 July 1974, Bárbara Uribe Tambley, an active member of MIR, was arrested at her home by officials of the Directorate of National Intelligence (DINA). Her arrest is linked with that of her husband, Edwin van Jurick Altamirano and that of her brother-in-law, Cristián van Jurick A.

The circumstances of her arrest are given in the sworn statement made before Demetrio Gutiérrez, Notary Public of Santiago, by Ruth Altamirano Hearnest, identity card No. 104,272, of Nuñoa, her mother-in-law, on 15 April 1975. This document states as follows: "On 10 July, at 8 p.m., an individual who said his name was "TITIN" came to our house at Cirujano Videla No. 1504, Nuñoa. He rang the bell and asked for Bárbara, saying that he had brought something to her from her husband. She invited him to come into the house. He refused to come in, saying that he was in a hurry and that it was a matter of only a few moments. The individual TITIN was accompanied by other persons in plain clothes who were waiting in a 304 van in front of the house. Bárbara went out with him into the garden in front of the house and was pushed into the van, which contained these unknown persons ...

1/ Publication of the Vicaría de la Solidaridad of the Archbishopric of Santiago, Chile, containing information on 477 cases of missing persons. Case No. 268, Volume 5, p. 1081.

These statements were repeated in the presumed misadventure proceedings brought by Ruth Altamirano, before the Eighth Departmental Criminal Court of Santiago on 2 August 1974. In that submission she adds: "... On the morning of 11 July, individuals armed with sub-machine-guns came to the house of the parents of my daughter-in-law. They jumped over the railings and burst into the house at Eliecer Parada, No. 1033, where they seized my son, Cristián van Jurick Altamirano, and took him away with them. To this day we do not know where they are holding him ... on 10 July of this year, my son, Edwin van Jurick Altamirano left our house at 9 a.m. on his way to work; so far he has not returned".

Proof that Bárbara Uribe and the van Jurick brothers had been arrested by DINA agents and were being arbitrarily held by them was received by her parents-in-law two days after her arrest.

The above-mentioned submission goes on to state: "On 12 July, early in the morning, the group which abducted the above-mentioned persons came to my house and told us that they were holding my sons Cristián and Edwin and my daughter-in-law Bárbara, and that they could not tell me where they were being held or identify themselves".

"On 16 July, these persons brought my son Cristián to the house. Physically, he was pale and emaciated as if he had been ill-treated during this period".

"Subsequently, these persons kept coming to the house, bringing my son Cristián with them. The last visit took place on 29 July of this year, when my son Cristián told me that they were being held in a house at Calle Londres 38 in this city ...".

In a sworn statement dated 26 May 1974, accompanying the application for amparo (Case No. 75274) lodged with the Santiago Court of Appeal, Mr. Francisco van Jurick Mohorich, Identity Card No. 52584, Santiago, father-in-law of the person concerned, confirmed that security agents had made visits to his home. He states: "... On 13 July 1974, early in the morning, a group of four or five persons, dressed in civilian clothes, who did not identify themselves, as they should have done, but who said that they were "military police", came to my home at Calle Girujano Videla 1504, Nufloa. The person acting as leader of the group came into the living room and talked to me and my wife, telling us that our sons and daughter-in-law, Cristián and Edwin van Jurick Altamirano and Bárbara Uribe Tambley were in detention. Neither I nor my wife were aware of this fact".

"He talked about the activities of the detainees, where they were living and working and, in general, all the personal circumstances of our sons and daughter-in-law, with which they were perfectly well acquainted".

"They asked permission to search the house, and the five persons searched it. I gave them every facility, even switching on the light in the garage and basement. They took away some textbooks and handbooks which the detainees had used when they were at school".

"About three days later they returned to the house with one of the detainees, my son Cristián, whom they kept on bringing back to the house for a period of about a week or 10 days. This son, Cristián, is at present in Ritoque".

Cristián Esteban van Jurick was held incommunicado by DINA for more than three months, without the competent authority officially admitting that he was in detention. Recently, on 17 January 1975, by official communication No. 1252/22-F-128, the Minister of the Interior informed the Santiago Court of Appeal, in the amparo proceedings referred to above, that Cristián Esteban van Jurick was being detained under Exempt Decree No. 654. The date of issue of the Decree was not given, but its number leads to the conclusion that it was issued considerably later than the date of his arrest, which occurred on 10 July 1974. This brother-in-law of Bárbara Uribe Tambley progressed to detention with visiting rights in the "Tres Alamos" detention camp and, after being transferred to "Ritoque", was released in November 1976.

So far as Bárbara Uribe Tambley and her spouse are concerned, the Minister of the Interior has consistently denied that they are in detention, contradicting official information initially supplied by the Ministry of Foreign Affairs. In official letter No. 13,947 of 16 August 1974 from that Ministry, in reply to an inquiry made by the Embassy of the United Kingdom concerning the person concerned, her spouse and her brother-in-law, it is stated that: "The Ministry of Foreign Affairs presents its compliments to the Embassy of Her Britannic Majesty and has the honour to refer to its Note No. 18/2, of 7 August 1974, concerning Mr. Cristián van Jurick, Mr. Edwin van Jurick and his wife, Bárbara Uribe, in which it expresses the desire of her parents and of the Embassy to be informed of her whereabouts and state of health".

"In this connexion, this Ministry wishes to inform you that consultations with the competent Chilean authorities have shown that the above-mentioned persons are in preventive detention pending investigation and that their state of health is perfectly normal. No information has yet been given about their whereabouts." This document was annexed to sheet 22 of the application for amparo (Case No. 752-74) submitted to the Santiago Court of Appeals on behalf of Bárbara Uribe Tambley and the van Jurick brothers. Nevertheless, one year later, on 25 July 1975, by confidential letter No. 394 from the Minister for Foreign Affairs, sent to the Court, this high authority withdraws the official information previously communicated, adding that: "... Unfortunately, this information was the result of a regrettable error, probably caused by the great number of requests for information at that time by the various embassies ...".

This correction by the Minister for Foreign Affairs and the replies given by the Minister of the Interior to the many requests of the Court dealing with the application for amparo on behalf of Bárbara Uribe, which always stated that she "has not been detained by order of this Ministry", are not consistent with the evidence submitted by her family. According to the evidence set forth in this report of the facts, Mr. and Mrs. van Jurick Altamirano, parents-in-law of Bárbara Uribe know from personal experience that those responsible for the disappearance of their daughter-in-law and their son Edwin are DINA agents.

The name of one of those who arrested Bárbara Uribe and her husband Edwin van Jurick and who are responsible for illegally holding them in detention was furnished to the Court of Appeal in the amparo proceedings (Case No. 752-74) by Ruth Altamirano, when, on 1 July 1975, an appeal was lodged against the judgement of the Court. This appeal again refers to the need for the Court to communicate officially with DINA on the grounds that: "... this is the organization that can inform the Court concerning the fate of the persons detained, because I know for a fact that they were arrested by DINA personnel directed by Osvaldo Romo, who was in my house three or four times, bringing my son Cristián with him, and he himself told me that he had arrested by son Edwin and my daughter-in-law Bárbara".

It should be noted that a letter dated 5 July 1976 from the President of the Santiago Supreme Court, Mr. José María Eyzaguirre, to Mrs. Yolanda Pinto Elgueta - mother of Martin Elgueta Pinto, who was, like Bárbara Uribe, arrested by DINA agents on 15 July 1974 and who subsequently disappeared, states textually: "... I can inform you that Colonel Manuel Contreras, Chief of the Directorate of National Intelligence, told me in the course of a conversation that Mr. Osvaldo Romo worked until November 1975 for the organization which the Colonel directed ...".

The family of Bárbara Uribe are not alone in testifying to the responsibility of DINA officials in her disappearance and the disappearance of her husband. Several persons who were arrested during the same period by DINA agents and who shared days of detention with Bárbara Uribe T. testified, after their release, that she was still being held in detention centres operated by the above-mentioned security organization.

Mr. Antonio Osorio Olivareas, a food technician, identity card No. 52,590, Maipú, in a sworn statement of 5 May 1976, attached to the application for amparo lodged on behalf of Maria Inés Alvarado Borgel and Martín Elgueta Pinto on 17 June 1976, states that he was arrested by DINA agents, together with a group of other persons, on 15 July 1974 and adds "... I also wish to report the presence, as detainees, in the house at Londres 38 and later at the Cuatro Alamos camp, of the following persons: Cristián van Jurick, Edwin van Jurick, Bárbara Uribe Tampley ...".

Mrs. Tamara Valdés Valenzuela and Mrs. Natacha Valdés Valenzuela, both currently residing in Mexico City, in a statement signed in August 1975 in that city, report that they were arrested on 12 July 1974 by DINA agents and brought the same day to a detention centre of that organization located at Londres 38, Santiago (Chile). They state that the persons detained in that place included: "... Edwin van Jurick Altamirano and his wife Bárbara Uribe Tampley ...".

Viola Rodorovich Gallo, a student, identity card No. 7,477,157-2, Santiago, in a sworn statement signed before a notary public on 4 September 1975 states that: "on 16 June 1974 she was arrested and transferred to the Tres Alamos detention camp on 24 June; that in that place she was together with Natacha Valdés Valenzuela, Tamara Valdés Valenzuela, Scarlett Matrhieu Loguercio and Lilian Yáñez Ponce, who were also detained in the camp. Those four persons told her that, while they were being held incommunicado in the Tres Alamos incommunicado pavilion, they had been with Bárbara Uribe Tampley, who at that

time was also detained in that sector of the camp. She was told this by the above-mentioned persons early in August 1974, when the four prisoners were in detention with visiting rights, as she also was.

OTHER INFORMATION

Attention is drawn to the publication in El Mercurio of Santiago, on 25 July 1975, of a news item, reproducing information which had appeared in the Brazilian publication "O Dia" and giving a list of Chileans, included in which was the name of Bárbara Uribe, alleged to have died in clashes with the police of the town of Salta in Argentina. This version, which bears no relation to the situation of Bárbara Uribe, who, according to the evidence set forth in this record of facts, was arrested and held in the power of DINA, was not officially confirmed by the competent Chilean or foreign authorities consulted in the matter.

LEGAL ACTION

Collective application for amparo submitted on 16 July 1974 on behalf of Edwin van Jurick Altamirano, Cristián van Jurick Altamirano and Bárbara Uribe Tambley. This submission was dealt with by the Santiago Court of Appeals (Case No. 752-74) and was rejected on 1 September 1975.

Complaint of abduction submitted on behalf of the three above-mentioned persons to the Eighth Departmental Criminal Court of Santiago on 2 August 1974. This complaint was dealt with as Case No. 1,101-74 and was temporarily suspended.

Collective application for amparo on behalf of the three above-mentioned persons submitted to the Santiago Court of Appeals on 25 October 1974. Previously submitted to the same court.

Case Report No. 6

("List of 119")

I. IDENTITY

1. Surname (1)	Surname (2)	First names
ELGUETA	PINTO	MARTIN

2. Sex: M

3. Birth date or age */: 1 July 1953

4. Nationality: Chilean

5. Identity Card No.: Unknown

6. Marital status: Single

7. Number of children: N/A

8. Domicile: Portugal 28, Torre No. 4, App. 103

9. Profession: Unknown

10. Official positions held (Governor, etc.): None

11. Political affiliations: MIR

12. References/Sources (lists, reports, etc.):

(a) A/10285, paras. 149-151 and annex XVII (Reported dead on "the list of 119", Newspaper "O Novo Dia" of Brazil and Magazine "Lea" of Argentina)

(b) A/31/253, para. 237-238

(c) A/32/227, para. 109

(d) Vicaría de la Solidaridad "Dónde Están" Case No. 20 (V.1, page 112)

(e) E/CN.4/1221, annex IX

II. THE CASE

A. ARREST

DATE	TIME	PLACE
15 July 1974	19.30	Ave. Antonio Vergas, Apt. 202

*/ At the time of disappearance

DESCRIPTION

As he was walking into his friend's house. Five other people were arrested on the same occasion.

PERSONS MAKING THE ARREST

DINA - Osvaldo Romo Mena

WITNESSES

Verónica del Pilar Martínez Ahumada

Antonio Osorio Olivares

OTHER PERSONS ARRESTED ON SAME OCCASION

Juan Chaón Olivares

Verónica Martínez Ahumada

Raúl Chacón Zenteno

Antonio Osorio

María Inés Avarado Borgel

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

See below

OTHER RELATED CASES

Juan Chaón Olivares

María Inés Alvarado Borgel

B. DETENTION

DESCRIPTION

	DATES	PLACES
(a)	15 July/20 July 1974	38 Londres Street, Santiago
(b)	14/15 August 1974	Villa Grinaldi
(c)		
(d)		

WITNESSES

Place (a) Osorio Olivares - Erika Hennings Cepeda - María Cristina - Olivares Castro

Place (b) Inés Borgel González - Osvaldo Parcelo Olave -
Angeles Beatriz Alvarez Cárdenas

Place (c)

Place (d)

WRITTEN ACKNOWLEDGEMENT OF DETENTION

Minister of Interior letter to the mother of Mr. Elgueta Pinto dated 16 September 1974 (A/31/253, para. 237).

TREATMENT

In accordance with the testimony of Mr. Osorio Olivares, Mr. Elgueta Pinto has been severely tortured.

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	DATE	OUTCOME
(a)	Amparo		791 - 74	24 July 1974		Denied
(b)	Amparo		271 - 75	21 February 1975	12/6/75	Denied
(c)	Amparo		536 - 76			Denied
(d)	Crim. Proc.		106 - 476			Temp. Susp. of Invest.

DESCRIPTION

Dates for two of the responses for the writ of amparo are not available in the file. They were all denied on the basis of the information provided by the Minister of Interior that Mr. Elgueta Pinto "has never been detained by order coming from this Ministry." A criminal complaint (Querrela) has been submitted accusing specifically Mr. Osvaldo Romo (DINA agent) of kidnapping, illegal arrest and possible murder. The President of the Supreme Court, Mr. José María Eyzaguirre in response to Mrs. Elgueta Pinto dated 5 July 1976 expressed that "in a conversation with Colonel Manuel Contreras (DINA) learned that Mr. Osvaldo Romo was a DINA agent until November 1975. After such date he left the country". The criminal complaint has been temporarily suspended with the following closing statement ... "it can be established from the judicial records that a crime has been committed. Nevertheless, there is no sufficient evidence to prosecute a specific person as the author or accessory of the crime". The case is suspended until new evidence is presented.

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III. POSITION OF THE GOVERNMENT

(a) The mother of Mr. Elgueta Pinto states that an official of the SENDET ^{*/} informed her verbally on 26 July 1974 of his detention.

(b) Letter from Commander E.D. Nocera of the Minister of Interior to the mother of Mr. Elgueta Pinto dated 16/9/74 reads "I inform you that the case of your sons Raimundo and Martín Elgueta Pinto will be reviewed by the appropriate authorities - you will be notified in due course". (A/31/253, para. 237).

IV. EVALUATION

The testimony of witness to Elgueta Pinto's arrest and containing detention and the written admission of detention from the Government reliably attest to the fact that he was arrested and detained. An investigation similar to that recommended in the van Jurick and Uribe Tambley cases should be undertaken.

V. ANNEX

Excerpts from Dónde Están? 1/

FACTS

This person, one of the leaders of the Revolutionary Left Movement (MIR), was arrested on 15 July 1974 in Apartment 202 at Avenida Antonio Varas 240 in Santiago, on arriving to pay a visit there, just when the apartment was being searched by armed men in plain clothes, who identified themselves as DINA agents. The following persons were also arrested: Juan Chacón Olivares, now missing, his wife, Verónica Martínez Ahumada, his father, Raul Chacón Zenteno, a cousin, Antonio Osorio, and a friend of Elgueta Pinto, Maria Inés Alvarado Borgel, who was arrested at 3 p.m. the same day in the same apartment (she is now missing).

A statement concerning the circumstances of the arrest of Elgueta Pinto and of the other persons named was made in the Fourth Departmental Criminal Court by Verónica del Pilar Martínez Ahumada (see card for M. Inés Alvarado Borgel).

Another eye-witness of the arrest, Antonio Osorio Olivares, made a sworn statement on 22 September 1976 before the Notary Public, Mr. Demitrio Gutiérrez, in which he declared, inter alia:

^{*/} The National Executive Secretariat for Prisoners.

^{1/} Publication of the Vicaría de la Solidaridad of the Archbishopric of Santiago, Chile, containing information on 477 cases of missing persons. Case No. 20, volume 1, page 112.

"On 15 July 1974, at 1.30 p.m., I went to visit a married couple - Juan Chacón Olivares and Veronica Martínez Ahumada - since 1.30 p.m.

After lunch, at about 2.30 p.m., Veronica Martínez and Maria Inés Alvarado Borgel went out to shop in Avenida Providencia, taking with them the little daughter of the former, Camila Chacón, who was then two years old.

Shortly after 3 o'clock Veronica Martínez returned home in a highly agitated state, and told us that her companion, Maria Inés Alvarado, had been arrested in Avenida Providencia, at the corner of calle Lyon, at 3 p.m.

After her arrival, I went down to the ground floor several times, and saw a number of people who were obviously members of the police or security forces - one of them produced his identity card - and who were seeking an apartment in the building.

At about 5.30 p.m., there was a ring at the door. I went to open it and found about 10 people outside who stated they were DINA agents and pointed their revolvers at me. They had Maria Inés Borgel with them, obviously under arrest. She looked terrified, and her upper lip was bleeding.

When she confirmed that it was the apartment where she had had lunch, she was taken away by some of the agents, while the others proceeded to search the premises, keeping Veronica Martínez and me against the wall with our hands above our heads.

After the agents had identified and questioned Veronica Martínez - whom they insulted - and me, they followed the same procedure with the other people who came to the apartment: at 7 p.m., Raúl Chacón Zenteno; at 7.30 p.m., Martín Elgueta Pinto, from whom they took a package of clothing he was carrying and opened it, and at about 8 p.m., Juan Chacón Olivares.

We were all transferred to a place of detention at Calle Londres 38, and were kept there, for five days, sitting in a room in which 75 people were being held.

I can vouch for the following facts in connexion with these five days.

"... that Martín Elgueta Pinto was being held in custody there. During the five days to which I refer, he was taken away more than three times a day for questioning. All the time I could hear his screams of pain, and on his return I heard him groaning. On the third day I was there I had an opportunity to talk to him when we were given a midday meal and he said to me: "I have been badly tortured but I am all right. However much they torture me I shall not say anything because I have nothing to tell them.""

OTHER INFORMATION

In case No. 91, 675, a statement was made by Inés Borgel González to the effect that she saw Martín Elgueta and María Inés Alvarado Borgel on 25 July 1974 in her home when they were taken into custody by DINA officials (see the card for M. Inés Alvarado Borgel).

A sworn statement was made by María Cristina Olivares Castro, who was arrested on 22 July 1974 in the home of her son, Juan Chacón (Apt. 202 at Antonio Varas 240), together with his mother-in-law. Both women were transferred to Calle Londres 38, where they remained for 24 hours. The declarant states that while she was there she saw Martín Elgueta Pinto and María Inés Alvarado Borgel, who were also being held in custody.

A former detainee, Angeles Beatriz Alvarez Cárdenas, states in part of her affidavit on sheet 65 of the file in case No. 91, 675: "... I remember that every day when I was in the camp cells I heard the guards talking about Guatón Renato. This was the political alias used by Martín Elgueta Pinto.

I heard them mention him on three or four days".

The declarant continues, on sheet 65: "I would like to add to my statement that I saw Martín Elgueta in the Villa Grimaldi Centre, and heard the guards refer to him, using the alias Guatón Renato.

In a sworn statement attested by Demetrio Gutiérrez, Notary Public, a former detainee, Osvaldo Barceló Olave, declared "On the night of 14-15 August 1974, in a place of detention used by DINA, which I cannot identify as my eyes were blindfolded when I arrived there on 12 August 1974, I myself saw Martín Elgueta and heard his name mentioned. Consequently I am sure that he was the son of my friend Belarmino Elgueta, whom I had known since he was a child.

Moreover, my daughter, Nelly Patricia Barceló, a physician in the Arriarán Hospital, who is now in France, has often told me that she was confronted with Martín Elgueta in two of the DINA detention centres where she herself was held".

A former detainee, Erika Cecilia Hennings Cepeda, in a sworn statement made on 26 May 1975, and attested in Paris by a notary public, that when she was in the interrogation centre at Calle Londres 38 with her husband, Alfonso Chanfreau Oyarce, the latter was interrogated in her presence, and in the course of this interrogation was told that Mr. Martín Elgueta, who was also referred to as "Renato", was being held in the same place.

Her husband was confronted with Mr. Martín Elgueta.

The mother of Martín Elgueta, in the complaint of abduction which she lodged, described the circumstances of his arrest and subsequent movements, and identified one of her son's captors as Osvaldo Romo Mena. It should be noted in this connexion that the President of the Supreme Court of Chile, Mr. José María Eyzaguirre, informed Mrs. Yolanda Pinto on 5 July 1976 that Colonel Manuel Contreras, the head of the Directorate of National Intelligence, had told him, in the course of a conversation, that Mr. Osvaldo Romo had worked for the Directorate up to November 1975 and had subsequently left Chile.

The name of Martín Elgueta was also on a list of persons alleged to have died abroad which was published by the magazine Lea of Buenos Aires. This publication which appeared once only, gave a false address and did not mention the name of its publisher.

An application for amparo was submitted on behalf of Martín Elgueta on 24 July 1974 (case No. 791-74). This application was rejected by the Santiago Court of Appeal.

A second application for amparo (case No. 271-75) was submitted to the Santiago Court of Appeal on 21 February 1975. This too was rejected, by a decision dated 12 June 1975. The applicant appealed against the decision, submitting with the appeal a sworn statement made by Erika Hennings to the effect that she had seen Martín Elgueta Pinto in the torture centre at Calle Londres 38. The Supreme Court upheld the decision appealed against.

A third application for amparo (case No. 536-76) was also rejected by the Court of Appeal.

Presumed misadventure proceedings were instituted on behalf of Martín Elgueta Pinto (case No. 106,476).

A complaint of abduction was lodged in the Fourth Departmental Criminal Court of Santiago, and joined to the complaint lodged in the same court for the abduction of María Inés Alvarado Borgel (No. 91,675). The case was dismissed on 8 March 1976 as it was found "while the facts of the case indicate that an offence has been committed, the evidence is insufficient to accuse specific persons of being the principals, accomplices or accessories".

Case Report No. 7

I. IDENTITY

- | | | | |
|----|------------------------|------------------------|-------------|
| 1. | Surname ⁽¹⁾ | Surname ⁽²⁾ | First names |
| | SILBERMAN | GUROVICH | DAVID |
2. Sex: M
3. Birth date or age^{*/}: 35 (years old)
4. Nationality: Chilean
5. Identity Card No.: Unknown
6. Marital status: Married
7. Number of children: two
8. Domicile: Calama
9. Profession: Civil engineer
10. Official positions held (Governor, etc.): General Manager of the Copper Company "Cobre Chuqui" (until 11/9/73)
11. Political affiliations: Communist party
12. References/Sources (lists, reports, etc.):
- (a) A/10285 paras. 140-143
 - (b) Vicaría de la Solidaridad "Dónde Están" Case No. 265 (V.5. page 1061)
 - (c) E/CN.4/1221, annex IX

II. THE CASE

A. ARREST

DATE	TIME	PLACE
4 October 1974	6.40 p.m.	Calama

* / At the time of disappearance

DESCRIPTION

After his voluntary presentation to the Military Commander of Calama, he was charged with offences under the law of the security of the State and weapons control. Sentenced by the Tribunal of Calama to 13 years, he was transferred on 30 September 1973 to Santiago prison to serve his sentence.

On 4 October 1974 at about 6.40 p.m. four men, three of them wearing military uniforms, entered the Santiago prison after having given the required password. One of these persons in the past had been involved with bringing other prisoners to the prison. Army Lieutenant Alejandro Quinteros Romero identified himself with the required Professional Identification Card (TIFA No. 245-03) and presented an order signed by Colonel Marcelo Rodriguez V. requiring Silberman to be turned over to him. The order stated it was to be confirmed at telephone number 516403. This was done and Silberman was then turned over to Lieutenant Quinteros.

PERSONS MAKING THE ARREST

Army Lieutenant Alejandro Quinteros Romero

WITNESSES

Prison warden

Other prison officials and guards

OTHER PERSONS ARRESTED ON SAME OCCASION

None

WRITTEN ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

Some 25 persons sentenced to prison terms in the same trial as Silberman were taken from the Calama jail and executed on 19 October 1973.

B. DETENTION (Place, etc.)

DESCRIPTION

In a number of sworn statements former detainees state that they heard and/or saw Silberman in a number of interrogation centres under the authority of the DINA.

DATES

PLACES

(a) 4 to 5 October 1974

House for Interrogation on
José Domingo Cañas street between
Infante street and Republic of
Israel street

- (b) 5 to 12 or 15 Oct. 1974 Tres Alamos (4 Alamos)
- (c) 12 or 15 October 1974 José Domingo Cañas
- (d) October 1974 Tres Alamos (4 Alamos)

WITNESSES

- Place (a) Rosalía Martínez Cereceda
- Place (b) " " "
- Place (c) Cecilia Jarpu Zuniga
- Place (d) Rosalía Martínez Cereceda

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

Mrs. Silberman states she was told by a Minister of Justice Official that Mr. Silberman was in the hands of a security service - not identified - but that after a few days he would be returned to the penitentiary.

TREATMENT

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	DATE	OUTCOME
(a) Amparo	Appeals, Santiago	1.294-74	14/10/74		denied
(b) Criminal Proc.			18/11/74	28/10/76	temporary suspension of investigation
(c)					

DESCRIPTION

In relation to the writs of amparo, the Minister of the Interior (11/11/74) stated that he had no other information about Silberman except the conviction for he was in the Santiago prison. The ministry of Defense (21/10/74) responded similarly and SENDET */ (23/1/75) informed that Silberman had not been detained at Tres Alamos. Second Military Judge indicated on 9/2/75 that he refused to visit Cuatro Alamos to look for Silberman since the responsible authority stated Silberman was not detained there. The Military Judge had called Engineer Valdivieso to testify concerning a report to be presented to the Court supporting the DINA position that the MIR had taken Silberman. Valdivieso said he would only testify if the Commander in Chief of the Army, under whose orders he worked, ordered them to do so. Following that, the Judge annulled the order to testify.

*/ The National Executive Secretariat for Prisoners

All attempts to locate Mr. Silberman through administrative as well as judicial channels have been unsuccessful. On 30 October 1974, lawyers for Silberman met with Supreme Court Justice José María Eyzaguirre to explain their case. President Pinochet received later the lawyers who had gone to the Supreme Court to discuss the problem. President Pinochet repeated the explanation that Silberman had absconded with money, and that he had been a member of an extremist organization. The course has been temporarily stopped (sobreseimiento temporal) on 30 July 1975 on the grounds that the kidnapping of Mr. Silberman has been established but not its author.

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Catholic groups - Vicaría de la Solidaridad

Jewish Organizations

III. POSITION OF THE GOVERNMENT

The Government reported that Quinteros, Rodriguez and other named military personnel did not belong to the army and that the Unit they indicated they belonged to "Asesoría Militar a Tribunales de Tiempo de Guerra" and the identity card TIFA 245-03 did not exist. Police investigation led to a telephone company employee (Alejandro Olivos) testifying that he was ordered by Major Marcos Derpich Miranda who himself stated that he was assigned to the telephone company for especially confidential work and maintained direct contact with the security agencies, to make a temporary connexion with telephone 516403. Major Derpich denied giving those orders. The DINA informed that it had found the above mentioned identity card and telephone equipment in a house of the MIR and that Silberman had been taken from prison by the MIR which was the enemy of the Communist Party. The prison warden stated that neither the photo nor the card itself was that shown to him by Quinteros. Other prison personnel confirmed that the photo on the card was not that of Quinteros.

The explanations given to the Catholic and Jewish groups that interceded on Silberman's behalf ranged from statements that Silberman would return to prison to statements that he had possibly escaped abroad with money stolen from the State enterprise for which he worked.

IV. EVALUATION

The testimony of witness to the arrest and continuous detention of Silberman reliably attest to his arrest and detention by the DINA. The various responses of the Government concerning the lack of records of his arrest or that he was not in one of the many detention centres do not outweigh other evidence especially, since a serious investigation into Silberman's detention at identified places was not carried out. The investigation into this case should be continued along the lines suggested in the van Jurick and Uribe Tangleby cases.

V. ANNEX

Excerpts from Dónde Están? 1/

FACTS

David Silberman Gurovich, an active member of the Chilean Communist Party, was General Manager of Cobre Chuquí up to 11 September 1973.

On 15 September 1973, upon voluntarily surrendering to the Military Commandant, Major Fernando Reveco Valenzuela, he was arrested and tried by a Wartime Military Court at Calama.

On 28 September 1973, the Court convicted him and sentenced him to 10 years' imprisonment for offences under the State Security Act and to three years' imprisonment under the Weapons Control Act, his sentence to be served in Santiago in accordance with a proclamation issued there.

The account of the facts provides abundant and irrefutable evidence.

In an application for amparo submitted to the Santiago Court of Appeal on 14 October 1974 (case No. 1,294-74) the wife of David Silberman Gurovich, Mariana Victoria Abarzúa Rojo, holder of Identity Card No. 3,636,241 issued in Santiago, states on sheet 1:

"One:

My husband, David Silberman Gurovich, married, civil and industrial engineer, was serving the **sentence** imposed on him on 18 September 1978 by the Military Court of Calama, and was at the time in the Santiago Penitentiary.

Two:

On Saturday, 28 September, I visited him as usual. He was quite calm and made no reference to the possibility of being moved elsewhere. On my next visit, on 5 October, I was told that he had been taken away at 7 p.m. on 4 October by an army officer bearing an order from the Ministry of Defence. I was not told whether it was a temporary transfer for a few days only or where he had been taken.

1/ Publication of the Vicaría de la Solidaridad of the Archbishopric of Santiago, Chile, containing information on 477 cases of missing persons. Case No. 265, volume 5, page 1061.

Three:

As he had been convicted and had already served a year of his sentence, it is surprising and unusual that he should have been removed from the prison by an 'army officer' without any explanation - as this is contrary to the rules for the serving of sentences".

In the same amparo proceedings, the Director-General of Prisons, in restricted communication No.636 of 24 November 1974, informed the Court as follows:

"On 4 October 1974, at 6.40 p.m., the prisoner David Silberman Gurovich was handed over to Army Lieutenant Alejandro Quinteros Romero, who had identified himself by means of his Army identification card, and who took the prisoner away under a written order from Colonel Marcelo Rodríguez U., Military Adviser to the Wartime Military Courts. The prisoner was removed in a white Willys vehicle manufactured in Argentina by Ika-Renault, in which, in addition to Lieutenant Quinteros, there were army personnel in uniform and armed with rifles.

On 17 October the matter was reported to the Ministry of Justice, the intelligence services having stated that they had no record of the prisoner.

The proceedings instituted by the Ministry of Justice, for which pre-trial hearings were conducted by the Office of the Second Military Prosecutor of Santiago, (case No. 1,053-74) provide abundant evidence. The facts recorded are as follows:

1. On 4 October 1974, Army Lieutenant Quinteros presented himself at the Santiago Penitentiary with an official communication from the 'Office of the Military Adviser to the Wartime Military Courts', signed by a Colonel Ibañez, Head of that Office, instructing the Governor to hand over Silberman to Lieutenant Quinteros on the grounds of his complicity in infiltration of the armed forces, assault on a branch of the Banco de Chile and treason. Confirmation of the order was to be requested from the Adviser, a Mr. Leyton, or from Commandant Rodríguez, at telephone number 516403.

Lieutenant Quinteros gave the password on his arrival at the Penitentiary (at 6.30 p.m.), and entered, together with another officer, while two others remained outside. One of them had often taken prisoners to the Penitentiary and was therefore well-known to the guards.

After having obtained confirmation of the order from the telephone number given, the Governor handed Silberman over, making a report to that effect which was signed by him and by Quinteros, who identified himself by his Army identification card (TIFA) No. 245-03.

2. It was subsequently found that none of the men in question, namely Ibañez, Rodríguez, Quinteros and Leyton, were in the Army, that there was no such body as the 'Office of the Military Adviser to the Wartime Military Courts' (page 179) and that TIFA No. 243-03 did not exist.

3. The Telephone Company reported (sheet 36) that number 516403 was not in use.

4. The abductors had used an Ika-Renault ambulance van without a sticker or licence plate, 'a vehicle of the kind used by DINA' (numerous testimonies). The chauffeur was the only civilian.

5. Both DINA (sheet 114) and the other security organizations denied any involvement in the affair.

6. The detective in charge of the investigation ordered by the Office of the Prosecutor found, upon making official inquiries in the Chiloé premises of the Telephone Company, that:

(a) On 3 October 1974 the chief (Alejandro Olivos Olivos) went to the plant and, on the pretext of testing the lines to Isla de Maipo, asked to go into the lightening arrester unit (where all the telephone connexions are located) and did some work with a 'curler' ('an enrulador'). He flatly refused all offers of assistance from the workers in carrying out his test.

(b) He was working on the panel containing telephone lines 516401 to 516449, and marks were subsequently found on 516403.

7. The Office of the Prosecutor issued a warrant for the arrest of Olivos, who was arrested just when he was leaving the Telephone Company premises with a case which he requested should not be opened as he said it contained confidential government papers. His request was granted.

8. In his statement, Olivos declared that he had indeed gone to the Chiloé plant to carry out a confidential mission entrusted to him by the company's Special Projects Supervisor, Major Marcos Derpich Miranda, that he had pretended to be testing the Isla de Maipo lines, that he had asked for the enrulador, that he had refused all assistance, that his mission had been to open a temporary line to Avenida Pedro Montt, and that, of the various telephones not in service, he had connected up number 516403 (sic) and that he had not known the purpose of the special and confidential mission entrusted to him. He was held in custody incomunicado.

9. The Office of the Prosecutor subpoenaed only Major Derpich, who made the following statement: 'I was appointed to do special confidential work in the Company; I am in daily contact with all the intelligence services of every branch of the armed forces; when they appointed me to this post I asked for an absolutely trustworthy person to do the work involved. Mr. Olivos was recommended to me and showed himself to be very loyal in the past. After the statements he has made, however, I have lost all faith in him. I categorically deny having given him the order he spoke of. I never gave him any such order.'

10. A confrontation was arranged (sheet 111) in which both of the parties involved refused to retract their statements. The Prosecutor therefore took the unusual step of releasing both of them unconditionally. Olivos had been held in custody from 19 to 26 November 1974.

11. On page 134, there is a report from DINA stating that it had been definitively established that Silberman, an active Communist, had been taken from the Penitentiary by MIR, the "arch-enemy" of the Communist Party, as the following facts proved. A member of MIR, Claudio Rodríguez (Lautaro), who died in an armed clash, was found to have papers on him which led to a search of the house occupied by another member of MIR, Alejandro de la Barra. An armed forces identity card (TIFA) was found there bearing the number 245-03 and the name of Lieutenant Quinteros but the photo of Rodríguez (Lautaro). This demonstrates that it was Lautaro, with a forged military identification in the name of Quinteros, who took Silberman from the Penitentiary.

A Standard microtelephone was also found which, according to the attached report by Vianel Valdivieso Cervantes, an engineering expert, could be connected to any telephone. This indicates that Rodríguez made the connexion to confirm the order for Silberman's removal.

DINA drew the Prosecutor's attention to the fact that, when the Governor was shown TIFA NO. 245-03 bearing the name Quinteros and the photograph of Rodríguez, he denied that the person who took Silberman away was the same as the person in the photograph. DINA therefore recommended that a full investigation should be made of the Governor on the grounds of aiding and abetting extremists.

12. This having been reported to the Prosecutor, he subpoenaed the Governor, who stated:

"(a) The photograph is not of the person Quinteros who took Silberman away. The identikit portrait of Quinteros in the records, which is based on my description, is an exact likeness of him, and it is easy to see the difference between this portrait and the photograph on the TIFA;

(b) The TIFA shown to me is blue in colour and is one of the old type of cards. The TIFA which Quinteros showed me in order to take Silberman away was one of the new green cards;

(c) The photograph on the TIFA shown to me is in black and white; the photograph shown for Silberman's removal was in colour, as they are now. In fact, this TIFA is not the same as the one shown to me on 4 October 1974, nor is it a photograph of Quinteros, whom I would recognize at any time."

13. All the other prison officials who had been subpoenaed and had made statements unhesitatingly agreed that the photograph of Rodríguez on the TIFA supplied by DINA was not that of the person who took Silberman away. One of the guards added: "I asked the person who took Silberman away for the password, and, as he gave it correctly, I let him come in".

14. The engineer Valdivieso, upon being subpoenaed, stated that he would not attend the court unless he was ordered to do so by the Commander-in-Chief of the Army under whose orders he was working. The Prosecutor thereupon issued the following instructions: "The subpoena to Vianel Valdivieso is hereby cancelled" (sheet 203).

15. In addition to the conclusive evidence of the agent by whose means Silberman was abducted, and the involvement of DINA agents, the inclusion in the records of the case of the affidavits made on oath before a competent authority by former detainees who were with David Silberman in interrogation centres, indicate that he was abducted by DINA and subsequently disappeared.

16. In a sworn statement made before a competent authority in Paris, France, on 11 February 1976, a former detainee who was released states:

"I, Cecilia Jarpa Zúñiga, born on 4 March 1944 at Villarrica, Chile, holder of identity card No. 6,399,677-7 of Santiago, Chile, medical technician by profession, hereby state on oath:

1. I was arrested on 3 October 1974 in Santiago, Chile, by the Directorate of National Intelligence (DINA) and was held until 21 October in the interrogation centre located at the intersection of Calle José Domingo Cañas and Calle República de Israel in Santiago. On that date I was transferred to a unit for persons held incomunicado, known as 'Cuatro Alamos', where I remained until 4 November when I was again taken to the house in Calle José Domingo Cañas. On 8 November I was returned to 'Cuatro Alamos' and remained there until 23 November, when I was moved to Tres Alamos Camp and allowed to receive visitors.
2. From about 12 to 15 October, while I was at José Domingo Cañas, David Silberman was put into the room in which I was. I saw him, and I heard his name when the guard on duty took roll-call. He had been transferred from the Santiago Penitentiary where he was serving a sentence. He was then put into a room next door. I knew he was there from the roll-call taken by the guard on duty. From there he was sent with a group of people to Cuatro Alamos".

17. In addition to this statement, the file contains the testimony of another former detainee, Rosalía Martínez Cereceda, in a sworn statement made in the presence of Abraham Melamed, a lawyer, domiciled at Derej Yaffo 19, Tel-Aviv, Republic of Israel. This statement is as follows:

1. The declarant was held by DINA personnel in a house used by that agency in Calle José Domingo Cañas, near the intersection with Calle República de Israel.
2. David Silberman was taken from the Penitentiary to that house, where I saw him and talked to him.
3. On 5 October 1974 the declarant, Mr. Silberman and a few others were taken to the unit for persons held incomunicado in Tres Alamos.
4. The admission of the declarant and of the others, including Silberman, was recorded in the register of detainees.
5. Silberman was subsequently taken back to José Domingo Cañas, where he was seen by the husband of the declarant.

6. Silberman then returned to Tres Alamos but then disappeared from there.
7. The other people who can testify that Silberman and the declarant were at Tres Alamos and/or José Domingo Cañas are Cecilia Moyano Escalona, Martha Caballero and Juan Enrique Salinas. The three were arrested on 3 October 1974, the day before Silberman was abducted.

These documented facts, which are recorded in the application for amparo and in the case file with the Office of the Second Military Prosecutor, clearly reveal the overwhelming and irrefutable evidence of DINA's responsibility for the abduction and disappearance of David Silberman Gurovich.

LEGAL AND ADMINISTRATIVE ACTION

1. Following Silberman's abduction from the Penitentiary, an application for amparo was lodged on his behalf with the Santiago Court of Appeal on 14 October 1974, as case No. 1,249-74.

On 11 November 1974, the Minister of the Interior replied that the only knowledge the Ministry possessed was of Silberman's sentence which he had been transferred to the Santiago Penitentiary to serve. The Ministry was unable to provide any further information.

On 18 October 1974, the Minister of Justice, in official and confidential communication No. 309, replied that he had placed the facts before the Second Military Court of Santiago, and had himself initiated criminal proceedings under No. 1,053-74.

On 24 October 1974, the Director-General of Prisons replied to the Court describing in detail the circumstances in which Silberman had been removed from the Penitentiary and indicating why his removal had been authorized.

On 21 October 1974, the Ministry of National Defence, in official restricted communication No. 3,550-74 informed the Court that "no charge has been laid before the Military Courts, nor is any information held in the Ministry of National Defence".

In view of the report from the Ministry of Justice, the application for amparo was rejected on 27 November 1974, and it was ordered that the records of the case should be sent to the Office of the Second Military Prosecutor for inclusion in the dossier.

An appeal against this decision having been lodged, the Supreme Court consulted the Office of the Second Military Prosecutor and, among other measures which it ordered, repeatedly sent official requests for information to the Commandant of Cuatro Alamos.

On 9 February 1975, the Office replied that it had not itself made official inquiries in Cuatro Alamos since it had asked the authorities of that institution for information and they had replied that Silberman was not detained there.

On 23 January 1975, as the Commandant of Cuatro Alamos had not answered any of the official communications from the Court, the full court decided to make official representations to the President of the Republic, and received a reply from the Ministry of the Interior (on 28 January 1975) based on a report from SENDET, which stated that Silberman had never been detained in Tres Alamos.

On 31 January 1975, the decision of the Court of Appeal was upheld "on the basis of the considerations set forth", and the application for amparo was definitively rejected. The Court ordered that the Office of the Second Military Prosecutor of Santiago should be officially requested to expedite case No. 1,053-74 with all possible diligence. The Prosecutor in charge of the case was to report to the Court on its progress and on the measures he had ordered to be taken.

2. On the basis of a complaint brought by the Ministry of Justice, criminal proceedings were instituted as case No. 1,053-74 in the Second Military Court of Santiago.

In an order dated 23 August 1976, the Prosecutor requested dismissal of the case under article 409 (2) of the Code of Penal Procedure, on the ground that the abduction of Silberman had been established but that the abductors had not been identified.

In a ruling of 20 October 1976, the military judge ordered a temporary stay of proceedings under article 409 (1) of the Code of Penal Procedure on the ground that the offence was not proven, as Silberman could very well "have left voluntarily and, all the witnesses for the prosecution being persons of the same political ideology as Silberman, their testimony cannot be taken as evidence".

On 28 October 1976, the stay of proceedings was approved.

Many other steps were taken, but none of them had positive results. They included the sending by Silberman's wife of a personal letter to Manuel Contreras Sepulveda, who then held the rank of Colonel in the Army and was the supreme head of DINA. Her letter was never answered.

Case Report No. 8

I. IDENTITY

1. Surname⁽¹⁾ Surname⁽²⁾ First names
BEAUSIRE ALONSO GUILLERMO (WILLIAM)
ROBERTO
2. Sex: M
3. Birth date or age */: 26 years old
4. Nationality: British, Passport No. C729624. Chilean, Passport No. 26478
5. Identity Card No.: 5.208.306 Santiago
6. Marital status: Single
7. Number of children: N/A
8. Domicile: Los Condes 9428, Santiago
9. Profession: Commercial Engineer
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: Reported to have no political affiliations. However, Beausire's sister Mary Ann Beausire, is the wife of MIR leader Andrés Pascal Allende, a nephew of former President Allende
12. References/Sources (lists, reports, etc):
- (a) A/10285, paras. 144-147 - A/32/227, para. 107, Annex XXIII, XXIV, XXV - A/33/331, para. 394 and annex XLIII
- (b) Vicaría de la Solidaridad "Dónde Están" Case No. 400 (V. 7, page 1721)
- (c) Testimony of witness No. 1 of 25 July 1979 before the Expert on missing persons in Chile.

II. THE CASE

A. ARREST

DATE	TIME	PLACE
2 November 1974		Buenos Aires (Ezeiza) airport <u>1/</u>

*/ At the time of disappearance.

1/ Certain early reports indicated his place of arrest as Montevideo or Buenos Aires, but subsequent reports state Buenos Aires to be the place of arrest.

DESCRIPTION

On 2 November 1974 at approximately 15h30 Guillermo Beausire Alonso left Chile (Pudahuel) on LAN Chile Flight No. 145 to Santiago-Montevideo-Buenos Aires. Guillermo's final destination was the United Kingdom. He was arrested by Argentine police at the International Police Office at Buenos Aires airport (Ezeiza) on 2 November. He was held in Argentina for three days and then returned to Chile in a Chilean Military Aircraft. Approximately one hour after Beausire's flight left Pudahuel his mother Inés Alonso Boudat and his sister Diana Beausire Alonso were arrested by DINA agents at their home, which was searched. These arrests have been attributed by Mrs. Alonso and by Guillermo Beausire, in a reported conversation, to the search for Andrés Pascal Allende.

PERSONS MAKING THE ARREST

Argentine police/Chilean agents (DINA)

WITNESSES

Felipe Du Monceau de Bergendal Pérez (Chilean Secretary to the Turkish Embassy) declared that he saw Mr. Beausire for the last time at Ezeiza Airport, Buenos Aires.

Witnesses, see below, reported statement by Guillermo Beausire during detention describing his arrest.

OTHER PERSONS ARRESTED ON SAME OCCASION

Inés Alonso Boudat (mother)

Diana Beausire Alonso (sister)

WRITTEN ACKNOWLEDGEMENT OF ARREST

None

OTHER RELATED CASES

B. DETENTION (Places, etc.)

DESCRIPTION

Guillermo Beausire's mother (Inés Alonso Boudat) and his sister (Diana Beausire) report hearing and seeing him in various places of detention beginning in November 1974. Other witnesses (five) also report having been detained with him in various places, the latest in date being in July 1975. Another sister, Juana Francisca Beausire, reports receiving telephone calls from him in December 1974.

DATES	PLACES
(a) 13-14 November 1974	José Domingo Cañas (Interrogation Centre)
(b) 5 December 1974	Villa Grimaldi
(c) 9-28 December 1974	Villa Grimaldi
(d) January 1975	Villa Grimaldi
(e) May to July 1975	Discotheque: Calle Macul and Punta de Rieles (Santiago) House in Macul sector (Santiago) Irán St. 3037

WITNESSES

Place (a) - Inés Alonso Boudat
- Arturo Holvi que de la Vega

Place (b) - Diana Beausire Alonso
- María Stella-Dabancens (dates not known)

Place (c) - Mario Francisco Venegas Jara

Place (d) - Hermann Schwenber

Place (e) - Graciela Alvenez Rojas
- Adriana Borguez Adriaazola

WRITTEN ACKNOWLEDGEMENT OF DETENTION

None

TREATMENT

According to the testimony of Mr. Venegas Jara, Guillermo Beausire was in bed and could not take any food. Other persons reported that Beausire had said he was tortured.

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	DATE	OUTCOME
(a)	Amparo	Appeal of Stgo	247 /75	17/2/75	24/3/75	Denied
(b)	Criminal Proc.	9th Criminal Court of Stgo	13.776-2	17/2/75	24/3/75	Temporary suspension of investigation
(c)	Amparo	Appeal of Stgo		29/3/79	9/4/79	Denied
(d)	Criminal Proc.	(Querella) in preparation				

DESCRIPTION

The writ of Amparo of 17/2/75 was rejected on 24/3/75 based on negative replies from the Minister of Interior. According to it, Mr. Beausire Alonso "has never been detained by order coming from this Ministry." In criminal complaint for false arrest, the case was temporarily suspended on 30/6/77. The Court of Appeals confirmed such resolution on 21 January 1978.

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

The British Government informed the Ad Hoc Working Group on Chile that it has taken an interest in the case and made approaches to the Government of Chile since Beausire's disappearance in November 1974. Beausire had British as well as Chilean nationality. Memoranda together with supporting evidence were handed to the Chilean Government by the British Government in June 1976 and September 1977. In letters dated 1 February 1977 and 14 July 1978, the British Government transmitted to the Ad Hoc Working Group on Chile, the information it had sent to the Chilean Government and it requested the Group to give attention to the case. The Group, on 3 August 1978, transmitted information it had received on the case to the Government of Chile which responded on 4 September 1978.

III. POSITION OF THE GOVERNMENT

The Government of Chile informed the British Government that Mr. Guillermo Beausire Alonso left Chile on 2 November 1974 and that no evidence exists that he returned to Chile. A complete investigation carried out by Professor Miguel Schweitzer Speisky, then Minister of Justice, concluded that Beausire left Chile on 2 November 1974, entered Argentina on that date and that "there is no reliable or presumptive evidence that could confirm that he returned to Chile". The National Assistant Director for Immigration of the Republic of Argentina, Juan Carlos Genovèsé, informs the Chilean Consulate in Buenos Aires, Consul general Alvaro Droguett del Fierro, that "Guillermo Beausire Alonso entered into our country on the date of 2 November 1974, qualified as a tourist, transported by LAN Chile". With reference to the so-called evidence to the contrary, that Professor Schweitzer concluded "that this did not counteract the irrefutable merit of the details provided by the Chilean and Argentinian authorities". The investigation of Professor Schweitzer was in the view of the Chilean authorities perfectly sufficient since it comes to unequivocal conclusions and has been carried out by a person of the moral quality, respectability and honour of Professor Schweitzer.

With regard to the information transmitted by the Chilean Government to the Chilean Supreme Court, the President of the Supreme Court returned the document on 6 March 1978 stating:

"Considering that in the attached documents the disappearance of Guillermo Beausire Alonso is attributed to the former Directorate of National Intelligence, DINA, a body dependent on the Executive Power,

and not of the Courts of Justice, they are to be returned to the Ministry of Foreign Affairs in order that, if they consider it appropriate, they should solicit the relevant information from the pertinent administrative authority."

The information submitted to the Ad Hoc Working Group is reflected in A/33/331, paras. 394-395 and Annex XLIII. It does not differ substantially from that submitted to the British Government.

IV. EVALUATION

The evidence on this case leads the Expert to the same conclusion as the British Government. The investigation into this case should be continued along the lines suggested in the van Jurick and Uribe Tambley cases.

V. ANNEX

Excerpts from Dónde Están? 1/

FACTS

The mother of Guillermo Beausire, Inés Alonso Doudat, stated before the Ninth Departmental Criminal Court of Santiago in case No. 13,776-2 that: "...on 2 November 1974, my son went to Buenos Aires on LAN flight 145. He planned to stay there for two days and then fly on to Paris (Orly Airport) by LAN flight 148. Before starting on the trip, my son obtained all the necessary papers, such as tax certificates and the other documents asked for in such cases, among others, by the International Police, through whose controls he passed. My son was planning to work in Europe since he had the possibility of a job in several places, including Switzerland and England. He intended to return to Chile two months later to take me with him, as he did not want me to work any more. The aircraft left Pudahuel at approximately 3.30 p.m. I saw my son climb the steps and I saw the aircraft depart.

I arrived home from Pudahuel at 4.30 p.m. There I was arrested, and the house was searched by DINA agents. It was then I learnt from them that my son had been taken from the plane", in Montevideo or Buenos Aires. In the complaint which she lodged with the court, Mrs. Alonso stated that "the LAN aircraft used for flight 145 must have stopped at Montevideo before going on to Buenos Aires". While the plane was on the apron at Buenos Aires airport, Guillermo Beausire was arrested "by agents of the Chilean Directorate of National Intelligence". Nevertheless, Felipe Du Monceau de Bergendal Pérez, Second Secretary of the Chilean Embassy in Turkey, who was also on LAN flight 145 stated in an official communication that he had last seen Mr. Beausire in the arrival building of Ezeiza International Airport.

1/ Publication of the Vicaría de la Solidaridad of the Archbishopric of Santiago, Chile, containing information on 477 cases of missing persons. Case No. 400, volume 7, page 172.

"After his arrest", continued Mrs. Alonso, "he was transferred to Cuatro Alamos, where he remained until 20 January of this year (1975), together with 14 other people who had been arrested on the same day for the same reason. I heard that my son had been interrogated while in custody, since people who had seen him gave me news of him. On one occasion I even caught a partial glimpse of him. My daughter Diana, who was arrested with me, told me that she too had seen him".

The deponent stated that she was the mother-in-law of Andrés Pascal Allende (a MIR leader), who was married to her daughter, Mary Ann Beausire. "This is the only reason", she said, "why I myself and all my family were detained for 80 days, some more, others less, at Cuatro Alamos". She attributes the arrest of Guillermo to the same circumstance.

...

In addition to the information given above, there is the testimony of Mario Francisco Venegas Jara, detained under the State of Siege from 9 December 1974 to 18 November 1976. He stated: "... from 9 December 1974 to 28 December of the same year I was held incomunicado in the detention centre known as 'Villa Grimaldi' located in Calle José Arrieta in the district of Peñalolén, which was operated by the Directorate of National Intelligence... While I was held there, I saw and met the following persons and can thus testify to their detention.... Guillermo Beausire Alonso, who ... remained lying down all the time and could not take any food ..." (Sworn statement made before a notary public).

LEGAL ACTION

On 17 February 1975, an application for amparo was submitted on behalf of Guillermo Beausire to the Santiago Court of Appeal (case No. 247/75), but was rejected by the Court, on 24 March of the same year, on the basis of negative reports made by the authorities consulted.

On 26 March 1975, Mrs. Inés Alonso Boudat, widow, lodged with the Ninth Departmental Criminal Court of Santiago a complaint of illegal arrest of her son, Guillermo (case No. 13,776-2). The judicial inquiry held in order to ascertain what was the situation of her son and to determine who was responsible did not yield positive results. On 30 June 1977, the judge ordered a temporary stay of proceedings, and his order was upheld by the Court of Appeal on 21 January 1978.

Case Report No. 9

(Eight of Valparaíso)

I. IDENTITY

- | | | |
|----------------|-------------|-----------------|
| 1. Surname (1) | Surname (2) | First names |
| CARABANTES | OLIVARES | HORACIO NEFTALI |
2. Sex: M
3. Birth date or age */: 5 February 1953
4. Nationality: Chilean
5. Identity Card No.: 114.596 La Serena
6. Marital status: married
7. Number of children: 3
8. Domicile: Santa Rosa 033, Quilpué
9. Profession: Salesman
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: MIR
12. References/Sources (Lists, reports, etc.):
- (a) Vicaría de la Solidaridad "Dónde Están" Case No. 325, (V.6, page 1265)
- (b) A/31/253, para. 241-247
A/C.3/31/6 Add. 1, annex 20
E/CN.4/1221, paras. 168-169 and Annex IX
E/CN.4/1266, para. 67
A/33/331, paras. 396-398 and annex XLIV.

II. THE CASE

A. ARREST

DATE	TIME	PLACE
21 January 1975	11.30 a.m.	In front of the Municipal Market in Viña del Mar

*/ At the time of disappearance

DESCRIPTION

He was apprehended on the street by four DINA personnel who transported him in a white Chevrolet C-10 van with a canvas top to Maipo barracks (Regimiento Maipo).

PERSONS MAKING THE ARREST

DINA Corporal of Carabineros René Alfaro Hernández

WITNESSES

OTHER PERSONS ARRESTED ON SAME OCCASION

Liliana Castillo Rojas, wife

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

Corporal of Carabineros René Alfaro Hernández acknowledged his participation in the arrest of Horacio Carabantes.

OTHER RELATED CASES

Gutiérrez Martínez María Isabel

Villa Quijón Elías Ricardo

Vilches Figueroa Abel

Rioseco Espinoza Carlos Ramón

García Vega Alfredo Gabriel

Ibarra Córdova Fabián

Ríos Pacheco Sonia

B. DETENTION

DESCRIPTION

After arrest he stayed in Regimiento Maipo until the 28. His wife, Liliana Castillo Rojas who was detained in the same occasion gave birth while in detention to twins (22 January). After that she was released. Her husband accompanied her to Quilpé and returned back as detainee to Regimiento Maipo.

Despite insistent statements by the various authorities to the effect that Fabián Ibarra, Sonia Ríos, Alfredo García, Carlos Rioseco, Horacio Carabantes, María Isabel Gutiérrez, Elías Villar and Abel Vilches were not in detention, there is proof that they were in fact detained. There is abundant evidence from persons who claim to have seen them at Maipo barracks and subsequently at Villa Grimaldi, and in the case of some of them, at Cuatro Alamos.

According to the statements made at the proceedings, the detainees were at Maipo barracks in Valparaíso until 28 January 1975, when they were taken in a refrigeration lorry to Villa Grimaldi. The only exception was Sonia Ríos Pacheco, because she had been taken to Villa Grimaldi on 21 January.

In February two of the eight detainees, María Isabel Gutiérrez and Horacio Neftalí Carabantes, were transferred to Cuatro Alamos and returned back to Villa Grimaldi.

While in Villa Grimaldi they were all taken to San Antonio or somewhere nearby. According to Mr. Luis Alberto Costa del Pozo statement "they could hear the waves breaking and, as they were arriving there, they heard the name of San Antonio mentioned on the vehicle's radio" ...

From Villa Grimaldi, the detainees were transferred to Silva Palma barracks, at Playa Ancha, Valparaíso, where they were seen by Jorge Zurita Figueroa, who made the following statement before the court: "The last time that I saw the persons that I have mentioned alive was at about 11 a.m. on 11 March 1975. At 4 p.m. I was taken in a red Fiat 600 to Villa Grimaldi in Santiago".

DATES	PLACES
(a) 25/1/75 to 28/1/75	Regimiento Maipo
(b) 28/1/75 to 8/2/75	Villa Grimaldi
(c) 8/2/75 to 12/2/75	Cuatro Alamos
(d) 12/2/75 to 20/2/75	Villa Grimaldi
(e) 4 days	San Antonio - Close to the beach
(f) 20/2/75 to 11/3/75	Silva Palma barracks, Valparaíso

WITNESSES

Place (a) 1st Corporal of Carabineros Pedro René Alfaro Hernández
Liliana Castillo Rojas
Miriam Aguilar

Place (b) Rina Mónica Medina Bravo
Julio Eduardo Torres Villegas
Miguel Angel Montecinos Jeff
Hernán Horacio Brain Pizarro
Francisco Hernán Plaza Tapia
Sergio Antonio Vásquez Malebrán
Reinaldo Antonio Erick Zott Chuecas
Sergio Alejandro Vesely Fernández
Ingrid Ximena Sucarrat Zamora
Reina Walkiria Jorquera Iturrieta
Carlos René Díaz Cáceres

Place (c) María Isabel Gutiérrez Martínez
Hernán Brain Pizarro

Place (d) Sergio Vásquez Malebrán
Lilian Jorge

Place (e) Jorge Zurita Figueroa

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

Colonel Manuel Contreras Sepúlveda, the then Director of DINA, informed to the Supreme Court, on 14 July 1977, that he had carried out a DINA operation against MIR in Valparaíso in January 1975. During the operation, Alejandro Villalobos Díaz, died in a confrontation and Horacio Carabantes Olivares was detained. The latter, in consideration of the attention given to his wife Liliana Castillo at the time of the birth, collaborated with the DINA agents and thus facilitated the detention of many members of the MIR Regional Committee in Valparaíso. He said that on account of the small part they had played, Fabián Ibarra, Sonia Ríos, María Isabel Gutiérrez, Carlos Rioseco, Alfredo García, Elías Villar and Abel Vilches were released immediately afterwards in Valparaíso, being considered not dangerous. Carabantes was released at his own request, according to this statement, at a place of his own choice after being transferred to Santiago on 18 January 1975, fearing reprisals from his comrades who accused him of informing.

There is a notable contradiction between this statement by the Director of DINA and those of the agent who took part in the arrest of Carabantes, who stated that the detention occurred at 11.30 a.m. on 21 January. According to Colonel Manuel Contreras, Carabantes was transferred to Santiago on 18 January after co-operating with DINA in the detention of other persons.

Subsequently, Colonel Contreras sent an official rectification stating that Carabantes had been transferred to Santiago on 28 January, a date which coincides with the transfer of the detainees from Maipo barracks to Villa Grimaldi.

TREATMENT

He was severely tortured.

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a)	Amparo	Appeals of Valparaíso	73-75	25/3/75	Denied 16/6/75
(b)	Amparo (Appeal)	Supreme Court			Confirms resolution of Lower Court 25/6/75
(c)	Amparo	Appeal of Santiago	736-75	9/6/75	Denied 15/7/75

(d)	Amparo	Appeals of Valparaíso	181-75	25/6/75	Denied	17/10/75
(e)	Amparo	Appeals of Valparaíso	119-76	16/12/76	Denied	28/12/76
(f)		Appeals of Valparaíso			Procedures were sent to the Court of Appeals of Valparaíso	Denied 3/6/77
(g)	Criminal Procc.	Ministro en Visita	N/A	5/4/79	Procedures re-opened	Outcome-unknown

DESCRIPTION

Applications for amparo have been made on an individual basis. First they were all denied after the authorities stated that they had no information concerning the detention and that no warrant of arrest has been issued. Subsequently, writs of amparo including the eight (Gutierrez Martinez María Isabel, Villar Quijón Elías Ricardo, Vilches Figueroa Abel, Rioseco Espinoza Carlos Ramón, García Vega Alfredo Gabriel, Ibarra Córdova Fabián, Ríos Pacheco Sonia) were presented to the Courts. A criminal complaint accompanied by 20 sworn statements by arrested persons attesting that they had seen the eight at the Maipo Regiment barracks and at the Villa Grimaldi was submitted. When the witnesses were called upon to give oral evidence, they confirmed their statements. Later, an appeal was made to the Supreme Court in September 1976, and an investigating judge was appointed. Another 20 persons told the investigating judge that while they had been in detention at Puchuncaví and Cuatro Alamos they had been with the missing persons. In December 1976, the investigating judge declared himself incompetent, because the offence of abduction had been committed and the presumed authors were agents of DINA who were under military jurisdiction. The cases were therefore for the military courts. On a further application being made for amparo, the Minister of the Interior reported that no order for arrest had been issued. The Supreme Court ordered that DINA should report on the matter, whereupon DINA stated that seven of the eight persons arrested had at once been released. The eighth, Horacio Carabantes, had been freed on 18 January 1975 because his life was in danger owing to his having informed against his companions in exchange for medical care provided to his wife, when she was to give birth to twins. He was arrested not on 18 but on 21 January, together with his wife. The twins were born on 22 January. In addition to the witnesses' statements there was the written reply of the Commander of the Maipo Regiment, in which the latter had acknowledged that the persons in question were detained. There was a letter from a military chaplain, Carabantes' uncle, confirming that he had seen in the records that Carabantes was detained and was to be tried. The Supreme Court had accepted that the fact of detention was proved but had stated that there was no proof that the persons were still in detention and had rejected the application for amparo and had ordered a further investigation. The Office of the Military Prosecutor

had continued the investigation, in the course of which carabinero René Alfaro had acknowledged that he had taken part in the arrest. General Contreras, however, had denied the fact of the arrest. The proceedings were suspended under the Amnesty Law, and the suspension was the subject of an appeal before the Military Court of Santiago.

On 5 April 1979, the Supreme Court decided, following a petition submitted by the Episcopal Vicars in November 1978 to appoint 5 of the 11 Ministros en Visita requested in the petition. Procedures were reopened and during the month of April the Ministros en Visita had already initiated their work, requesting the official files from the courts for preliminary examination.

D. INQUIRIES BY NATIONAL AND OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III INFORMATION FROM THE GOVERNMENT

The Commander of R.I.Ll.2 'Maipo' to the Court of Appeal of Valparaíso on 4/4/75:

"(a) It is a fact that the persons mentioned in your document were detained in January 1975 by DINA agents who came personally from Santiago for the purpose and were helped by this Regiment only with transport, staff and personal protection. (b) The detainees were held under arrest at these barracks under the control of DINA, whose agents took part in the interrogations and other proceedings relating to the persons concerned; at no time did R.I.Ll.2 'Maipo' personnel take part in that work. (c) It is a fact that, while in detention, Mrs. Lilibiana Castillo R. gave birth to twins in the Regimental Hospital, attended by Dr. Luis Simonetti, a gynaecologist on the strength of the Naval Hospital and a member of the Navy, and by the Unit male nurse, Corporal Rubén Delgado Montecinos. (d) It is untrue that the birth was induced artificially, for the verbal report of the doctor who attended the patient absolutely denies that assertion. (e) The detainee's release was ordered by DINA after the relevant proceedings had been completed; it was also by decision of DINA that the accused person, Neftalí Carabantes O., was transferred to a place which the writer cannot specify because he does not know it. 2. Any further information required in this respect should be sought directly from DINA, the body exclusively responsible for detainees. Yours faithfully Eduardo Oyarzún Sepúlveda Colonel in command of the Regiment."

The Minister of the Interior to the President of the Court of Appeal of Valparaíso on 12/6/75:

"1. In your letter No. 879, dated 9 May 1975, you inquired about the situation of Neftalí Carabantes Olivares, said to have been arrested and placed at the disposal of DINA by the Commanding Officer of the Maipo regiment. In its letter No. 104/8-F-221, dated 26 May 1975, this Office informed you that the said person had not been arrested in pursuance of any order from this Ministry.

"2. Further to that letter, I can now inform you that, following consultations with DINA, the latter has stated that the said person has never been detained but that he was placed under protection since his life was in danger because he had supplied information which led to the discovery and arrest of a group of extremists operating in Valparaíso. According to the same report, Neftalí Carabantes is at liberty in a place of his own choice unknown to this office.

"3. Consequently, I must repeat what was stated in my letter No. 104/8-F-221, namely, that the said person is not in detention by order of this Ministry, supplementing it by the assurance that he has not been detained by DINA either. Yours faithfully, Raúl Benavides Escobar, General, Minister of the Interior.

On 10 June 1976, in response to a request for information on the eight persons the Confidential Department of the Ministry of the Interior stated, after listing the eight names,

'In this connexion, I wish to inform you that our Kardex contains no information on the above-mentioned persons, nor have they been arrested by order of this Department; the reports and information supplied by various security agencies on this situation, in accordance with inquiries ordered earlier, have all been investigated and, therefore, your letter and enclosures are being returned, as they are considered to be for your files'."

IV. EVALUATION

The information about the arrest and continued detention of all members of the Valparaíso Group is highly reliable. Governmental agencies admitted having ordered the arrest of the persons and in some cases the detention order was found as an element of the files. The inconsistencies of the responses of the Government are obvious throughout the cases.

It might be true that the persons were not detained by order of the Ministry of the Interior but this does not exclude that the persons have been detained by order of DINA. Under the circumstances of the situation, the testimony that the persons have been tortured is credible. The Court investigations into the cases were insufficient up to 1979.

Opinion of the Expert: The re-opened criminal procedure should be exhausted.

V. ANNEX

Excerpts from Dónde Están? 1/

FACTS

Horacio Carabantes was arrested at about 11 a.m. on 21 January 1975 in the street outside the municipal market in Viña del Mar, according to a statement made by Lilibiana Castillo Rojas, his wife (who was arrested on the afternoon of the

1/ Publication of the Vicaría de la Solidaridad of the Archbishopric of Santiago, Chile, containing information on 477 cases of missing persons. Case No. 325, Volume 6, page 1265.

same day at her home in the town of Quilpué), as part of the many legal steps she took on behalf of her husband. Corporal First Class, of the Carabineros, Pedro René Alfaro Hernández, a DINA (Directorate of National Intelligence) an officer who took part in the arrest of Horacio Carabantes, made a statement in the presumed misadventure proceedings initiated in the Fourth Departmental Criminal Court of Valparaíso in respect of Fabián Ibarra and others, including Carabantes (case No. 11,226), and admitted having apprehended Carabantes: "It is true that I belong to CNI (National Information Agency) and was previously on the strength of the former Directorate of National Intelligence (DINA)".

"In reply to the question put to me, I must say that I do remember having taken part in an operation which occurred in the city of Viña del Mar on 21 January 1975. I remember that on the morning of that day I received at headquarters an order to proceed in a unit vehicle to Viña del Mar, in order to effect the arrest of certain persons, members of a cell of the proscribed MIR (Movement of the Revolutionary Left) which was active at that time. As I said, I received that order at headquarters and was given a photograph of the individual concerned. As I recall, the photograph of the person about whom I am being questioned was the same as the one now shown to me by the Court and I now know that the person's name is Horacio Carabantes. When this person was arrested I did not know his name; I knew only that he was a member of MIR. I should mention that all the members of those MIR groups used three or four aliases and so it is very difficult to know their true identity.

I travelled in a van and I remember that it was a white Chevrolet C-10 with a canvas top. Three other officers accompanied me and I think their names were José, Mario and Juan. The leader of the group and the person who gave us our instructions and was in charge of the operation was Mario. In reply to the question of the Court, I must say that I do not know the full names of these people nor can I say whether the Christian names by which I knew them were in fact their real names. I had not seen these people beforehand and I think that this group worked together only on this operation. Nor have I seen them since. I should point out to the Court that, because of the nature of security work, the members of groups formed to carry out a specific operation are selected at random among the people available and assumed names are given for each mission. In this case I think that the agents who were assigned came from other DINA divisions since, as I said, I do not know their true identities and ranks. I would also inform the court that the former DINA included among its ranks members of the four branches of the armed forces, and officials from the Investigation Bureau also took part, which made it very difficult to know the participants in a group on a particular mission. Mario was the person who gave the order for this arrest and who led the group. Yes, on that day, 21 January 1975, at around noon - it must have been about 11.30 - we located the individual in the photograph walking down the street outside the municipal market in Viña del Mar. Mario knew that the MIR person had to make contact with another member of his cell at that time and in that place; I think that this fact was known as a result of a confession by another of the members of the MIR cell who must have been arrested before this. I do not know who that person could have been, because I only knew about the case on the morning of 21 January, and I was not given any further particulars. I got out of the van together with Mario and Juan while José remained at the wheel of the vehicle. Then we identified ourselves and asked the individual to

accompany us. We took him to the barracks of the Second Plains Regiment, Maipo, where they stayed in an office provided by the officers or junior officers' club, I am not quite sure about this because I do not know the barracks well, since it was the first time that I had been there. Later, after lunch, we went to the home of the wife of the detainee, who lived in Quilpué, and we took her also, without any problem, to the same barracks and she stayed there with her husband. That is all that I know about the matter because on that same afternoon we returned to Santiago having completed the mission. I do not know what happened to the detainees subsequently, whether they were released or remained in detention. In reply to the question put to me, I must say that our group only carried out the arrest of the person in the photograph, and afterwards the arrest of his wife, who was also a member of MIR. When we got back to Santiago, the group broke up and I have not seen any of them since, and so I suppose that each returned to the division he came from. In reply to the question put to me, I must say that I do not know of, nor have I heard any reference made to, any Captain "Osvaldo", nor do I know any member of the security services whose surname is "Peñalver or Palacios" (sheet 588).

Furthermore, Liliana Castillo Rojas, Carabantes' wife, signed before a notary public a sworn statement in which she reported her husband's and her own arrests.

"1. I was arrested on 21 January 1975 at my house in Santa Rosa 033, Quilpué, approximately 3 hours after my husband Horacio Neftalí Carabantes Olivares had been arrested near the municipal market in Viña del Mar".

"2. I was taken to the Maipo regimental barracks by the four people who had arrested me and there they put me in the basement of the officers' club at the barracks. My captors came to my house looking for me together with my husband already named. Fabián Ibarra Córdova, Erick Zott and Mónica Medina, whom I knew previously because they were my husband's friends, were in the officers' club at the Maipo barracks".

"3. I was taken from that place to the barracks infirmary to give birth to twin girls."

"4. Throughout the period of my detention I was never once interrogated".

"5. On 27 January 1975, my husband was brought to the infirmary at about 6 p.m. and he remained with me until about 11 p.m. During this time we were able to talk and he told me that, in addition to the people already named, Carlos Rioseco, Sergio Vásquez Malebrán, whom I also knew previously through their friendship with my husband, Abel Vilches, Alfredo García Vega, Miriam Aguilar, María Isabel Gutiérrez, Hernán Brain and other people whose names I do not remember were also in the basement".

"6. On 27 January 1975 at about 11 p.m., I was taken out together with my babies and driven, accompanied by my husband, to Quilpué to the home of one of my husband's uncles in Riquelme Street. I do not remember the number of the house. Miriam Aguilar was in the same car; she was also released and taken to Belloto, the town where she lived.

"I was released at the house of my husband's uncle and my husband was returned to the Maipo regimental barracks as a detainee, as we were specifically informed" (Sheet 35)....

At the Maipo barracks, Horacio Carabantes was seen by the following people in addition to Liliana Castillo.

Marta Miriam Aguilar Duarte (Sheet 63).
Héctor Hugo Jara Aranda (Sheet 64).
Francisco Javier de la Fuente Drognett (Sheet 65).
Julio Eduardo Torres Villegas (Sheet 77).
Hernán Horacio Brain Pizarro (Sheet 144 verso).
Sergio Antonio Vásquez Malebrán (Sheet 146 verso).
José Fernando Saavedra Romero (Sheet 147).
Reinaldo Antonio Erick Zott Chuecas (Sheets 233 to 236).
Sergio Antonio Vesely Fernández (Sheet 237).
Reina Walkiria Jorquera Iturrieta (Sheet 285 verso).

Bearing out Liliana Castillo's statements, Marta Aguilar Duarte states:

"10. When I was released I was driven in the same van as Horacio Neftalí Carabantes and his wife, Liliana Castillo Rojas, who had been released together with her babies which were born in the barracks, and who was left at her house in Quilpué, while Horacio Carabantes remained detained in the van. I was driven to my house at Belloto, but as I insisted that they should not leave me there because I would be alone, I was taken to Valparaíso to my mother's house. Horacio Carabantes remained in the van as a detainee and left for an unknown destination" (Sheets 37 and 38).

On 28 January 1975, over 20 people detained by DINA in the basement of the Junior Officers' Club of the Maipo barracks were transferred in a refrigerator lorry to Santiago where they were brought into the Villa Grimaldi. Horacio Carabantes, as well as seven other people arrested on that occasion in Valparaíso, remained in the Villa Grimaldi but later disappeared until 20 February 1975 when he was seen there again by the following people:

Rina Mónica Medina Bravo (Sheet 108 verso).
Julio Eduardo Torres Villegas (Sheet 77).
Miguel Angel Montecinos Jeff (Sheet 144).
Hernán Horacio Brain Pizarro (Sheet 145).
Francisco Hernán Plaza Tapia (Sheet 145 verso).
Sergio Antonio Vásquez Malebrán (Sheet 146 verso).
Reinaldo Antonio Erick Zott Chuecas (Sheets 233 to 236).
Sergio Alejandro Vesely Fernández (Sheet 238).

Ingrid Ximena Sucarrat Zamora (Sheet 285).

Reina Walkiria Jorquera Iturrieta (Sheet 285, verso).

Carlos René Díaz Cáceres (Sheet 330, verso).

However, during his stay in Villa Grimaldi, Carabantes was taken out on two occasions. Once he was taken to Cuatro Alamos and on the other occasion he was taken to a place near a beach.

Hernán Brain Pizarro states: "On 8 February, I was transferred to the Cuatro Alamos camp with María Isabel Gutiérrez Martínez and Horacio Carabantes. With regard to María Isabel Gutiérrez Martínez and Horacio Carabantes Olivares I can say that I heard their voices, because they were in neighbouring cells, and their names when they were called and transferred to Villa Grimaldi at noon on 12 February 1975. (Sheet 144 verso).

With regard to Carabantes' provisional transfer to a place of detention on the coast the file on Case 11,226 contains the following information:

In a statement attached to the dossier (Sheet 47) and personally confirmed (Sheet 147), Sergio Vásquez Malebrán states: "Then they took us away from there (the Villa Grimaldi) with other detainees, among whom were Horacio Neftalí Carabantes Olivares, Abel Alfredo Vilches Figueroa, Carlos Rioseco and a woman whose surname was Jorge, a young detainee who was a university student in Valparaíso, and they took us to a place close to San Antonio where they kept us for four days. This place was near the beach and we were kept in seaside cabins. During the entire time we remained there we ate only four times: we were tied up and had adhesive tape on our eyes".

Lilian Jorge states in a document signed in Argentina and attached to the dossier (Sheet 495): "Abel Vilches and Horacio Carabantes. These were further members of the group mentioned previously. I knew them because I had been with them in the Maipo barracks in Valparaíso, the first place of detention to which the DINA agents took me". The group of persons to whom Lilian Jorge refers is that mentioned in the first paragraph of her statement which reads as follows:

"Alfredo García Vega was known to me: it was he who let to me the place where we were living in Quilpué and he visited us frequently; while I was detained and on one occasion when a group of detainees was being transferred from Villa Grimaldi to another unknown torture centre, when they put us in a refrigerator lorry and we could take our blindfolds off while we were travelling, I was able to see Alfredo García who was extremely emaciated and showed signs of having been tortured. All of us prisoners travelling in the lorry were in the same state. Alfredo García was able to talk to me there, asking after my health and how my husband and little daughter were. In this place whose name I do not know (I suppose it was a beach, because of the sound of the sea) they put us all, seven people - six men and myself - in A-frame cabins (like summer holiday cabins), and we remained there with our feet and hands tied apart to a bed (they tied us with thick ropes to the four corners of the bed) for four days. At the end of this period and after an interrogation, they took us back to Villa Grimaldi". Lilian Jorge ends by stating that her detention is on record at the Argentine Embassy in Chile where her release was arranged because she has Argentine nationality (Sheets 495, 496 and 497). After having been kept at Tres Alamos, Lilian Jorge was expelled from Chile on 14 March 1975.

Horacio Carabantes remained in the Villa Grimaldi until 20 February 1975, when, together with other detainees, he was taken to an unidentified place and his present whereabouts and the conditions in which he is now living are unknown.

LEGAL ACTION

The following applications for amparo have been submitted on behalf of Horacio Neftalí Carabantes Olivares:

1. On 4 February 1975, Lilibiana Castillo lodged an application for amparo with the Santiago Court of Appeal, since the DINA agents themselves informed her, when she was released, that her husband would be transferred to that city. The application was rejected by the Court of Appeals of Santiago.
2. On 25 March 1975, a new application for amparo was submitted, this time to the Valparaíso Court of Appeal (Case 73-75). This application was also rejected, but it contained important information which is given below:

(a) When questioned, the Intendant of Valparaíso, Mr. Horacio Justiniano Aguirre, informed the Court that "The Intendancy has no record of the person referred to. Consequently he is not detained by order of this authority". The report is dated 31 March 1975 (Sheet 3).

(b) On 4 April 1975, the Commander of the Maipo barracks, Colonel Eduardo Sepúlveda Oyarzún acknowledged that Carabantes and Lilibiana Castillo had been arrested by DINA agents and that an operation against MIR had been carried out by that security agency in January 1975 in the city of Valparaíso. The text of the report is as follows: "Valparaíso, 4 April 1975, FROM THE COMMANDANT OF THE 'MAIPO' SECOND INFANTRY PLAINS REGIMENT TO THE FIRST VALPARAISO COURT OF APPEAL.

1. In reply to the communication referred to under REE, and with regard to the application to the Court of Appeal made by Mrs. Lilibiana Castillo Rojas, the following information is provided: (a) it is a fact that the persons mentioned in your document were detained in January 1975 by DINA agents who came from Santiago for the purpose and were helped by this Regiment only with transport, staff and personal protection. (b) The detainees were held under arrest at these barracks, under the control of DINA, whose agents took part in the interrogations and other proceedings relating to the persons concerned; at no time did R.I.LL. No. 2 'Maipo' personnel take part in that work. (c) It is a fact that, while in detention, Mrs. Lilibiana Castillo R. gave birth to twins in the Regimental Hospital, attended by Dr. Luis Simonetti, a gynaecologist on the strength of the Naval Hospital and a member of the Navy, and by the Unit male nurse, Corporal, First Class, Rubén Delgado Montecinos. (d) It is untrue that the birth was induced artificially, for the verbal report of the doctor who attended the patient absolutely denies that assertion. (e) The detainee's release was ordered by DINA after the relevant proceedings had been completed; it was also by decision of DINA that the accused person, Neftalí Carabantes O., was transferred to a place which the writer cannot specify because he does not know it. 2. Any further information required in this respect should be sought directly from DINA, the body exclusively responsible for detainees. Yours faithfully, EDUARDO OYARZUN SEPULVEDA, Colonel in command of the Regiment" (Sheet 8).

On the basis of this report, the Court ordered, on 4 April, to facilitate its decision, that official communications should be sent to DINA, the National Executive Secretariat for Detainees (SENDET) and the Ministry of the Interior (Confidential Department), "bodies to which DINA is responsible, that the communications to these authorities should include the report overleaf. This is a reference to the report of the Commandant of the Maipo Regiment and that these authorities should report whether they ordered Carabantes' detention and the place in which he was detained" (Sheet 8, verso). After two identical telegrams were sent, a reply was received.

(c) On 21 April, DINA replied to the Valparaíso Court: "Detention of Neftalí Carabantes Olivares, please apply to the Ministry of the Interior or the National Executive Secretariat for Detainees (SENDET), bodies responsible for providing this type of information. Director of National Intelligence" (Sheet 14).

(d) On 22 April, the Minister of the Interior reported "that the person referred to below is not detained by order of this Ministry: Neftalí Carabantes Olivares" (Sheet 16).

(e) On 7 May, the National Executive Secretariat for Detainees informed the Court that the communications it had received in connexion with the application for amparo on behalf of Carabantes "have been forwarded to the Ministry of the Interior, which is responsible for answering such requests" (Sheet 26).

In the light of these reports, the Court decided on 9 May to send a further official communication to the Ministry of the Interior with the following message: "It will be noted that, in the absence of the relevant information, it has not been possible to take a decision on this application, on which a decision must be taken within 24 hours, and that, in the case of these proceedings, it is essential to clarify the situation of Neftalí Carabantes who, according to the Commandant of the Maipo Regiment was handed over to DINA, which refrains from providing information, as does SENDET, both agencies stating that the obligation to do so lies with the Ministry of the Interior" (Sheet 27). On 23 May, no reply to this communication having been received, the Court ordered that the communication should be repeated in a telegram to include the following: "... which means that, if a reply is not received within three days, the Supreme Court will have to be informed of this matter so that it can take such measures as may be appropriate" (Sheet 36 verso).

(f) On 26 May, the Minister of the Interior stated: "... this Secretariat of State did not order the arrest of Neftalí Carabantes Olivares and has no information on the case other than that provided by the Court on this occasion" (Sheet 38).

The Court ordered that a further communication be sent to the Commandant of the Maipo Regiment requesting him to add details to his previous report, including the names of the DINA agents who removed Carabantes from the regimental barracks (Sheet 38 verso).

(g) The Commandant, Colonel Eduardo Oyarzún Sepúlveda informed the Court on 9 June that "any request for information relating to detainees or persons for whom application for amparo is made should be addressed to the Commander-in-Chief of the Naval Zone, Vice-Admiral Horacio Justiniano Aguirre" (Sheet 46).

In view of the preceeding communication, the Court ordered that an official communication should be sent to the Intendant of the Province. However, the Commandant, Colonel Oyarzún having later stated that "any further information required in this matter should be sought directly from DINA" (Sheet 48), no action was taken on the request for communication with the Office of the Intendant.

(h) A further communication from the Ministry of the Interior (Sheet 56) states: "... following consultations with DINA, the latter has stated that the said person has never been detained, but that he was placed under protection since his life was in danger because he had supplied information which led to the discovery and arrest of a group of extremists operating in Valparaíso. According to the same report, Neftalí Carabantes is at liberty in a place of his own choice unknown to the Security Service. 3. Consequently, I must repeat what was stated in my letter No. 104/8-F-221, namely, that the said person is not in detention by order of this Ministry, supplementing it by the assurance that he has not been detained by the Directorate of National Intelligence either" (Sheet 56). This official communication is dated 13 June 1975.

On 16 June, the Court of Appeal gave its judgement on the application, rejecting it in view of the fact "that the report by the Minister of the Interior reproduced on Sheet 56 states that Neftalí Carabantes Olivares is at liberty" (Sheet 58 verso). An application for revivor was made against this decision and, concurrently, the decision was appealed to the Supreme Court. The Valparaíso Court of Appeal rejected the revivor and granted the appeal.

On 25 June 1975, the Supreme Court decided: "In view of ... the decision of 16 June last set forth on Sheet 58, against which appeal has been made, is confirmed." (Sheet 66).

3. On 9 June 1975, Lilita Castillo Rojas submitted to the Santiago Court of Appeal an application for amparo on behalf of her husband (Case No. 736-75). This application was based on the various facts of the case which indicated that Horacio Carabantes was detained in Santiago, since he had been taken to premises in that city after being detained in the Maipo regimental barracks. The application was accompanied by the reports made by the Commandant of the Maipo Regiment to the Valparaíso Court of Appeal in connexion with the application for amparo, Case No. 73-75 already reproduced.

The Court ordered that an official communication should be sent to the Minister of the Interior. The latter transmitted to the Court a copy of the communication he had already sent to the Valparaíso Court of Appeal in which he had stated that Carabantes was "under protection" by DINA, but "that he has never been detained". On 19 June, the Director of DINA stated: "DINA has no information on the case", because the agency had reported the special situation of Carabantes to the Ministry of the Interior.

The Santiago Court requested information from the Valparaíso Court of Appeal and the Supreme Court and was informed by them that their decisions on the application made in Case No. 73-75 were negative.

On 15 July this application for amparo was rejected (Sheet 14).

4. On 25 July 1975, an application for amparo on behalf of eight persons detained by DINA in Valparaíso in January 1975, who have since disappeared was submitted to the Valparaíso Court of Appeal. The subjects of the applications for amparo are: Horacio Carabantes, Elías Villar, Abel Vilches, Fabián Ibarra, Sonia Ríos, Alfredo García, María Isabel Gutiérrez and Carlos Rioseco. This application for amparo was assigned Case No. 181-75 and was also rejected by the Valparaíso Court.

5. On 16 December 1976, a further application for amparo on behalf of Horacio Carabantes was submitted to the Valparaíso Court of Appeal (Case No. 199-76). This application also included María Isabel Gutiérrez and Carlos Rioseco. It was rejected on 28 December of the same year, on the ground of negative reports from the authorities.

6. On 3 January 1977, an application for amparo (Case No. 1-77) was submitted to the Santiago Court of Appeal on behalf of the eight persons referred to in paragraph 4. The Santiago Court declared itself incompetent because the subjects of the application for amparo had been detained in Valparaíso and it therefore transferred the cases to the Valparaíso Court of Appeal. On 3 June 1977, the Valparaíso Court rejected the application because "there is no proof that the people on whose behalf application for amparo is made are detained or have been detained under an order emanating from an authority which is entitled to effect arrests" (Sheet 49, verso).

An appeal against this decision was lodged with the Supreme Court. In the handling of this appeal, the Supreme Court requested a report from the Director of DINA, Colonel Manuel Contreras Sepúlveda, who, on 14 July 1977, sent to the Court a communication containing the following statement regarding the operation carried out by DINA in Valparaíso:

"1. With regard to the matters raised by the Supreme Court in the document under reference concerning the application for amparo made on behalf of María Isabel Gutiérrez Martínez and others, the following information is provided:

(a) In January 1975, an armed clash took place in Valparaíso with the second in command of the Valparaíso regional branch of MIR, Alejandro Villalobos Díaz, alias "Mickey", who died as a result of the action.

As a result of this action, the commander of the regional branch and his close associate, Neftalí Carabantes Olivares and the latter's lady friend, Liliana Castillo Rojas were detained.

The remaining members of the regional group were subsequently detained thanks to the decisive co-operation of Neftalí Carabantes in recognition of the medical and other attention received by his lady friend, Liliana Castillo, who gave birth to twin girls at that time in a local barracks.

(b) The regional group was made up of the following persons, who were dealt with as indicated according to the part they had played and/or the extent to which they were dangerous:

- (i) Released immediately in Valparaíso because of their limited participation and dangerousness.

María Isabel Gutiérrez Martínez.

Elías Villar Quijón.

Abel Alfredo Vilches Figueroa.

Carlos Ramón Rioseco Espinoza.

Alfredo Gabriel García Vega.

Fabián Ibarra Córdova.

Sonia Ríos Pacheco.

- (ii) Released in Santiago for co-operation provided.

Neftalí Carabantes Olivares.

At the request of Neftalí Carabantes himself, who feared for his life because he had received death threats from his former associates in the group, who had labelled him as an informer, he was transferred to Santiago on 18 January 1975.

There he was left at liberty and it has since been impossible to learn his whereabouts. The following are possible explanations:

That he has been put on ice under MIR orders.

That he has been located by his former companions and killed in revenge.

That he is abroad (Sheet 79).

2. For your information.

Yours faithfully,

(Signed) Colonel Manuel Contreras Sepúlveda,
Director of National Intelligence".

Thus, two years after the Minister of the Interior, having consulted DINA, informed the Valparaíso and Santiago Courts of Appeal that Carabantes had never been detained, the Director of DINA, the agency which informed the Minister of the Interior of the foregoing, reported to the Supreme Court that "as a result of this action, the commander of the regional branch and his close associate, Neftalí Carabantes Olivares and the latter's lady friend, Lilita Castillo Rojas were detained". After two and a half years, it has in fact been admitted that the other seven subjects of the applications for amparo were detained, although the Courts had previously been repeatedly told the contrary.

On 17 December 1977 the Supreme Court confirmed the decision of the Valparaíso Court of Appeal, recognizing in the second preambular paragraph of its judgement that, in accordance with the evidence in the presumed misadventure proceedings in respect of Fabián Ibarra and others, "the information given to this Court by the Directorate of National Intelligence would appear to be erroneous". Despite this, the decision indicated was taken on the application and no further measures were ordered.

In addition to the applications for amparo submitted to the Fourth Departmental Criminal Court of Valparaíso, presumed misadventure proceedings were initiated, Case No. 11,226 with respect to Fabián Ibarra and Sonia Ríos. At the request of the petitioner, Mr. Enrique Ibarra Ramírez, the notice of presumed misadventure was extended to cover the other seven detainees who had disappeared, including Horacio Neftalí Carabantes Olivares.

In September 1976, at the request of the relatives concerned, the Supreme Court ordered the Valparaíso Court of Appeal to appoint an investigating judge to continue the inquiry into the disappearance of the persons in respect of whom notice of presumed misadventure had been given: Fabián Ibarra, Sonia Ríos, Horacio Carabantes, María Isabel Gutiérrez, Carlos Riosco, Alfredo García, Abel Vilches and Elías Villar. The judge appointed was René Clavería Lisboa, who, after taking a number of measures, declared himself incompetent to continue his investigation of the case, in the light of the provisions of article 1 of Decree-Law No. 521, under which DINA was established, Decree-Law No. 751 and article 10 of the Code of Military Justice. The documents in the case were transferred to the Military Court of Santiago, Office of the Third Military Prosecutor, which in turn declared itself incompetent and transferred the case to the Office of the Military Prosecutor in Valparaíso, where it was entered as Case No. 230-77.

The Office of the Military Prosecutor of Valparaíso ordered definitive dismissal of the case in view of the provisions of Decree-Law No. 2,191, of 19 April 1978, granting amnesty to the authors of a wide range of offences. This decision was appealed and the dossier is currently before the Military Appeal Court pending a decision on the appeal.

OTHER INFORMATION

All the information on the Horacio Carabantes case is to be found in the record of the presumed misadventure proceedings instituted in respect of Fabián Ibarra and others, which the Office of the Military Prosecutor of Valparaíso declared itself incompetent to consider. Additional items have been selected from that material, some of which should be taken into consideration:

1. On 14 July 1977, the Director of DINA informed the Supreme Court that Horacio Carabantes had been detained and transferred to Santiago for release there. The release is stated to have taken place on 18 January 1975.

On 28 October 1976, in the annexes to the "Comments of the Government of Chile on the report of the Ad hoc Working Group on the Situation of Human Rights in Chile", the Permanent Representative of Chile to the United Nations states:

"3. Following this operation, the following persons were taken into custody: the

commander of the Valparaíso regional branch of the Movimiento de Izquierda Revolucionario (MIR), Eric Zott Chuecas; his close associate Neftalí Carabantes Olivares, and the latter's friend, Lilibiana Castillo Rojas, who was with them". "7. On 25 January 1975, Lilibiana Castillo was released and taken to the home of members of her family in Valparaíso. 8. On 18 January 1975, Mr. Neftalí Carabantes was transferred to Santiago where he was released. His transfer was necessitated by the fact that Carabantes had received repeated death threats from other members of the Movimiento de Izquierda Revolucionario (MIR)".

The two reports concur in giving 18 January 1975 as the date of Carabantes' transfer to Santiago. Furthermore, the DINA report states that the detainee collaborated with that agency "in recognition of the medical and other attention received by his lady friend who gave birth to twin girls at that time in a local barracks".

However, as is made clear in the description of events, Carabantes and his wife were detained on 21 January 1975. At least that is what was stated by one of the DINA agents who made the arrests, Corporal, First Class of the Carabineros, Pedro René Alfaro Fernández (Sheet 588). Furthermore, it must be assumed that Carabantes could not collaborate with DINA in recognition of the attention received by his wife on the occasion of her delivery since that occurred exactly four days after the date on which, according to the Government of Chile and the Director of DINA, Carabantes had been transferred to Santiago to be released.

The Director of DINA, Juan Manuel Guillermo Contreras Sepúlveda, in his capacity as Brigadier-General, submitted statements to the office of the Military Prosecutor of Valparaíso in a communication dated 20 March 1978. The points covered in his communication are: confirmation of his report to the Supreme Court (reproduced above) dated 14 July 1977, identification of the DINA agents who took part in the Valparaíso operation, whether Carabantes or the other seven missing persons were detained in the Maipo regimental barracks or in Villa Grimaldi, whether those same persons were currently detained and "any other aspect of interest which could be added with regard to these events" (Sheet 579).

General Contreras' reply reads as follows:

"Under the provisions of article 192 of the Code of Penal Procedure, I would inform you as follows regarding the matters to which you refer in your communication No. 138 of 20 February 1978:

"1. In My capacity as Executive Director of the former Directorate of National Intelligence (DINA), I confirm the contents of the communication (restricted) dated 14 July 1977, sent by the undersigned to the President of the Supreme Court, Mr. José María Eyzaguirre, and numbered sheet 435, with the exception of the date of transfer of Neftalí Carabantes Olivares to Santiago which appears in error in that communication as 18 January 1975, whereas it should be 28 January 1975, as indicated in communication (secret) No. S.G. 3550/1154 of 5 June 1975 from the Director of National Intelligence to the Minister of the Interior".

"2. With regard to identification of the DINA agents who participated in the Valparaíso operation, I can inform you that it is not possible to determine the names of the agents who went there, in view of the time which has elapsed since

and because, for actual operations of the Directorate, personnel are selected on a random basis according to their availability for assignment. The orders for this kind of operation are given verbally and there is no written record. Consequently there is no possibility of establishing the name of the person in charge of the operation, who in turn, because of the compartmentalization referred to, selects his operational group on a random basis, as explained above".

"3. The persons identified in paragraphs (1) and (2) of my communication of 14 July were not detained in the Second 'Maipo' Infantry Regiment barracks".

"Those listed in paragraph (1) were held while they made a statement and clarified their situation and they were released immediately afterwards because of the limited part they had played and the fact that they were not considered dangerous".

"Neftali Carabantes was not detained in the Second 'Maipo' Infantry Regiment barracks either, since he was a former DINA informant and had served as a valuable collaborator, providing information on the Valparaíso regional branch of MIR. Since it was necessary to keep his collaboration secret, he too was taken temporarily to the Second 'Maipo' Infantry Regiment barracks until, discovered by his former comrades, he received death threats and voluntarily asked to be taken to Santiago, where he was freed".

"4. None of the persons referred to above was detained in any barracks of the former Directorate of National Intelligence, including Villa Grimaldi".

"5. None of these persons was detained or remained detained when I handed over my post of Executive Director of DINA and subsequently of CNI".

"6. I do not know the whereabouts of the persons referred to".

"7. I have nothing further to add". (Sheets 580 and 581).
(Signed) Manuel Contreras Sepúlveda, Brigadier-General, Commandant of the Army Corps of Engineers".

All the doubts raised concerning the date of Carabantes' transfer to Santiago are dispelled by the words of the Director of DINA: "which appears in error in that communication as 18 January 1975". This is a reference to the communication which he himself sent to the Supreme Court and which he confirmed in his statement. He further states that the correct date, 28 January 1975, is recorded "in communication (secret) No. S.G.2550/1154 of 5 June 1975 from the Director of National Intelligence to the Minister of the Interior". If this is so, it does not explain how the Government of Chile could inform the United Nations that Carabantes was transferred to Santiago and released on 18 January since, according to the Director of DINA, the Ministry of the Interior had the correct date which he himself had provided in the communication dated 5 June 1975.

The replies given by the authorities to the Courts have been very diverse.

(a) Carabantes' detention was first denied (official communication from the Ministry of the Interior in connexion with the application for amparo submitted on 4 February 1975 in Santiago, official communications from the Intendant of Valparaíso and two reports by the Minister of the Interior in connexion with application for amparo No. 73-75 of the Valparaíso Court of Appeal.

(b) Then, on 4 April 1975, the Commandant of the Maipo Regiment informed the Court in Valparaíso that Carabantes and his wife had in fact been detained and had remained in the regimental barracks under DINA responsibility.

(c) In connexion with application No. 73-75, the Minister of the Interior stated on 13 June that, following consultations with DINA, it transpired that Carabantes had never been detained, but had only been "protected" by DINA from threats received from his former MIR associates. On 19 June 1975, the Director of DINA informed the Santiago Court of Appeal (amparo 736-75) that "DINA has no information on the case".

(d) Later, Carabantes' detention was once again admitted in Chile's report to the United Nations dated 28 October 1976 and in the report made by the Director of DINA to the Supreme Court and dated 14 July 1977.

(e) Finally, the same Director of DINA in his statement made in an official communication to the office of the Military Prosecutor of Valparaíso indicated that "Néftali Carabantes was not detained in the Second 'Maipo' Infantry Regiment barracks either".

The explanations which refers to alleged collaboration with DINA by Carabantes are not logical. The Director of DINA states that "Since it was necessary to keep his collaboration secret, he too was taken temporarily to the Second 'Maipo' Infantry Regiment barracks until, discovered by his former comrades, he received death threats and voluntarily asked to be taken to Santiago, where he was freed". This statement gives rise to further questions: ...

2. Another important fact is the evidence given by the Priest Bernardo Böning Salcedo, concerning Carabantes' detention. In a letter to the latter's wife, Liliana Castillo, on 30 June 1975, his exact words were: "I must say that this seems very strange to me, because he was detained, I am sure of it, because I saw it with my own eyes on the sheet on which his detention in Valparaíso was recorded and on that same sheet my attention was caught by the name of his mother, my cousin Raquel, whose second name, Juana, I did not know. As I told you, I checked this on my visit to the office now functioning in the old legislative building, in other words the former Chamber of Deputies, where I was sent from the detention centre called Los Alamos on the departmental road near our parish of San Vicente de Paul at the intersection of Avenida Vicuña Mackenna and Calle Walker Martínez Street. All this clearly shows that he was in fact detained, and, as I was told by a military official who was with me, he was well and soon it would be possible to see him and visit him, once the paperwork concerning his detention and subsequent proceedings had been completed. He also said to me: Chaplain, tell the mother of this young man not to worry because he is well and all this will soon be over. A very humane answer to the inquiry I had made, telling him how anxious the mother and wife of this young man were". (Sheet 402).

When called upon to make a statement before the Office of the Prosecutor, Father Bernardo Böning confirmed all he had said in his letter to Liliana Castillo (Sheets 577 and 602).

Case report No. 10

(Rights of Valparaíso and list of "119")

I. IDENTITY

- | | | |
|----------------|-------------|-----------------|
| 1. Surname (1) | Surname (2) | First names |
| GARCIA | VEGA | ALFREDO GABRIEL |
2. Sex: M
3. Birth date or age */: 13 August 1944
4. Nationality: Chilean
5. Identity Card No.: 466.209 Valparaíso
6. Marital status: married
7. Number of children: N/A
8. Domicile: El Raulí, Block 6, Apt. 12, Miraflores Alto, Viña del Mar
9. Profession: Employee - Graduate in social services from Valparaíso University
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: MIR
12. References/Sources (lists, reports, etc.):
- (a) A/10285, paras. 149-151 and annex XVII (Reported dead on the "list of 119" Newspaper "O Novo Dia" of Brazil and Magazine "Lea" of Argentina).
 - (b) Vicaría de la Solidaridad "Dónde Están" Case No. 327 (V.6, page 1287)
 - (c) See also case report No. 9. Carabantes Olivares

II. THE CASE

A. ARREST

DATE	TIME	PLACE
18 January 1975	11.00 a.m.	Montafia Street, Viña del Mar

*/ At the time of disappearance

DESCRIPTION

The arrest took place when he was parked on Montafia Street, between Alcalde Prieto Nieto and Quinta Vergara. DINA agents apprehended him and drove him away in his own car, licence plates FAM-11. Mr. Erick Zott Chuecas, who was already under DINA's arrest was taken in the same occasion and in the same vehicle to Maipo barracks (Regimiento Maipo).

PERSONS MAKING THE ARREST

DINA

WITNESSES

Erick Zott Chuecas

OTHER PERSONS ARRESTED ON SAME OCCASION

Erick Zott Chuecas

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

None

OTHER RELATED CASES

Gutiérrez Martínez María Isabel

Carabantes Olivares Horacio Neftalí

Villar Quijón Elías Ricardo

Vilches Figueroa Abel

Rioseco Espinoza Carlos Ramón

Ibarra Córdova Fabián

Ríos Pacheco Sonia

B. DETENTION

DESCRIPTION

According to the statements made in the proceedings, the detainees were at Maipo barracks in Valparaíso until 28 January 1975, when they were taken in a refrigeration lorry to Villa Grimaldi. The only exception was Sonia Ríos Pacheco, because she had been taken to Villa Grimaldi on 21 January.

In February two of the eight detainees, María Isabel Gutiérrez and Horacio Neftalí Carabantes, were transferred to Cuatro Alamos and returned back to Villa Grimaldi.

While in Villa Grimaldi they were all taken to San Antonio or somewhere nearby. According to Mr. Luis Alberto Costa del Pozo's statement "they could hear the waves breaking and, as they were arriving there, they heard the name of San Antonio mentioned on the vehicle's radio" ...

From Villa Grimaldi, the detainees were transferred to Silva Palma barracks, at Playa Ancha, Valparaíso, where they were seen by Jorge Zurita Figueroa, who made the following statement before the court: "The last time that I saw the persons that I have mentioned alive was at about 11 a.m. on 11 March 1975. At 4 p.m. I was taken in a red Fiat 600 to Villa Grimaldi in Santiago".

DATES	PLACES
(a) 18/1/75 to 28/1/75	Regimiento Maipo
(b) 28/1/75 to 20/2/75	Villa Grimaldi
(c) 4 days	San Antonio, close to the beach
(d) 20/2/75 to 11/3/75	Silva Palma barracks, Valparaíso

WITNESSES

Place (a) Erick Zott Chuecás
Marta Miriam Aguilar Duarte
Julio Eduardo Torres Iglesias
José Fernando Saavedra Romero

Place (b) Rina Mónica de Lourdes Medina Bravo
Julio Eduardo Torres Villegas
Miguel Angel Montecinos Jeff
Hernán Horacio Brain Pizarro
Francisco Hernán Plaza Tapia
Sergio Antonio Vásquez Malebrán
Reinaldo Antonio Erick Zott Chuecas
Sergio Alejandro Vesely Fernández
Mirtha María Scarlet Compagnet Godoy
Ingrid Ximena Sucarrat Zamora
Reina Walkiria Jorquera Iturrieta
Carlos René Díaz Cáceres
María de Jesús Villalobos Díaz
Ricardo Frodden Armstrong
Claudio Alfredo Zaror Zaror
José Humberto Carrasco Tapia

Place (c) Sergio Vásquez Malebrán
Lilian Jorge de Arriagada
Luis Alberto Costa del Pozo

Place (d) Jorge Zurita Figueroa

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

Colonel Manuel Contreras informed to the Supreme Court on 14/7/77 that he had carried out a DINA operation against MIR in Valparaíso in January 1975, that García Vega has been detained and later released.

TREATMENT

He was severely tortured.

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a) Amparo	Appeals of Valparaíso	59-75	5/3/75	Denied 8/5/75
(b) Amparo	Appeals of Santiago	398-75	21/3/75	Denied N/A
(c) Amparo	Appeals of Valparaíso	181-75	25/6/75	Denied 17/10/75
(d) Amparo	Appeals of Valparaíso	118-76	16/12/75	Denied 28/12/76
(e) Amparo	Appeals of Santiago	1-77	3/1/77	Court declared itself without jurisdiction Procedures were sent to the Court of Appeals of Valparaíso
(f)	Appeals of Valparaíso			Denied 3/6/77
(g) Amparo	Supreme Court (Appeal)		Sept 76	Orders appointment of Ministro en Visita
(h)	Ministro en Visita			Declares himself without jurisdiction Procedures were sent to the Military Court
(i) Criminal Proc.	3rd Military Prosecutor of Santiago	N/A	N/A	Declares himself without jurisdiction Procedures were sent to Valparaíso
(j) Criminal Proc.	Military Prosecutor of Valparaíso	230/77	N/A	Dismissal by virtue of Decree No. 2.191 of 19/4/78 (Amnesty) 15/5/78
(k) Criminal Proc.	Ministro en Visita	N/A	5/4/79	Procedures re-opened Outcome unknown

DESCRIPTION

See Case Report No. 9 Carabantes Olivares Horacio Neftalí

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATION

Vicaría de la Solidaridad

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

On 21 March 1975, an application for amparo was lodged with the Court of Appeal of Santiago on behalf of Gabriel García Vega. A previous application submitted to the Court of Appeal of Valparaíso had been rejected, but on the strength of information that the detainee was in Santiago this further application was made. When required to give evidence, the Minister of the Interior replied in a letter dated 31 March that García Vega "is not in detention by order of this Ministry". On 21 April, the Minister of the Interior confirmed that information. On 30 May 1975, the Director of DINA wrote to the Court in the following terms: "1. In accordance with your inquiries, I beg the Court of Appeal kindly to apply to the Ministry of the Interior (Confidential Department) or to the Office of the National Executive Secretary for Detainees, whose responsibility it is to give this type of information". In view of all these negative answers, the application was accompanied by a photocopy of the report issued by the Commanding Officer of the Maipo Regiment in connexion with the application submitted on behalf of Horacio Carabantes, which recognized that the latter and his wife had been detained and that DINA had carried out an operation in Valparaíso in January 1975; nevertheless, this time Colonel Oyarzún stated "I would inform you that applications for any information relating to detainees must be made to the Commander-in-Chief of Naval Zone II and to the Prefecture of the Province, with a copy to that authority for information".

IV. EVALUATION

See Case Report No. 9 Carabantes Olivares

V. ANNEXES

See case report No. 9 Carabantes Olivares

Case report No. 11

(Eight of Valparaíso)

I. IDENTITY

- | | | | |
|----|------------------------|------------------------|--------------|
| 1. | Surname ⁽¹⁾ | Surname ⁽²⁾ | First names |
| | GUTIERREZ | MARTINEZ | MARTA ISABEL |
2. Sex: F
3. Birth date or age */: 11 October 1948
4. Nationality: Chilean
5. Identity Card No: 572 647 Valparaíso
6. Marital status: married
7. Number of children: N/A
8. Domicile: Setimio 461, casa 15, Cerro Barón, Valparaíso
9. Profession: Graduate in geography - Catholic University of Valparaíso
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: MIR
12. References/Sources (lists, reports, etc.):
- (a) Vicaría de la Solidaridad "Dónde Están" Case No. 328 (V.6, page 1299)
- (b) See case report No. 9 Carabantes Olivares

II. THE CASE

A. ARREST

DATE	TIME	PLACE
24 January 1975	N/A	Quilpué, Valparaíso

DESCRIPTION

She was arrested together with her husband Mr. Hernán Horacio Brain Pizarro and taken away to Regimiento Maipo.

*/ At the time of disappearance

PERSONS MAKING THE ARREST

DINA

WITNESSES

Hernán Horacio Brain Pizarro

OTHER PERSONS ARRESTED ON SAME OCCASION

Hernán Horacio Brain Pizarro

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

None

OTHER RELATED CASES

Carabantes Olivares Horacio Neftalí

Villar Quijón Elías Ricardo

Vilches Figueroa Abel

Rioseco Espinoza Carlos Ramón

García Vega Alfredo Gabriel

Ibarra Córdova Fabián

Ríos Pacheco Sonia

B. DETENTION

DESCRIPTION

See case report No. 9 Carabantes Olivares

DATES	PLACES
(a) 24/1/75 to 28/1/75	Regimiento Maipo
(b) 28/1/75 to 8/2/75	Villa Grimaldi
(c) 8/2/75 to 12/2/75	Cuatro Alamos
(d) 12/2/75 to 20/2/75	Villa Grimaldi
(e) 4 days	San Antonio, close to the beach
(f) 20/2/75 to 11/3/75	Silva Palma barracks, Valparaíso

WITNESSES

Place (a) Hernán Horacio Brain Pizarro
Marta Miriam Aguilar Duarte
Héctor Hugo Jara Aranda
Julio Eduardo Torres Villegas
Sergio Antonio Vásquez Malebrán

José Fernando Saavedra Romero
Reinaldo Antonio Erick Zott Chuecas
Sergio Alejandro Vesely Fernández
Reina Walkiria Jorquera Iturrieta

Place (b) Rina Mónica Medina Bravo
Julio Eduardo Torres Villegas
Miguel Angel Montecinos Jeff
Hernán Horacio Brain Pizarro
Francisco Hernán Plaza Tapia
Sergio Antonio Vásquez Malebrán
Reinaldo Antonio Erick Zott Chuecas
Sergio Alejandro Vesely Fernández
Ingrid Ximena Sucarrat Zamora
Reina Walkiria Jorquera Iturrieta
Carlos René Díaz Cáceres
Carlos Bruit Gutiérrez
Abelardo Clariana Piga
Ricardo Frodden Armstrong
Rubén Fernando Aguilera Cortés
José Humberto Carrasco Tapia
Gastón Lorenzo Muñoz Briones
Alicia Ana Hinojosa Soto

Place (c) Mirta María Scarlet Compagnet Godoy
Reina Walkiria Jorquera Iturrieta
Carlos René Díaz Cáceres
María Teresa de Jesús Villalobos Díaz
Hernán Horacio Brain Pizarro

Place (d) Hernán Horacio Brain Pizarro

Place (e) Jorge Zurita Figueroa

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

Colonel Manuel Contreras informed to the Supreme Court on 14/7/77 that he had carried out a DINA operation against MIR in Valparaíso in January 1975, that García Vega had been detained and later released.

TREATMENT

She was severely tortured

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a) Amparo	Appeals of Valparaíso	42-75	Feb.75	Denied 13/2/75
(b) Amparo	Appeals of Valparaíso	110-75	9/6/75	Denied 25/6/75
(c) Amparo	Appeals of Valparaíso	763-75	17/6/75	Denied 19/7/75
(d) Amparo	Appeals of Valparaíso	181-75	25/7/75	Denied 17/10/75
(e) Amparo	Appeals of Santiago	1.594-75	26/11/75	Denied 15/1/76
(f) Amparo (Appeal)	Supreme Court			Confirms resolution of Lower Court - Amparo denied on 20/1/76
(g) Amparo	Appeals of Valparaíso	119.76	16/12/76	Denied 28/12/76
(h) Amparo	Appeals of Santiago	1-77	3/1/77	Court declared itself without jurisdiction - Procedures were sent to Valparaíso
(i)	Appeals of Valparaíso	N/A	N/A	Denied 3/6/77
(j) Amparo (Appeal)	Supreme Court			Confirms resolution of the Lower Court on 12/9/77
(k) Amparo (Appeal)	Supreme Court			
(l) Criminal Proc.	Ministro en Visita (René Claveria Lisboa)		Sept.76	Declared himself without jurisdiction. Procedures were sent to the Military Court
(m) Criminal Proc.	3rd Military Prosecutor of Santiago		N/A	Declared himself without jurisdiction. Procedures were sent to Valparaíso
(n) Criminal Proc.	Military Prosecutor of Valparaíso	230-77	N/A	Dismissal by virtue of Decree No. 2.191 of 19/4/78 (Amnesty) 15/5/78
(o) Criminal Proc.	Ministro en Visita	N/A	5/4/79	Procedures reopened. Outcome unknown

DESCRIPTION

See Case Report No. Carabantes Olivares Horacio Neftalí

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

See Case Report No. Carabantes Olivares Horacio Neftalí

IV. EVALUATION

See Case Report No. 9 Carabantes Olivares

V. ANNEXES

See Case Report No. 9 Carabantes Olivares

Case Report No. 12
(Eight of Valparaíso)

I. IDENTITY

- | | | |
|----------------|-------------|-------------|
| 1. Surname (1) | Surname (2) | First names |
| IBARRA | CORDOVA | FABIAN |
2. Sex: M
3. Birth date or age */: 20 January 1948
4. Nationality: Chilean
5. Identity Card No.: 5-384-995-4 Santiago
6. Marital status: single
7. Number of children: N/A
8. Domicile: Abtao 786, Chorrillos, Viña del Mar
9. Profession: Public auditor
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: MIR
12. References/Sources (lists, reports, etc.):
- (a) Vicaría de la Solidaridad "Dónde Están" Case No. 329 (V.6, page 1308)
- (b) See Case Report No. 9 Carabantes Olivares

II. THE CASE

A. ARREST

DATE	TIME	PLACE
17 January 1975	19.30	870 Jackson Street, Chorrillos, Viña del Mar

DESCRIPTION

The arrest took place in his friend's house. He was apprehended together with Sonia Pacheco Ríos and taken to Maipo barracks (Regimiento Maipo).

*/ At the time of disappearance.

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

Sonia Pacheco Ríos

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

None

OTHER RELATED CASES

Gutiérrez Martínez María Isabel

Carabantes Olivares Horacio Neftalí

Villar Quijón Elías Ricardo

Vilches Figueroa Abel

Rioseco Espinoza Carlos Ramón

Ríos Pacheco Sonia

García Vega Alfredo Gabriel

B. DETENTION

DESCRIPTION

See Case Report No. 9 Carabantes Olivares

DATES	PLACES
(a) 17/1/75 to 28/1/75	Regimiento Maipo
(b) 28/1/75 to 20/2/75	Villa Grimaldi
(c) 4 days	San Antonio, close to the beach
(d) 20/2/75 to 11/3/75	Silva Palma barracks, Valparaíso

WITNESSES

Place (a) Marta Miriam Aguilar Duarte
Héctor Hugo Jara Aranda
Francisco Javier de la Fuente Droguett
Rina Mónica de Lourdes Medina Bravo

Liliana Castillo Rojas de Carabantes
Julio Eduardo Torres Villegas
Hernán Horacio Brain Pizarro
Sergio Antonio Vásquez Malebrán
José Fernando Saavedra Romero
Reinaldo Antonio Erick Zott Chuecas
Sergio Alejandro Vesely Fernández
Reina Walkiria Jorquera Iturrieta

Place (b) Rina Mónica de Lourdes Medina Bravo

Julio Eduardo Torres Villegas
Miguel Angel Montecinos Jeff
Hernán Horacio Brain Pizarro
Francisco Hernán Plaza Tapia
Sergio Antonio Vásquez Malebrán
Reinaldo Antonio Erick Zott Chuecas
Sergio Alejandro Vesely Fernández
Mirtha María Scarlet Compagnet Godoy
Ingrid Ximena Sucarrat Zamora
Reina Walkiria Jorquera Iturrieta
Carlos René Díaz Cáceres
Abelardo Clariana Piga
Ricardo Frodden Armstrong
Claudio Alfredo Zaror Zaror
Rubén Fernando Aguilera Cortés
José Humberto Carrasco Tapia
Fernando Iribarren González
Reinaldo Meza Pasmíño
Gastón Lorenzo Muñoz Briones
Alicia Ana Hinojosa Soto

Place (c) Sergio Vásquez Malebrán

Lilian Jorge de Arriagada
Luis Alberto Costa del Pozo

Place (d) Jorge Zurita Figueroa

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

Colonel Manuel Contreras informed to the Supreme Court on 14/7/77 that he had carried out a DINA operation against MIR in Valparaíso in January 1975, that García Vega has been detained and later released.

TREATMENT

He was severely tortured.

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a) Amparo	Appeals of Valparaíso	62-75	N/A	Denied 12/3/75
(b) Amparo (Appeal)	Supreme Court			Confirms resolution of Lower Court 14/5/75
(c) Amparo	Appeals of Valparaíso	181-75	25/6/75	Denied 17/10/75
(d) Amparo	Appeals of Santiago	1-77	3/1/77	Court declared itself without jurisdiction - Procedures were sent to the Court of Appeals of Valparaíso
(e)	Appeals of Valparaíso			Denied 3/5/77
(f) Amparo (Appeal)	Supreme Court		Sept.76	Orders appointment of Ministro en Visita
(g)	Ministro en Visita			Declares himself without jurisdiction Procedures were sent to the Military Court
(h) Criminal Procedure	3rd Military Prosecutor of Santiago	N/A	N/A	Declares himself without jurisdiction Procedures were sent to Valparaíso
(i) Criminal Procedure	Military Prosecutor of Valparaíso	230-77	N/A	Dismissal by virtue of Decree No. 2.191 of 19/4/78 (Amnesty) 15/5/78

(j) Criminal Procedure Ministro en Visita N/A 5/4/79 Procedures re-opened
Outcome unknown

DESCRIPTION

See Case Report No. 9 Carabantes Olivares Horacio Neftalí

D. INQUIRIES BY NATIONAL AND OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

In the application for amparo made on behalf of Fabián Ibarra Córdova and Sonia Ríos Pacheco, case No. 62-75, the Prefect of Valparaíso informed the Court of Appeal of Valparaíso that "this prefecture has no record of the persons mentioned, who have therefore not been detained by order of this authority". This letter is dated 11 March 1975. The Minister of the Interior stated on 6 March 1975 that the persons concerned "were not in detention by order of this Ministry". When the Court insisted, on 17 April he stated the following:

"This Office has no record of the following persons nor has it ordered their detention: Ibarra Córdova Fabián, Ríos Pacheco Sonia". In a letter dated 16 June 1975, the Minister of the Interior again denied that the persons concerned were in detention. On 7 July 1975, the Minister of the Interior wrote to the Court stating that the persons in question "are not in detention by order of this Ministry". This letter was in response to the one written by the Court to the Office of the Government Secretary-General. The Court of Appeal of Santiago rejected the application for amparo on 11 July 1975.

On 10 June, in response to a request for information on the eight persons the Confidential Department of the Ministry of the Interior stated, after listing the eight names,

"In this connexion, I wish to inform you that our Kardex contains no information on the above-mentioned persons, nor have they been arrested by order of this Department; the reports and information supplied by various security agencies on this situation, in accordance with inquiries ordered earlier, have all been investigated and, therefore, your letter and enclosures are being returned, as they are considered to be for your files."

IV. EVALUATION

See Case Report No. 9 Carabantes Olivares

V. ANNEXES

See Case Report No. 9 Carabantes Olivares

Case Report No. 13

(Rights of Valparaíso)

I. IDENTITY

- | | | | |
|----|------------------------|------------------------|--------------------|
| 1. | Surname ⁽¹⁾ | Surname ⁽²⁾ | First names |
| | RIOS | PACHECO | SONIA DEL TRANSITO |
2. Sex: F
3. Birth date or age */ 14 August 1944
4. Nationality: Chilean
5. Identity Card No.: N/A
6. Marital status: single
7. Number of children: N/A
8. Domicile: Abtao 786, Chorrillos, Viña del Mar
9. Profession: Student - University of Concepción
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: MIR
12. References/Sources (Lists, reports, etc.):
- (a) Vicaría de la Solidaridad "Dónde Están" Case No. 332 (V.6, page 1324)
- (b) See Case Report No. 9 Carabantes Olivares

II. THE CASE

A. ARREST

DATE	TIME	PLACE
17 January 1975	19.30	870 Jackson Street, Chorrillos Viña del Mar

DESCRIPTION

The arrest took place in her friend's house. She was apprehended together with Fabián Ibarra Córdova and taken away to Regimiento Maipo.

*/ At the time of disappearance.

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

Fabián Ibarra Córdova

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

None

OTHER RELATED CASES

Gutiérrez Martínez María Isabel
Carabantes Olivares Horacio Neftalí
Villar Quijón Elías Ricardo
Vilches Figueroa Abel
Rioseco Espinoza Carlos Ramón
García Vega Alfredo Gabriel
Ibarra Córdova Fabián

B. DETENTION

DESCRIPTION

See Case Report No. 9 Carabantes Olivares

DATES	PLACES
(a) 17/1/75 to 21/1/75	Regimiento Maipo
(b) 21/1/75 to 20/2/75	Villa Grimaldi
(c) 4 days	San Antonio, close to the beach
(d) 20/2/75 to 11/3/75	Silva Palma barracks, Valparaíso

WITNESSES

Place (a) Rina Mónica Medina Bravo
Erick Zott Chuecas

Place (b) Rina Mónica de Lourdes Medina Bravo
Miguel Angel Montecinos Jeff
Hernán Horacio Brain Pizarro
Francisco Hernán Plaza Tapia
Sergio Antonio Vásquez Malebrán
Reinaldo Antonio Erick Zott Chuecas
Sergio Alejandro Vesely Fernández
Mirtha María Scarlet Compagnet Godoy
Ingrid Zimena Sucarrat Zamora
Reina Walkiria Jorquera Iturrieta
Carlos René Díaz Cáceres
María Teresa de Jesús Villalobos Díaz
Ricardo Frodden Armstrong
Claudio Alfredo Zaror Zaror
Rubén Fernando Aguilera Cortés
Reinaldo Meza Pasmíño
Gastón Lorenzo Muñoz Briones
Alicia Ana Hinojosa Soto

Place (c) Sergio Vásquez Malebran
Lilian Jorge de Arriagada
Luis Alberto Costa del Pozo

Place (d) Jorge Zurita Figueroa

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

Colonel Manuel Contreras informed to the Supreme Court on 14/7/77 that he carried out a DINA operation against MIR in Valparaíso in January 1975, that Ríos Pacheco has been detained and later released.

TREATMENT

He was severely tortured

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a)	Amparo	Appeals of Valparaíso	62-75	N/A	Denied 12/3/75
(b)	Amparo (Appeal)	Supreme Court			Confirms resolution of Lower Court 14/5/75
(c)	Amparo	Appeals of Valparaíso	181-75	25/6/75	Denied 17/10/75
(d)	Amparo	Appeals of Santiago	1-77	3/1/77	Court declared itself without jurisdiction - Procedures were sent to the Court of Appeals of Valparaíso
(e)		Appeals of Valparaíso			Denied 3/5/77
(f)	Amparo (Appeal)	Supreme Court		Sept. 76	Orders appointment of Ministro en Visita
(g)		Ministro en Visita			Declares himself without jurisdiction - Procedures were sent to the Military Court
(h)	Criminal Proc.	3rd Military Prosecutor of Santiago	N/A	N/A	Declares himself without jurisdiction - Procedures were sent to Valparaíso
(i)	Criminal Proc.	Military Prosecutor of Valparaíso	230-77	N/A	Dismissal by virtue of Decree No. 2.191 of 19/4/78 (Amnesty) 15/5/78
(j)	Criminal Proc.	Ministro en Visita	N/A	5/4/79	Procedures re-opened Outcome unknown

DESCRIPTION

See Case Report No. 9 Carabantes Olivares Horacio Neftalí

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS.

Vicaría de la Solidaridad

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

See Case Report No. 12 Ibarra Córdova Fabián

IV. EVALUATION

See Case Report No. 9 Carabantes Olivares

V. ANNEXES

See Case Report No. 9 Carabantes Olivares

Case Report No. 14

(Eight of Valparaíso)

I. IDENTITY

- | | | |
|---------------------------|------------------------|--------------|
| 1. Surname ⁽¹⁾ | Surname ⁽²⁾ | First names |
| RIOSECO | ESPINOZA | CARLOS RAMON |
2. Sex: M
3. Birth date or age: */ 8 February 1948
4. Nationality: Chilean
5. Identity Card No.: 308.116 Concepción
6. Marital status: married
7. Number of children: N/A
8. Domicile: Cumming 72, Santiago
9. Profession: Salesman
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: MIR
12. References/Sources (lists, reports, etc.):
- (a) Vicaría de la Solidaridad "Dónde Están" Case No. 333 (V.6, page 1333)
- (b) See Case Report No. 9 Carabantes Olivares

II. THE CASE

A. ARREST

DATE	TIME	PLACE
18 January 1975	18.00	Montaña Street, Vía del Mar

DESCRIPTION

The arrest took place on Montaña Street, between Alcalde Nieto and Quinta Vergara. He was introduced in a pick-up Chevrolet G-10, red colour, driven by DINA personnel.

*/ At the time of disappearance.

PERSONS MAKING THE ARREST

DINA

WITNESSES

Cruz Juana Carbajal Tapia

Erick Zott Chuecas

OTHER PERSONS ARRESTED ON SAME OCCASION

N/A

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

NONE

OTHER RELATED CASES

Gutiérrez Martínez María Isabel

Carabantes Olivares Horacio Neftalí

Vilches Figueroa Abel

García Vega Alfredo Gabriel

Ibarra Córdova Fabián

Ríos Pacheco Sonia

Villar Quijón Elías Ricardo

B. DETENTION

DESCRIPTION

See Case Report No. 9 Carabantes Olivares

	DATES	PLACES
(a)	18/1/75 to 28/1/75	Regimiento Maipo
(b)	28/1/75 to 20/2/75	Villa Grimaldi
(c)	4 days	San Antonio, close to the beach
(d)	20/2/75 to 11/3/75	Transferred to Silva Palma barracks, Valparaíso

WITNESSES

Place (a) Héctor Hugo Jara Aranda
Francisco Javier de la Fuente Droguett
Julio Eduardo Torres Vilches
Hernán Horacio Brain Pizarro
Sergio Antonio Vásquez Malebrán
José Fernando Saavedra Romero
Reinaldo Antonio Erick Zott Chuecas
Sergio Alejandro Vesely Fernández
Reina Walkiria Jorquera Iturrieta

Place (b) Rina Mónica Medina Bravo
Julio Eduardo Torres Villegas
Hernán Horacio Brain Pizarro
Francisco Hernán Plaza Tapia
Sergio Antonio Vásquez Malebrán
Reinaldo Antonio Erick Zott Chuecas
Sergio Alejandro Vesely Fernández
Ingrid Ximena Sucarrat Zamora
Reina Walkiria Jorquera Iturrieta
Carlos René Díaz Cáceres
Ricardo Frodden Armstrong
Claudio Alfredo Zaror Zaror
José Humberto Carrasco Tapia
Reinaldo Meza Pasmñiño
Gastón Lorenzo Muñoz Briones
Alicia Ana Hinojosa Soto

Place (c) Sergio Vásquez Malebrán
Lilian Jorge

Place (d) Jorge Zurita Figueroa

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

Colonel Manuel Contreras informed to the Supreme Court on 14/7/77 that he had carried out a DINA operation against MIR in Valparaíso in January 1975, that Rioseco Espinoza has been detained and later released.

TREATMENT

He was severely tortured.

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a) Amparo	Appeals of Santiago	237-75	14/2/75	Denied and ordered remittance of procedures to Criminal Court on 19/2/75
(b) Amparo	Appeals of Valparaíso	121-75	21/3/75	Denied 11/6/75
(c) Amparo	Appeals of Santiago	740-75	10/6/75	Denied 26/9/75
(d) Amparo	Appeals of Valparaíso	181-75	25/6/75	Denied 28/12/75 or 17/10/75
(e) Amparo	Appeals of Valparaíso	119-76	16/12/75	Denied
(f) Amparo	Appeals of Santiago	1-77	3/1/77	Court declared itself without jurisdiction - Procedures were sent to Valparaíso
(g)	Appeals of Valparaíso	N/A	N/A	Denied 3/6/77
(h) Amparo (Appeal)	Supreme Court			Confirms resolution of Lower Court on 12/9/77
(i) Criminal Proc.	4th Criminal Court of Santiago	11.226	N/A	N/A
(j) Criminal Proc.	Ministro en Visita (René Claveria Lisboa)		Sept. 76	Declared himself without jurisdiction - Procedures were sent to the Military Court
(k) Criminal Proc.	3rd Military Prosecutor of Santiago		N/A	Declared himself without jurisdiction - Procedures were sent to Valparaíso
(l) Criminal Proc.	Military Prosecutor of Valparaíso	230-77	N/A	Dismissal by virtue of Decree No. 2.191 of 19/4/78 (Amnesty) 15/5/78
(m) Criminal Proc.	Ministro en Visita	N/A	5/4/79	Procedures re-opened Outcome unknown

DESCRIPTION

See Case Report No. Carabantes Olivares Horacio Neftalí.

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad I and II

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

See Case Report No. Carabantes Olivares Horacio Neftalí

IV. EVALUATION (Findings, inconsistencies, recommendations)

See Case Report No. 9 Carabantes Olivares

V. ANNEXES

See Case Report No. 9 Carabantes Olivares

Case Report No. 15

(Rights of Valparaíso)

I. IDENTITY

- | | | |
|----------------|-------------|--------------|
| 1. Surname (1) | Surname (2) | First names |
| VILCHES | FIGUEROA | ABEL ALFREDO |
2. Sex: M
 3. Birth date or age */: 27 September 1947
 4. Nationality: Chilean
 5. Identity Card No.: 106.194 Valparaíso
 6. Marital status: married
 7. Number of children: five
 8. Domicile: Población Osmán Pérez Freire, Mazana B, Lote 1, Cerro Mariposa Valparaíso
 9. Profession: general labour
 10. Official positions held (Governor, etc.): N/A
 11. Political affiliations: MIR
 12. References/Sources (lists, reports, etc.):
 - (a) Vicaría de la Solidaridad "Donde Están" Case No. 336 (V.6, page 1352)
 - (b) See Case Report No. 9 Carabantes Olivares

II. THE CASE

A. ARREST

DATE	TIME	PLACE
27 January 1975	16.00	Lomas de Chorillos, Viña del Mar

*/ At the time of disappearance.

DESCRIPTION

The arrest took place as he was walking on the street. His wife stated that in coming back from the hospital, where she gave birth to a boy, she found two DINA agents staying in the house with the purpose of arresting her husband. During 25 and 26 January nobody was allowed to leave the house. On 27 January Mr. Vilches Figueroa was apprehended by DINA.

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

N/A

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

None

OTHER RELATED CASES

Gutiérrez Martínez María Isabel
Carabantes Olivares Horacio Neftalí
Villar Quijón Elías Ricardo
Rioseco Espinoza Carlos Ramón
Ibarra Córdova Fabián
Ríos Pacheco Sonia

B. DETENTION

DESCRIPTION

See Case Report No. 9 Carabantes Olivares

DATES	PLACE
(a) 27/1/75 to 28/1/75	Regimiento Maipo
(b) 28/1/75 to 20/2/75	Villa Grimaldi
(c) 8/2/75 to 12/2/75	Cuatro Alamos
(d) 12/2/75 to 20/2/75	Villa Grimaldi
(e) 4 days	San Antonio - Close to the beach
(f) 20/2/75 to 11/3/75	Silva Palma barracks, Valparaíso

WITNESSES

Place (a) Héctor Hugo Jara Aranda
Francisco Javier de la Fuente Droguett
Julio Eduardo Torres Villegas
Hernán Horacio Brain Pizarro
Sergio Antonio Vásquez Malebrán
José Fernando Saavedra Romero
Reinaldo Antonio Erick Zott Chuecas
Sergio Alejandro Vesely Fernández
Reina Walkiria Jorquera Iturrieta

Place (b) Julio Eduardo Torres Villegas
Miguel Angel Montecinos Jeff
Hernán Horacio Brain Pizarro
Francisco Hernán Plaza Tapia
Sergio Antonio Vásquez Malebrán
Reinaldo Antonio Erick Zott Chuecas
Sergio Antonio Alejandro Vesely Fernández
Mirtha María Scarlet Compagnet Godoy
Ingrid Ximena Sucarrat Zamora
Reina Walkiria Jorquera Iturrieta
Carlos René Díaz Cáceres
Ricardo Frodden Armstrong

Place (c) Sergio Vásquez Malebrán
Lilian Jorge de Arriagada

Place (d) Jorge Zurita Figueroa

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

Colonel Manuel Contreras informed to the Supreme Court on 14/7/77 that he had carried out a DINA operation against MIR in Valparaíso in January 1975, that Vilches Figueroa had been detained and later released.

TREATMENT

He was severely tortured

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a) Amparo	Appeals of Valparaíso	71-75		Denied 27/ 3/75
(b) Amparo	Appeals of Valparaíso	181-75	25/ 6/75	Denied 17/10/75
(c) Amparo	Appeals of Valparaíso	120-76	20/12/76	Denied 28/12/76
(d) Amparo	Appeals of Santiago	N/A	2/10/75	Denied 23/10/75
(e) Amparo	Appeals of Santiago	1-77	3/ 1/77	Denied 3/ 6/77
(f) Amparo (Appeal)	Supreme Court			Confirms resolution of Lower Court - Amparo denied 20/ 1/76
(g) Amparo	Appeals of Valparaíso	119-76	16/12/76	Denied 28/12/76
(h) Amparo	Appeals of Santiago	1-77	3/ 1/77	Court declared itself without jurisdiction - Procedures were sent to Valparaíso
(i)	Appeals of Valparaíso	N/A	N/A	Denied 3/ 6/77
(j) Amparo (Appeal)	Supreme Court			Confirms resolution of the Lower Court on 12/ 9/77
(k) Amparo (Appeal)	Supreme Court			
(l) Criminal Proc.	Ministro en Visita (René Claveria Lisboa)		Sept. 76	Declared himself without jurisdiction - Procedures were sent to the Military Court
(m) Criminal Proc.	3rd Military Prosecutor of Santiago		N/A	Declared himself without jurisdiction - Procedures were sent to Valparaíso
(n) Criminal Proc.	Military Prosecutor of Valparaíso	230-77	N/A	Dismissal by virtue of Decree No. 2.191 of 19/4/78 (Amnesty) 15/ 5/78
(o) Criminal Proc.	Ministro en Visita	N/A	5/ 4/79	Procedures re-opened Outcome unknown

DESCRIPTION

See Case Report No. 9 Carabantes Olivares Horacio Neftalí

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad I and II
International Red Cross

III. INFORMATION FROM THE GOVERNMENT

See Case Report No. 9 Carabantes Olivares Horacio Neftalí

IV. EVALUATION

See Case Report No. 9 Carabantes Olivares

V. ANNEXES

See Case Report No. 9 Carabantes Olivares

Case Report No. 16

(Rights of Valparaíso)

I. IDENTITY

- | | | | |
|----|-------------|-------------|---------------|
| 1. | Surname (1) | Surname (2) | First names |
| | VILLAR | QUIJON | ELIAS RICARDO |
2. Sex: M
3. Birth date or age ^{*/}: 23 July 1954
4. Nationality: Chilean
5. Identity Card No.: 525.513 Valparaíso
6. Marital status: single
7. Number of children: N/A
8. Domicile: Yungay 881, Depto. 92, Valparaíso
9. Profession: Student - University of Valparaíso
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: MIR
12. References/Sources (lists, reports, etc.):
- (a) Vicaría de la Solidaridad "Dónde Están" Case No. 337 (V.6, page 1361)
- (b) See Case Report No. 9 Carabantes Olivares

II. THE CASE

A. ARREST

DATE	TIME	PLACE
27 January 1975	N/A	N/A

^{*/} At the time of disappearance

DESCRIPTION

The arrest took place on the street. His grandmother, with whom he lived, saw Elías for the last time on 27 January at 11.00 a.m. The following day, at 1.30 p.m. DINA personnel registered her home and confiscated letters from Elías bedroom.

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

NONE

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

Gutiérrez Martínez María Isabel

Carabantes Olivares Horacio Neftalí

Vilches Figueroa Abel

Rioseco Espinoza Carlos Ramón

García Vega Alfredo Gabriel

Ibarra Córdova Fabián

Ríos Pacheco Sonia

B. DETENTION

DESCRIPTION

See Case Report No. 9 Carabantes Olivares

DATES	PLACES
(a) 27/1/75 to 28/1/75	Regimiento Maipo
(b) 28/1/75 to 20/2/75	Villa Grimaldi
(c) 8/2/75 to 12/2/75	Cuatro Alamos
(d) 12/2/75 to 20/2/75	Villa Grimaldi
(e) 4 days	San Antonio - Close to the beach
(f) 20/2/75 to 11/3/75	Silva Palma barracks, Valparaíso

WITNESSES

Place (a) Marta Miriam Aguilar Duarte
Héctor Hugo Jara Aranda
Francisco Javier de la Fuente Droguett
Julio Eduardo Torres Villegas
Hernán Horacio Brain Pizarro
Sergio Antonio Vásquez Malebrán
José Fernando Saavedra Romero
Reinaldo Antonio Erick Zott Chuecas
Sergio Alejandro Vesely Fernández
Reina Walkiria Jorquera Iturrieta
Carlos René Díaz Cáceres
Fernando Iribarren González

Place (b) Miguel Montecinos Jeff
Fernando Iribarren González

Place (c) N/A

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

Colonel Manuel Contreras informed to the Supreme Court on 14/7/77 that he had carried out a DINA operation against MIR in Valparaíso in January 1975, that García Vega has been detained and later released.

TREATMENT

He was severely tortured

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a)	Amparo	Appeals of Valparaíso	38-75	7/2/75	Denied 12/12/75
(b)	Amparo	Appeals of Valparaíso	181-75	25/7/75	Denied 17/10/75
(c)	Amparo	Appeals of Valparaíso	120-76	20/12/76	Denied 28/12/76
(d)	Amparo	Appeals of Santiago	1-77	3/1/77	Court declared itself without jurisdiction - Procedures were sent to Valparaíso
(e)		Appeals of Valparaíso	N/A	N/A	Denied 3/6/77

- | | | | | | |
|-----|--------------------|--|----------|------------|--|
| (f) | Amparo
(Appeal) | Supreme Court | | | Confirms resolution
of the Lower Court
on 12/9/77 |
| (g) | Amparo
(Appeal) | Supreme Court | | | |
| (h) | Criminal
Proc. | Ministro en Visita
(René Claveria Lisboa) | Sept. 76 | | Declared himself
without jurisdiction
- Procedures were
sent to the Military
Court |
| (i) | Criminal
Proc. | 3rd Military Prosecutor
of Santiago | | N/A | Declared himself
without jurisdiction
- Procedures were
sent to Valparaíso |
| (j) | Criminal
Proc. | Military Prosecutor
of Valparaíso | 230-77 | N/A | Dismissal by virtue
of Decree No. 2.191
of 19/4/78 (Amnesty)
15/5/78 |
| (k) | Criminal
Proc. | Ministro en Visita | | N/A 5/4/79 | Procedures re-opened
Outcome unknown |

DESCRIPTION

See Case Report No. 9 Carabantes Olivares Horacio Neftalí

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

See Case Report No. 9 Carabantes Olivares Horacio Neftalí

IV. EVALUATION

See Case Report No. 9 Carabantes Olivares

V. ANNEXES

See Case Report No. 9 Carabantes Olivares

Case Report No. 17

I. IDENTITY

- | | | | |
|----|-------------|-------------|----------------|
| 1. | Surname (1) | Surname (2) | First names |
| | LORCA | TOBAR | CARLOS ENRIQUE |
2. Sex: M
3. Birth date or age: */ 19 November 1944
4. Nationality: Chilean
5. Identity Card No.: 55.346 Nuñoa
6. Marital status: married
7. Number of children: one
8. Domicile: Maule 130, Santiago
9. Profession: Physician, surgeon, psychiatrist
10. Official positions held (Governor, etc.): Congressman
11. Political affiliations: Socialist party (member of central committee),
General Secretary of the Socialist Youth
12. References/Sources (lists, reports, etc.):
- (a) A/32/227, para. 108
 - (b) Vicaría de la Solidaridad "Dónde Están", Case No. 29 (V.I, page 146)
 - (c) El Mercurio 2-8-75
 - (d) Ad Hoc Working Group on Chile, hearings New York, 19 July 1977
(Witness: Mr. Ramsey Clark)

II. THE CASE

A. ARREST

DATE	TIME	PLACE
25/6/1975	16 hrs	Maule 130, Santiago

*/ At the time of disappearance

DESCRIPTION

On 25 June 1975, persons in civilian clothes awaited Dr. Lorca in the house at 130 Maule Street and arrested him and Carolina Wiff Sepúlveda after they had entered the house together. Passersby noticed several vehicles parked before the house and several persons watching and that the two were taken out in handcuffs, placed in a red Fiat 125 without licence plates and driven away. Dr. Lorca had been sought by the Government since 11/9/73 and his house and that of his parents had been searched.

PERSONS MAKING THE ARREST

DINA

WITNESSES

Lidia Gónzales Morales
Manuel Domingo Aguilera
Yolanda del Carmen Abarca González
Luis Horacio Oliva Barriá
Juan Humberto Casanga Astorga

OTHER PERSONS ARRESTED ON SAME OCCASION

Carolina Wiff Sepúlveda

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

None

OTHER RELATED CASES

Carolina Wiff Sepúlveda

B. DETENTION (Place of, etc.)

DESCRIPTION

Former detainee Lautaro Videla states he saw Lorca detained at "Villa Grimaldi". Former detainee Riffo Zamorano during a visit to "Villa Grimaldi" by the Ad Hoc Working Group pointed out the rooms where Carlos Lorca was detained and tortured.

DATES

PLACES

- | | |
|-------------------------|---------------------------|
| (a) June 1975/July 1975 | Villa Grimaldi |
| (b) Probably 76/77 | Colonia Dignidad, Block 2 |
| (c) | |
| (d) | |

WITNESSES

Place (a) Lautaro Videla

Luis Gómez González

Héctor Eduardo Riffo-Zamorano

Antonio Osorio Olivares

Place (b) Juan Muñoz Alarcón (June 77 Statement - he was murdered in August 1977)

Place (c)

Place (d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

- (a) Director of SENDET to Italian lawyer Guido Calvi on taped telephone conversation of 17 July 1975: "He is under arrest and he would be tried in Court".
- (b) DINA agents María Angélica Aguilera and Julio Umeño in a letter to Pinochet dated 4 September 1975 "In relationship with the cases of Carlos Lorca - etc... etc... we had complied step by step with the orders received by Colonel Contreras..."

TREATMENT

Riffo Zamorano states Lorca was tortured and Lautaro Videla and Luis Gómez González saw him in poor physical condition.

C. LEGAL PROCEDURES (amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME
(a) Amparo	Court of Appeal Santiago	806-75	1/7/75	<u>9/7/75</u> denied
(b) Amparo	"	525-76	11/6/76	denied
(c) Crim. Proc.	Fourth Crim. Court of Santiago	107-782		15/6/77 temporary suspension of investigation

DESCRIPTION

Santiago Court of Appeals (1/7/75) in response to writ of amparo, requested information from the Ministry of the Interior and the Director of DINA. Ministry of Interior (9/7/75) informed Lorca "was not detained by order coming from this Ministry" and on 14/7/75 Court renewed request to DINA. On 15/7/75 Court requested President of Republic if he had ordered DINA to detain Lorca. There is no record of any answer from the President to the Court, nor from DINA to the Court. In

June and July 1976 Spanish and French lawyers presented writs of amparo to the Supreme Court which were turned down. The criminal complaint (107-782) was temporarily suspended on 15/6/79.

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

League for women's rights on behalf of the French lawyers (Colette Auger)
Catholic Lawyers Movement from Santiago

OEA

UNESCO

International Red Cross

III. POSITION OF THE GOVERNMENT

The Ministry of Foreign Affairs informed the Inter-Parliamentary Union in a letter dated 15 November 1978, that "despite the various investigations carried out by the administrative police and judicial authorities, it has not been possible to ascertain the whereabouts of Mr. Lorca"; but that "the Government will continue its inquiries regarding (this case) and all such information which may be obtained will be brought to (the Union's) attention in due time".

IV. EVALUATION

The testimony of witnesses to the arrest of Carlos Lorca and to his detention at Villa Grimaldi reliably attests to his arrest and detention by the DINA. The Government's answer that he was not detained by an order coming from the Ministry of the Interior is not a pertinent answer since DINA had independent powers of arrest. DINA itself gave no reply. The investigation should be continued and in particular the persons making the arrest and the persons in charge of Villa Grimaldi and all relevant records should be examined.

V. ANNEX

Excerpts from Dónde Están? 1/

LEGAL AND ADMINISTRATIVE ACTION

Amparo proceedings on behalf of the person concerned were brought in the Santiago Court of Appeal under Case No. 806-75 on 1 July 1975, with a request for information from the Ministry of the Interior and the Director of DINA.

On 9 July 1975 the Ministry of the Interior stated that Carlos Lorca was not under detention.

On 14 July the applicant lodged a sworn declaration by Yolanda Abarca González, an eye-witness of the arrest, again asking for information from DINA, which has not yet replied.

1/ Publication of the Vicaría de la Solidaridad of the Archbishopric of Santiago, Chile, containing information on 477 cases of missing persons Case No. 29, volume 1, page 146.

On 15 July an application was lodged seeking information from the Office of the President of the Republic as to whether it had ordered DINA to arrest the person who was the subject of the amparo proceedings.

On 25 July 1975 the Court rejected the amparo application without the Director of National Intelligence having replied.

On 11 June 1976 a group of French lawyers filed amparo proceedings on behalf of Carlos Lorca Tobar and other political detainees; these were heard by the Santiago Court of Appeal under Case No. 525-76 and were rejected.

On 16 June 1976 a group of Spanish lawyers filed amparo proceedings on behalf of the person concerned and José Arturo Weibel Navarrete and Hernán Montealegre Klenner; these were rejected on 27 June 1976.

Presumed misadventure proceedings, Case No. 107-782, were the subject of a stay of action on 15 June 1977.

Case Report No. 18

I. IDENTITY

- | | | | |
|----|------------------------|------------------------|----------------|
| 1. | Surname ⁽¹⁾ | Surname ⁽²⁾ | First names |
| | AVALOS | DAVIDSON | ALEJANDRO JUAN |
2. Sex: M
3. Birth date or age */: 16 November 1944
4. Nationality: Chilean/British
5. Identity Card No.: 4.908.195 Santiago
6. Marital status: Single
7. Number of children: N/A
8. Domicile: Alnte. Parros 197 Apt. 32 Santiago
9. Profession: Professor at the Catholic University in Santiago
10. Official positions held (Governor, etc.):
11. Political affiliations: Communist Party
12. References/Sources (lists, reports, etc.):
- (a) Vicaría de la Solidaridad "Dónde Están" Case No. 10 (v.1 page 57)
 - (b) Testimony of witness No. 1 of 25 July 1979 before the Expert on the fate and disappearance of missing persons
 - (c) E/CN.4/1221, annex IX

II. THE CASE

A. ARREST

DATE	TIME	PLACE
20 November 1975	17:00	N/A

DESCRIPTION

He was arrested on the street, while covering the distance between the Catholic University of Chile on 2431 Bustos street and his mother's house on 1673 Pedro de Valdivia Street, in Santiago.

*/ At the time of disappearance

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

N/A

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

Carlos Corvalán Rojas

B. DETENTION

DESCRIPTION

Mr. Carlos Corvalán Rojas in testimony said that he was forced when arrested to get into a vehicle in which was Mr. Alejandro Avalos Davidson, and that they were both taken together to an interrogation centre. Other witness testify that Mr. Avalos Davidson was at Villa Grimaldi.

DATES	PLACES
(a) 2 December 1975	DINA Interrogation Centre
(b) 12/19 December 1975	Villa Grimaldi
(c) End of November 1975	"La Torre" Villa Grimaldi

WITNESSES

Place (a) Carlos Corvalán Rojas

Place (b) Sergio Carlos Requena Rueda and Carlos Raúl González Anjarj

Place (c) Dagoberto Mario Trincado Oliver

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

None

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	DATE	OUTCOME
(a)	Amparo	Appeal of Santiago	1.642-75	6/12/75	N/A	Denied
(b)	Crim. Proc. (Querella)	2nd Crim. Court of Santiago	86.102-5	21/2/77		In process

DESCRIPTION

The writ of amparo was denied on the basis of the information provided by the Minister of Interior to the Supreme Court that Mr. Avalos Davidson "has not been arrested by order coming from this Ministry". The proceedings were sent to the 8th Criminal Court of Santiago. A report (No. 84.315) was filed on 1 December 1975 before the 2nd Criminal Court of Santiago for possible murder. Finally, a "Querella" was submitted before the 2nd Criminal Court of Santiago, which is still in process.

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

International Red Cross

Vicaría de la Solidaridad

III. POSITION OF THE GOVERNMENT

The Government never acknowledged his detention. In response to a court request the Minister of Interior informed that Mr. Avalos Davidson has not been arrested by order coming from this Ministry.

IV. EVALUATION

The testimony of witnesses concerning the search of DINA for Mr. Avalos Davidson and the testimony of witnesses to his detention by the DINA reliably attest to the fact that Mr. Avalos was arrested and detained by the DINA. As in the Lorca case the Ministry of the Interior's response that Avalos Davidson was not being held by an order coming from that Ministry is irrelevant since DINA had independent powers of arrest. The investigation in this case should be continued along the lines suggested in the Lorca case.

V. ANNEX

Excerpts from Dónde Están?^{1/}

FACTS

In presumed misadventure proceedings instituted in the Second Criminal Court under Case 84,315-5, detective Luis Cerda Madrid stated that he had interviewed Mr. Francesco Bulnes Ripamonti, Secretary-General of the Catholic University of Chile, on the direction of the court, and that in part of his statement the latter said: "I am Secretary-General of the Catholic University of Chile and it has come to my knowledge that Professor Alejandro Avalos Davidson has not appeared in the University for about the past month. I did not witness the arrest, but some while ago a DINA official informed the Head of the Rector's Office, Mr. Carlos Bombal, that Mr. Avalos had been detained by DINA, which the latter has subsequently denied".

At sheet 10 (verso), on 19 January 1976, Carlos Ramón Bombal Otagui deposes as follows: "As Head of the Office of the Rector of the Catholic University of Chile, and consequently as an official enjoying his exclusive trust, I was required on Monday, 3 November 1975 to deal with two persons who came to see the Rector, Mr. Jorge Swett Madge, and who identified themselves as officials of DINA. They went to talk to Mr. Swett personally and a few minutes later he called me and gave me instructions to deal with them and give them all the information which they might ask me to furnish. At the same time I was informed by the Rector that they were seeking information about a professor by the name of Alejandro Juan Avalos Davidson; as the Rector had suggested, I arranged to telephone to the Director of the department where Mr. Avalos works. The two officials suggested that I should refrain from causing any alarm in that department and from making the telephone call, since their instructions were to arrest Mr. Avalos without witnesses".

...

The deposition of Jorge Sweet Madge, Rector of the University of Santiago, at sheet 18 includes the following statement: "In fact, I remember that on 3 November 1975 two persons came to my office in the University and identified themselves as DINA officials by showing me their credentials. They wished to have information about a professor in the University named Alejandro Juan Avalos Davidson. They wanted to know whether he belonged to the University, where he worked, and in short how to find him. Because of the time which has elapsed, I do not remember what purpose they had in seeking this information about Professor Avalos, that is to say, I do not remember their telling me why they were looking for him."

^{1/} Publication of the Vicaría de la Solidaridad of the Archbishopric of Santiago, Chile, containing information on 477 cases of missing persons. Case No. 10, volume 1, page 57.

OTHER INFORMATION

At sheet 20, Carlos Corvalán Rojas, a detainee at Tres Alamos, states as follows: "I know Alejandro Avalos Davidson, who was a professor and was working on the Teaching Research Project of the Catholic University of Chile; I had known him some years before in INACAP, where we worked together. On 2 December 1975, when I was taking my son to school, I was arrested by Military Intelligence Service personnel two blocks away from my home in Avenida Matta, at the corner of Lira; they put me into a van in which Alejandro Avalos was sitting; we saw each other but did not greet or speak to each other throughout the journey; they put scotch tape on my eyes and told me not to speak, after which I, and apparently Avalos, were made to get out and I was blindfolded. I was taken into a room where I heard the voice of Alejandro Avalos, who was asking me to co-operate in the interrogation; the following day I was taken to Cuatro Alamos and afterwards to Tres Alamos, where I am now. Later, when the President of the Supreme Court was in the camp, I spoke to the Clerk of the Supreme Court and asked him about Alejandro Avalos, because I had not seen him again or heard anything about him since I was arrested".

At sheet 58, Sergio Carlos Requina Rueda, a detainee at Tres Alamos, states as follows: "I was arrested on 12 December 1975 under the State of Siege Act. I was first taken to what was called Villa Grimaldi, on the day on which I was arrested".

He continues elsewhere in his statement: "I was inside Villa Grimaldi from 12 December 1975 until 19 December 1975. During my stay there I was blindfolded, except when we were to wash our faces, and then we were allowed to remove the bandage. On one of those days, when I went to the bath-house, which was outside the place where I was kept all the time, and which was a kind of garage, I caught sight of Alejandro Juan Avalos Davidson, whom I had met before, since his mother was a childhood friend of my nieces and we had met at two weddings which both of us had attended. I will explain how the meeting took place: in order to reach the bath-house it was necessary to cross a small internal courtyard in which there was a wash-basin. We washed our faces there or in the bath-house, depending on the circumstances. That day I was the first in my queue and asked permission to take off the bandage and wash my face; when I did so I could see that I was alongside Alejandro Juan Avalos Davidson, who was shaving himself in front of a broken mirror which he had placed on a piece of pipe sticking out above the wash-basin. We did not exchange any words, we just looked at each other".

Also, in an affidavit dated 2 December 1976 sworn before the Notary Public Demetrio Gutiérrez, the former detainee Juan Onesto Segura Aguila states that daily, during his stay at Villa Grimaldi in December 1975, he met a group of detainees who came from La Torre (one of the many cells forming part of Villa Grimaldi), among whom was Patricio Orellana Figueroa. Later, when he was under detention in Tres Alamos camp but not in comunicado, he had an opportunity to talk to Patricio Orellana Figueroa, whom he had known before his arrest. The latter gave him the names of those detainees whom he had identified personally, and they included Alejandro Avalos Davidson, José Ramón Ascencio Subiabre, Santiago Ferrús López and Octavio Boettinger Vera.

At sheet 72, Dagoberto Mario Trincado Oliver deposes in part of his statement: "On 4 November 1975 I was arrested by DINA personnel at Pudahuel Airport when I was about to fly to Buenos Aires. The following day I was taken to Villa Grimaldi at about 10 o'clock. I remained there until 30 December. I was constantly tortured there ... At the end of November 1975 I saw Alejandro Avalos Davidson for the first time. I continued to see him throughout December. He was kept in a part of the villa called 'La Torre'".

In an affidavit dated 7 December 1976, the former detainee Carlos Raúl González Anjari states that at the end of December 1975 he saw Alejandro Avalos Davidson in Villa Grimaldi.

Nothing has since been heard of the fate or whereabouts of the person concerned.

LEGAL ACTION

Amparo proceedings were taken in the Santiago Court of Appeal on behalf of the person concerned on 6 December 1975 under Case No. 1,642-75; these were rejected solely on the grounds of information from the Ministry of the Interior to the effect that Avalos Davidson was not detained by order of the Ministry; the file was forwarded to the Eighth Departmental Court of Santiago.

On 1 December 1975 a notice of presumed misadventure was lodged with the Second Department Criminal Court of Santiago under Case No. 84,315.

On 21 February 1977 a criminal complaint for abduction was lodged with the Second Departmental Criminal Court; this is at present pending as Case No. 86,102-5.

Case Report No. 19

(Calle Conferencia)

I. IDENTITY

- | | | |
|---------------------------|------------------------|----------------|
| 1. Surname ⁽¹⁾ | Surname ⁽²⁾ | First names |
| DONATO | AVENDAÑO | JAIME PATRICIO |
2. Sex: M
 3. Birth date or age ^{*/}: 30 May 1934
 4. Nationality: Chilean
 5. Identity Card No.: 3.317.762-3 Santiago
 6. Marital status: married
 7. Number of children: five
 8. Domicile: Padre las Casas 2473
 9. Profession: Electrical Mechanic
 10. Official positions held (Governor, etc.): N/A
 11. Political affiliations: Communist Party - Trade Union President for the Chilean Electrical Company
 12. References/Sources (lists, reports, etc.)
 - (a) A/33/331, para. 399
A/31/253, para. 173-179
A/C.3/31/6, chapter IV, Sect. C.4 (b)
E/CN.4/1221, para. 170 and Annex VIII
 - (b) Vicaría de la Solidaridad "Dónde Están" Case No. 68 (V.2 page 333)

^{*/} At the time of disappearance

II. THE CASE

A. ARREST

DATE	TIME	PLACE
5 May 1976	N/A	1587 Conferencia Street Nuñoa District, Santiago

DESCRIPTION

Mr. Donato Avendaño was arrested while entering the house of 1587 Conferencia Street. After that he was taken away and disappeared. The house was occupied by five DINA agents from 30 April 1976 to 6 May 1976. Persons present in the house as well as those entering the house were arrested by DINA officials.

PERSONS MAKING THE ARREST

DINA

WITNESSES

Juan Becerra Barrera

María Angélica Gutiérrez Gómez

Teresa Zúñiga Guajardo

OTHER PERSONS ARRESTED ON SAME OCCASION

Mario Zamorano Donoso

Jorge Onofre Muñoz Poutays

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

Mario Zamorano Donoso

Jorge Onofre Muñoz Poutays

B. DETENTION

DESCRIPTION

N/A

DATES

PLACES

(a)	n/a	Villa Grimaldi
(b)	n/a	Cuatro Alamos
(c)		
(d)		

WITNESSES

Place (a)	n/a
(b)	
(c)	
(d)	

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

TREATMENT

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a) Amparo	Appeals of Santiago	418-76	19/5/76	Denied
(b) Amparo	Appeals of Santiago	696-76	5/8/76	Denied
(c) Criminal Proc.	11th Criminal Court of Santiago	6.799-13	26/6/76	At stay <u>1/</u> 3/5/78

1/ Amnesty Law of 18/4/78

DESCRIPTION

See Case Report No. 21 Zamorano Donoso Mario

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

1. The Ministry of Interior informed the Court on 9 July 1976 that Mr. Donato Avendaño does not show police record and that he has not been arrested by order of that Ministry.

2. DINACOS (Dirección Nacional de Comunicaciones del Gobierno) stated publicly on 14 and 17 July 1976 that during the month of May several clandestine information centres of the Chilean Communist Party have been identified and that their members were arrested. No names were mentioned.

IV. EVALUATION (Findings, inconsistencies, recommendations)

See Case Report No. 21 Zamorano Donoso Mario

V. ANNEXES

See Case Report No. 21 Zamorano Donoso Mario

Case Report No. 20
(Calle Conferencia)

I. IDENTITY

- | | | | |
|----|-------------|-------------|--------------|
| 1. | Surname (1) | Surname (2) | First names |
| | MUÑOZ | POUTAYS | JORGE ONOFRE |
2. Sex: M
3. Birth date or age: */ 16 December 1933
4. Nationality: Chilean
5. Identity Card No.: 2.595.417 Santiago
6. Marital status: married
7. Number of children: two
8. Domicile: Cervantes 2940, Nuñoa, Santiago
9. Profession: Civil Engineer
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: Member of the Central Committee of the Communist Party
12. References/Sources (lists, reports, etc.):
A/33/331, para. 399
- (a) A/31/253, paras. 173-179
A/C.3/31/6, chapter IV, Sect. C.4 (b)
E/CN.4/1221, para. 170 and Annex VIII
- (b) Vicaría de la Solidaridad "Dónde Están" Case No. 68 (V.2 page 333)

II. THE CASE

A. ARREST

DATE	TIME	PLACE
4 May 1976	8.30 p.m.	1587 Conferencia Street Nuñoa District, Santiago

*/ At the time of disappearance.

DESCRIPTION

Mr. Muñoz Poutays was arrested while entering the house. He was wounded while being apprehended and taken away. After that he disappeared. The house of 1587 Conferencia Street was occupied by five DINA agents from 30 April 1976 to 6 May 1976. Persons present in the house as well as those entering the house were arrested by DINA officials.

PERSONS MAKING THE ARREST

DINA

WITNESSES

Juan Becerra Barrera

Angélica Gutiérrez de Becerra

Teresa Zúñiga Guajardo

OTHER PERSONS ARRESTED ON SAME OCCASION

Jaime Patricio Donato Avendaño

Mario Zamorano Donoso

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

NONE

OTHER RELATED CASES

Jaime Patricio Donato Avendaño

Mario Zamorano Donoso

B. DETENTION

DESCRIPTION

N/A

	DATES	PLACES
(a)	N/A	Villa Grimaldi
(b)	N/A	Cuatro Alamos
(c)		
(d)		

WITNESSES

- Place (a) N/A
(b)
(c)
(d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a) Amparo	Appeals of Santiago	402-76	14/5/76	Denied 16/6/76
(b) Amparo	Appeals of Santiago	696-76	5/8/76	Denied
(c) Criminal Proc.	11th Criminal Court of Santiago	6.799-13	26/6/76	At stay <u>1/</u> 3/5/78

DESCRIPTION

See Case Report No. 21 Zamorano Donoso Mario

D. INQUIRIES BY NATIONAL AND OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

1. The Ministry of Interior informed the Court on 16 June 1976 that Mr. Muñoz Poutays does not show police record and that he has not been arrested by order of that Ministry.

2. On 25 August 1976 the Government of Chile in reply to a request of the Chairman of the Ad Hoc Working Group stated that "there is nothing on the record

1/ Amnesty Law of 18/4/78.

to show that he has been, or is being detained in Chile. This does not mean that he may not have left the country illegally, under a false identity, as happened on many occasions, or that he is not involved in underground activities inside Chile". On 30 August 1976 the Government of Chile informed the Ad Hoc Working Group that Mr. Muñoz Poutays "left the country on 13 May 1976 by a flight departing from Pudahuel Airport for Argentina". (A/31/253, para. 177 and Annex IX)

3. DINACOS (Dirección Nacional de Comunicaciones del Gobierno) stated publicly on 14 and 17 July 1976 that during the month of May several clandestine information centres of the Chilean Communist Party have been identified and that their members were arrested. No names were mentioned.

IV. EVALUATION

See Case Report No. 21 Zamorano Donoso Mario

V. ANNEXES

See Case Report No. 21 Zamorano Donoso Mario

Case Report No. 21

(Calle Conferencia)

I. IDENTITY

1. Surname ⁽¹⁾	Surname ⁽²⁾	First names
ZAMORANO	DONOSO	MARIO

2. Sex: M

3. Birth date or age */: 5 May 1931

4. Nationality: Chilean

5. Identity Card No.: 2.596.100-5 Santiago

6. Marital status: married

7. Number of children: three

8. Domicile: Estrella Solitaria 4245, Nuñoa Santiago

9. Profession: General labour (leather goods)

10. Official positions held (Governor, etc.): N/A

11. Political affiliations: Member of the Central Committee of the Communist Party

12. References/Sources (lists, reports, etc.):

(a) A/33/331, para. 399

A/31/253, paras. 173-179

A/C.3/31/6, chapter IV, Sect. C.4 (b)

E/CN.4/1221, para. 170 and Annex VIII

(b) Vicaría de la Solidaridad "Dónde Están" Case No. 66 (V.2 page 317)

II. THE CASE

A. ARREST

DATE	TIME	PLACE
4 May 1976	7.30 p.m.	1587 Conferencia Street Nuñoa District, Santiago

*/ At the time of disappearance.

DESCRIPTION

During the morning of 30 April 1976, five agents of DINA occupied the house at 1587 Conferencia Street detaining those present and arresting persons coming to the house. They stayed there until 6 May 1976. Mr. Zamorano Donoso was arrested on 4 May 1976 while entering the house. He was wounded in the leg while being apprehended and taken to the public assistance hospital where he was registered by his initials only, as a diabetic.

PERSONS MAKING THE ARREST

DINA

WITNESSES

Juan Becerra Barrera

María Angélica Gutiérrez Gómez

Demetrio Gutiérrez

OTHER PERSONS ARRESTED ON SAME OCCASION

Jaime Patricio Donato Avendaño

Jorge Onofre Muñoz Poutays

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

Jaime Patricio Donato Avendaño

Jorge Onogre Muñoz Poutays

B. DETENTION

DESCRIPTION

N/A

DATES

PLACES

(a) N/A

Villa Grimaldi

(b) N/A

Cuatro Alamos

(c)

(d)

WITNESSES

Place (a) N/A

(b)

(c)

(d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a) Amparo	Appeals of Santiago	386-76	12/5/76	Denied 5/6/76
(b) Amparo	Appeals of Santiago	696-76	5/8/76	Denied
(c) Criminal Proc.	11th Criminal Court of Santiago	6799-13	24/6/76	At stay <u>1/</u> 3/5/78

DESCRIPTION

Writs of Amparo as well as Criminal Procedures charging kidnapping and illegal arrests have been submitted to the Courts on behalf of the three victims arrested on 1537 Conferencia Street of Santiago during 4 and 5 May 1976. The writs of Amparo were all denied on the basis of the information provided by the Minister of Interior to the Courts that those three persons have never been arrested by order coming from this Ministry. The criminal proceedings were suspended under the Amnesty Law No. 2.191 of 19 April 1978.

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

1. The Ministry of Interior informed the Court on 16 June 1976 that Mr. Zamorano Donoso does not show police record and that he has not been arrested by order of that Ministry.

1/ Amnesty Law of 18/4/78.

2. On 25 August 1976 the Government of Chile in reply to a request of the Chairman of the Ad Hoc Working Group stated that "there is nothing on the record to show that he has been, or is being detained in Chile. This does not mean that he may not have left the country illegally, under a false identity, as happened on many occasions, or that he is not involved in underground activities inside Chile". On 30 August 1976 the Government of Chile informed the Ad Hoc Working Group that Mr. Zamorano Donoso "left the country on 13 May 1976 by a flight departing from Pudahuel Airport for Argentina". (A/31/253, para. 177, annex IX).

3. DINACOS (Dirección Nacional de Comunicaciones del Gobierno) stated publicly on 14 and 17 July 1976 that during the month of May several clandestine information centres of the Chilean Communist Party have been identified and that their members were arrested. No names were mentioned.

IV. EVALUATION

The testimony of witnesses to the arrests of 1587 Calle Conferencia reliably attest to their arrest by agents of the DINA. The newspaper report adds weight in two of the cases. The Ministry of the Interior's response that it had no record on the arrests is irrelevant since DINA had independent powers of arrest. The investigation should continue into the persons making the arrests and the persons in charge of and the records of the various detention centres.

V. ANNEX

Excerpts from Dónde Están? 1/

FACTS

This person is a member of a group of five Communist leaders who were arrested between 4 and 6 May 1976 at 1587 Calle Conferencia during an operation carried out by DINA. The house had been occupied by DINA since 30 April 1976.

The records of the proceedings brought before the Eleventh Departmental Criminal Court of Santiago (Case No. 6799-13) charging the abduction of "Mario Zamorano and others" contain the following testimony given by Mr. Juan Becerra Barrera, the owner of the house where the events occurred:

"For 15 years, I have been a friend of Mario Zamorano Donoso, who, like me, was a leather worker. I supported leftist political parties, but was not registered as a regular or active member of any of them. Two years ago, Zamorano asked me, on the basis of our friendship, to lend him my house so that he could occasionally meet there with friends. I agreed, but did not ask what kind of meetings would be held. They took place every two or three months. Except for Zamorano, I did not know the people involved and I did not take part in the meetings. On 30 April 1976, at about 3.30 a.m., a vehicle arrived at my house and some men got out. They asked me whether

1/ Publication of the Vicaría de la Solidaridad of the Archbishopric of Santiago, Chile, containing information of 477 cases of missing persons. Case No. 66, volume 2, page 317.

I knew María Teresa Zuñiga, who lived at 4946 Calle Alejandro del Fierro. I told them that I did know her, that she was my sister-in-law. They said that she was dead and that I had to go to the morgue to identify her body. I said I would go and got into their car. After a few blocks, they tied me up and blindfolded me and, after about an hour and a half in the car, they took me to a place of interrogation. When I asked where I was, they said, "Near Cartagena". I was able to see through the blindfold that my sister-in-law was also being held there. They "questioned" me by hitting me and giving me electric shocks. They asked me whether I knew Mario Zamorano and, finally, I had to admit that I did know him, that he was the only one of the persons who came to my house that I did know and that some meetings had been held there. I also had to admit that a meeting would be held in my house between 4 and 5 May.

After all that, I was taken to my house, together with my sister-in-law, Teresa Zuñiga Guajardo, and my wife, María Angélica Gutiérrez, who had been detained somewhere else. Five persons carrying machine-guns stayed with us in the house and ordered us to act normally, but did not let us go out; even the daily shopping was done by those men, who remained on guard an entire day and night.

On 4 May, at about 7.30 p.m., my friend Mario Zamorano pulled a cord that opened the door and came into my house. He was immediately arrested and, very quickly, an incident occurred and a shot was fired. I do not know whether Mario Zamorano tried to grab a machine-gun and one of the people on guard that day shot him, but he was wounded in the thigh and then blindfolded and taken to another room. That same evening, between 8 and 8.30 p.m., another person whose name I do not know arrived at the house; he wore glasses and looks like the person whose photograph you have shown me; he (Jorge Muñoz Poutays) was also arrested. Between 10.30 and 11 p.m., those two persons were taken out of my house to another place by the people who arrested them. On the following day, 5 May, at about 9 a.m., another person arrived, the one whose picture is shown on sheet 40 (verso), and he, too, was arrested. Later, another man whose name I do not remember was arrested and, at about midnight, they were taken somewhere else by their captors."

These ~~last~~ two persons were Jaime Donato Avendaño and Uldarico Donaire Cortés.

The statement continues: "... When I was questioned in the place to which they took me, I was told that the captors and interrogators were from DINA and they explained who they were ... I should tell you that, when the DINA officials questioned me to get me to confess, they not only beat me, but also said that, if I did not talk, they would kill my children".

In the sworn statement he made before Notary Public Arturo Carvajal Z., Mr. Juan Becerra Barrera provides additional information about what happened in Calle Conferencia. His statement reads in part: "On 6 May, a young woman whom I know, Elisa Escobar, came to ask about Mario. It was about 1.30 p.m. when she arrived at the house and 2 p.m. when they took her away. They acted normally, as though she were just going out with two people."

The DINA agents stayed in the house until 6 May, when a doctor arrived. He was tall and quite fat and had a big paunch, a ruddy complexion, greying blond hair and very thick glasses and wore a white apron. He told us to relax and sleep, that we would dream and forget everything, 'The nightmares, you wretched Marxists'; he also played soft music for us".

Sheet 48 (verso) of the above-mentioned record contains the following testimony by María Angélica Gutiérrez Gómez: "I have been married to Juan Becerra Barrera for two years. I know that he is a friend of Mario Jaime Zamorano Donoso and was also aware that, about two years ago, he agreed that Zamorano Donoso and some of his friends could meet privately in our house; I accepted the situation because my husband was the one who had made the arrangement. What happened was that, on 30 April 1976, at 3.30 a.m., a car arrived at the door of our house. What I mean is that some people knocked on the door at that hour, saying that they wanted to speak with the owner. My husband got up and so did I. When we opened the door, we saw that there was a car there, with three or four men. They asked whether we knew María Teresa Zufiga. My husband said that we did, that she was a sister-in-law. They said that she had had an accident and that he had to go to identify her. They took my husband away and said that I could not go, but that, if necessary, they would come back for me. The following morning, at about 6.15 a.m., as I was waiting for a bus in front of my house with my cousin, Eliana Vidal (I do not know exactly where she lives now), I was arrested by persons who showed me a badge and said that they were from DINA. They put me in a car, blindfolded me and took me somewhere that I did not know, where I was beaten and questioned about various personal matters, which, as I told them, really did not have anything to do with my arrest. They said that I had to answer their questions and, later, they took me to another place, a small bungalow-type house, where they again ill-treated me and asked whether I knew various persons whose names they mentioned, but whom I did not know. They also showed me photographs and I did not know anyone; the only person I was able to recognize was Mario Zamorano. They pressured me and hit me a lot and even threatened to kill my daughters if I did not co-operate with them. Then I and my relatives were taken back home. We were kept in the house by five armed men who ordered us to act normally, but did not let us go out; they did the daily shopping, changed guard duty every day, searched the house and the furniture and asked all kinds of questions. On the evening of 4 May, Mario Zamorano came to the house. He was immediately pounced on by the men on guard. A shot went off, but everything happened so quickly that I cannot explain how Mario Zamorano was wounded in the thigh. A little while later, another man who knocked at the door and was let in was also arrested. He is the one with glasses whose picture I saw on sheet 41 (verso) of the records. At about midnight, the two men were taken out of the house. The men who arrested them and took them away wiped the blood off the floor and burned their blood-stained clothes. On the following day, two other men who came to the house were also arrested; the picture of one of them is on sheet 40 (verso) and I do not know who the other one is. Those two men were taken out of the house at midnight. I think that, on the following day, 6 May, a woman was arrested but I did not see her. After all this happened, the men who had kept us in the house left, saying that they were from DINA and that we must keep quiet about all this, that, in the long run, it would be for our own good ...".

The home of Juan Becerra's mother at 5113 Calle Alejandro del Fierro had also been occupied by security agents since 30 April 1976. Mrs. Mercedes Barrera Pérez, the widow of Becerra, Julio Maignet Leyton, Nadia Becerra Zufiga, Sonia Becerra Barrera, her ten-year old son and some other people were there.

With regard to what happened at 5113 Calle Alejandro del Fierro, the following testimony of the Auxiliary Bishop of Santiago, Enrique Alvear Urrutia, appears on sheet 35 of the records of Case No. 6799-13: "On 1 May, I went to a private home at 5113 Calle Alejandro del Fierro at the request of a person who had asked me to leave some medicine for one of the detainees, Mr. Hernán Maigret, who, according to what I had been told, was suffering from a very bad earache. I noticed that there were several people there, including some children; I later found out that they lived at 1587 Calle Conferencia. When I arrived, I was struck by how calm it was there. This was probably so as not to arouse the suspicions of the neighbours or of people who arrived and had no idea of what was going on. After I had been there a moment, I wanted to leave, but a man said, 'You are under arrest'. When I questioned him, he identified himself and showed his DINA identity card. When he found out that I was a bishop, he decided to confer by telephone. The person to whom he spoke wanted to know the name of the person who had given me the medicine, but I refused to tell him. When I had been there about two hours, the chief arrived; he informed me that he would not identify himself and would not tell me to what service the persons who were occupying the house belonged. I said I already knew that they belonged to DINA. He then began to ask me personal questions and wanted to go on asking me others, but I refused to answer. I asked him where the warrant for my arrest was; in reply, he said that I was only being 'retained'. Then he said, 'Since you do not want to take part in the fight against Communism, which is against Chile and the Church, you can go'. But when I went out, a photographer followed me for a while and tried to take my picture. I realized that he was a DINA agent. When he had followed me for several blocks, I decided to ask him whether I was the person he wanted; that made him very angry. This clearly shows that the personnel of DINA were paying no attention to the provisions of the law which require warrants for arrest and state that detainees must be held in certain official places. I therefore wrote to the President of the Supreme Court and the Minister of Justice (on 4 and 5 May, respectively) to bring these facts to their attention so that they might report them to the Minister of the Interior ...".

Another important statement about the events that culminated in the arrest of the above-mentioned Communist leaders was made by Mrs. María Teresa Zúñiga Guajardo, who went to the Eleventh Departmental Criminal Court of Santiago to appear as a witness in the hearing of Case No. 6799-13, but was unable to testify because, according to the information provided by the judge, the investigation was closed and the decision had been handed down (in accordance with the provisions of Decree-Law No. 2,191 of 1978, known as the Amnesty Law).

On 10 April 1978, the witness made before Demetrio Gutiérrez, a notary public, a sworn statement to the following effect:

On 29 April 1976, she left her place of work, a leather workshop which is located at 1587 Calle Conferencia, Santiago, and belongs to Juan Becerra Barrera, and took a bus to go to her house at 4946 Calle Alejandro del Fierro, Quinta Normal. The bus went along Avenida Las Rejas. A man asked her how far it was to Calle San Pablo. She got off at the corner of Las Rejas and San Pablo and the man who had spoken to her got off behind her and asked whether she was María Teresa Zúñiga. Then he showed her an identity card which she did not manage to read and told her that he was from the Investigation Bureau and that her

brother-in-law, Juan Becerra, had brought charges against her for stealing leather. She promptly denied the charges. Just then, a large, light blue car stopped near them and four other men got out of it. They made her get into the car and said that they were all from the Investigation Bureau, but did not show any warrant for her arrest. She shouted and denied the accusation against her. They hit her many times. It was approximately 8 p.m. They went east along San Pablo and, when they got to Matucana, they blindfolded her and tied her up. After a short ride, she was taken to a place which she could not identify. When they arrived, they told her that they were not from the Investigation Bureau, but DINA agents. They said that they wanted to know the whereabouts of Mario Zamorano Donoso and that she had to tell them, since she was his mistress. She denied that and said that she did not know where Mario Zamorano lived, who was an acquaintance of hers and a friend of her brother-in-law, Juan Becerra. They then stripped her and tied her to a metal grating. They beat her hard, gave her electric shocks, then threw water on her and gave her some more strong electric shocks. They threatened to arrest her daughter and give her the same treatment. At about 2 a.m., they dressed her, wrapped her up in a blanket and took her in a car full of people to another place that was fairly far away. There, they continued to beat her on the face and body, always asking the whereabouts of Zamorano. Then they took her outside and tied her to a tree. She could hear the sound of leaves and water. She was still blindfolded.

They took her back into the house and took off the blindfold. In front of her was her brother-in-law, Juan Becerra, who had also been arrested and taken there. They asked her to identify him and continued to beat her and threatened to kill her. They tied both of them up and gave them electric shocks, still asking the same question.

They made her straighten herself up a bit and comb her hair. She realized that her face had been completely disfigured by the beatings they had given her. They took her away from that place in a car to within a few blocks of the house at Calle Conferencia, whose entrance was perfectly visible. The car remained parked there with her and several agents inside. They ordered her to identify anyone who went into the house, but no one went in during that time. Later, Angélica Gutiérrez Gómez, Juan Becerra's wife, and her cousin, Eliana Vidal, came out. They were both immediately arrested and put into the same car, which was then driven off. It stopped in front of another place, where the two detainees were taken out. The car, with the deponent inside, returned to park near the house at 1587 Conferencia.

After a while, Julio Maignet Leyton, another brother-in-law of the deponent, came out and drove off in a Citroën van, which was followed by the car in which the deponent was being held. He drove to the house on Alejandro del Fierro, where he got out. The other car passed in front of the house without stopping and parked where it had been before. Not long afterwards, two other cars arrived and parked in front of the first one. Several agents made the three other detainees, Juan Becerra, Angélica Gutiérrez Gómez and Eliana Vidal, get out of these two cars. They all went into the house on Conferencia, where the witness had to lie down because she felt very ill. It was about 1 p.m. on 30 April.

The deponent stayed in bed for several days. They told her that a doctor would come to see her, but no one came. Five DINA agents, all armed with machine guns, stayed inside the house day and night. The persons detained there

were the deponent, the three other persons mentioned above, the two minor daughters of Becerra and Gutiérrez and Lastenia Palacios Becerra, Juan Becerra's cousin. Eliana Vidal's young son, Miguel Angel Retamal Vidal, was also there.

During the day, the detainees were all kept in the workshop, where they pretended to be working normally on leather cases and waited on customers who came in. The DINA agents stayed in an inside corridor, where they could keep an eye on the group and check the people who came in from the street. On 4 May, the deponent, Teresa Zufiga, was forced to get up, join the group and pretend to be working with them. At 5 p.m., they took her back to her room and locked her in while the others continued to work.

After a while, she heard someone else come into the house and, almost immediately, a shot was fired. She heard one of the agents who was speaking into a radio say, "Miss Z. arrived and shot herself in the thigh. She is losing a lot of blood". A little later, another person came in and she realized that the agents were arresting him outside her room. She looked through a crack in the door and saw a tall, thin man with glasses whom she did not know. The agent again spoke over the radio, saying, "Gladys Marín's husband has arrived". Shortly afterwards, it became dark and they took the two detainees away. Through the crack in the door, the deponent saw the two men being taken out to the street. Although she could not see the face of the person who had been wounded, she could see that he was being dragged along, wrapped in a blanket. The agents said that he was losing a lot of blood and that he would probably lose a leg. When they went out, Juan Becerra came into her room and told her that the wounded person, whom the agents had referred to as "Miss Z.", was, in fact, Mario Zamorano Donoso, who had been shot point blank in the leg as soon as he entered the house.

At about noon the next day, 5 May 1976, another man who came to the house was arrested. The agents said, "We've got the one from Chilectra". The deponent was taken to a dark room, where the detainee was lying tied up on the floor with scotch tape over his eyes. He was wearing a waistcoat and a scarf. They made her identify him and even showed her his identity card, but she said she had never seen him before and stuck to that reply. They kept him tied up in that position all afternoon. Later, the deponent learned from her brother-in-law that another man had been arrested, but she did not see him. The two were taken out of the house at dark.

On 6 May, at 1.30 p.m., when the deponent was in the workshop with all the other detainees, a young woman, whom she knew as Marcela and who had come to the house before, arrived. She was thin, had long hair and wore dark glasses. As soon as she came in, the DINA agents appeared and forced her to go into a room, where they kept her for about 20 minutes and then took her out to the street, making it look like a normal exit, and put her in a taxi. The deponent found out later from her brother-in-law that the woman's real name was Elisa Escobar Cepeda and that the men who had been arrested the day before were Jaime Donato Avendaño and Uldarico Donaire Cortés.

On 7 May, the agents brought in a short, fat man who wore glasses and had a ruddy complexion. He had on a white apron and the agents said that he was a doctor. The man gave her a cursory examination and said that she could go home. She did not want to leave until evening because she was in great pain and her face

was still very swollen. During the day, Lastenia Palacios left the house. When it was dark, the so-called doctor again told her to leave, saying that she should completely forget what had happened in the house in the last few days and that she should not tell anyone about it. She called a taxi, got into it with Miguel Angel Retamal and returned to her house on Calle Alejandro del Fierro.

OTHER INFORMATION

It was unofficially learned that Mario Zamorano Donoso was taken to the public assistance hospital, where he was registered under his initials. In the abduction proceedings the public assistance hospital was requested to provide an official report, but it still has not complied with the request.

REFERENCES IN THE PRESS

The National Directorate of Social Information (DINACOS) stated publicly on 14 and 17 July 1976 that several clandestine information centres of the Chilean Communist Party had been discovered in May 1976 and that members of the clandestine Communist Party who were involved in such activities had been arrested there. It was admitted that various persons connected with the Communist Party had been arrested in May, but no names were given.

The 12 August 1976 issue of the magazine Qué Pasa dealt with the subject in an article entitled "Del MIR al P.C." and quoted the names of some of the persons who had been abducted, including, inter alia, Arturo Weibel, in March; Bernardo Araya, the former secretary of CUT, in April; Uldarico Donaire, of Imprenta Horizonte, and Victor Díaz, the former Deputy Secretary-General of the Communist Party in May.

LEGAL ACTION

An application for amparo was lodged on behalf of the person concerned on 12 May 1976, under Case No. 386-76, but it was rejected on 5 June 1976.

On 5 August 1976, an application for amparo was lodged on behalf of the persons concerned, Jaime Donato and Jorge Muñoz Poutays (Case No. 696-76). After the Minister of the Interior had reported that there was no information concerning these persons, the court rejected the application for amparo without any action having been taken on the applicants' request that DINA should be asked to provide information, since it had been responsible for the arrests and subsequent disappearances. These decisions rejecting the applications for amparo were appealed to the Supreme Court, which upheld them without requesting any further information.

Appropriate criminal proceedings were therefore instituted: a complaint of abduction of Mario Zamorano, Jaime Donato and Jorge Muñoz was brought against the DINA agents who had arrested them and against the person or authority responsible for the arrests. In the complaint it was requested that Colonel Manuel Contreras Sepúlveda, the Director of DINA, should be subpoenaed to give the court information on the arrests and furnish the names of the DINA agents who had stayed in the building on Calle Conferencia. The Court agreed

to that request, but the subpoenaing of DINA gave rise to the lodging with the Supreme Court of a complaint by the head of DINA, Manuel Contreras Sepúlveda, who accused the judge of arrogance and insolence. Upon being informed of the complaint, the Supreme Court, although it did not consider its decision either insolent or arrogant, ordered the judge on 14 September 1976 to restrict the decision and the official communication to the specific facts being dealt with in the proceedings in question. During the proceedings, statements were also made by Bishop Enrique Alvear Urrutia, Mr. Juan Carlos Becerra Barrera (an eye-witness) and Mrs. Maria Angélica Gutiérrez de Becerra.

The proceedings are still under way.

With regard to the operations which took place at 1587 Calle Conferencia and 5113 Calle Alejandro del Fierro, the Government of Chile included in the annexes to its comments on the report of the Ad Hoc Working Group on the Situation of Human Rights in Chile a sworn statement by Mr. Julio Hernán Maigret Leyton, occupant of the second of the above-mentioned addresses, in which he said that, on 30 April, an official of DINA came to his house and remained for several days without arresting anyone; he also stated that Bishop Alvear was there. This fully confirms what was stated in the complaint made in the case, in which it was reported that DINA personnel stayed in the house for several days and that Enrique Alvear was held there for three hours, as he himself had stated in his testimony in the criminal complaint (the arrests took place at 1587 Calle Conferencia). The Government of Chile also included a sworn statement by Luis Lacoste Ossa, "occupant of the property situated at 1587 Conferencia Street", who certified that "during my stay at the above address, no person was searched or arrested by the police, the military or investigating officials" (annexes 9 and 10 of the report in question, pp. 46 to 51). This sworn statement by Mr. Lacoste Ossa dates from September 1976, when he was, in fact, the occupant of the property situated at 1587 Calle Conferencia, but that was four months after the arrests had taken place in that house. After what happened, Mr. Becerra Barrera did not go back to Calle Conferencia but went to his mother's house at 5113 Calle Alejandro del Fierro and the other house was rented to someone else who had no idea at all of the arrests (which had taken place in early May 1976). This is made quite clear in the statement, which reads: "during my stay in that house, no person was searched or arrested". If he has been living in that house only since June 1976, his statement obviously does not constitute evidence of any kind.

Case Report No. 22

I. IDENTITY

1. Surname⁽¹⁾ Surname⁽²⁾ First names
CONFERRERAS MAJUBE CARLOS HUMBERTO
2. Sex: M
3. Birth date or age*/: 5 December 1946
4. Nationality: Chilean
5. Identity Card No.: 247.607 Santiago
6. Marital status: Married
7. Number of children: 2 children
8. Domicile: Tokio 6729, La Florida
9. Profession: Pharmacist
10. Official positions held (Governor, etc.): Councilman for the city of Concepción
11. Political affiliations: Communist Party. Member of the Central Committee of the Communist Party of Chile.
12. References/Sources (lists, reports, etc.):
- (a) E/CN.4/1221, para. 102 (a), E/CN.4/1266, para. 66, A/32/227, para. 104, A/33/331, para. 399, E/CN.4/1310, para. 114
 - (b) Vicaría de la Solidaridad "Dónde Están" Case No. 250 (V.5, page 990)
 - (c) El Mercurio, 12 and 13 February 1977
 - (d) Testimony of witness No. 1 of 24 September 1979 before the Expert on the fate of missing persons in Chile.

II. THE CASE

A. ARREST

DATE	TIME	PLACE
3 November 1976	11.30 a.m.	Nataniel Cox Street, between Coquimbo and Aconcagua Streets

*/ At the time of disappearance

DESCRIPTION

Mr. Contreras Maluje was injured. It appeared to be a street accident. Police came to the scene but could not offer assistance to the victim since they had to clear the area to facilitate Contreras Maluje's arrest by members of DINA who identified themselves as such to carabineros without showing an arrest warrant. The victim shouted his name, that he was being arrested by DINA and that his relatives should be notified. After being subdued he was taken away in a light blue Fiat 125 licence plates No. EG-388 of Los Condes. The car belonged to General Jorge Ruiz Bunger of the Air Force.

PERSONS MAKING THE ARREST

DINA

WITNESSES

Clemente Nicolás Burgos Valenzuela - Jaime Osvaldo Ubilla Ubilla -
Luis Rojas Reyes - Claudio Jiménez Cavieres - Luis Enrique Hasbún Fuentes -
Fernando Carlos Meneses Gutiérrez - Marta Donoso Alarcón - Irene Díaz

OTHER PERSONS ARRESTED ON SAME OCCASION

None

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

None. Nevertheless, testimony of his arrest has been given by Captain of Carabineros Clemente Nicolás Burgos Valenzuela to the Court of Appeals of Santiago and to the Ad Hoc Working Group. Captain Burgos was on the scene when arrested. Other testimonies were provided by the following persons:

Luis Rojas Reyes, Jaime Osvaldo Ubilla Ubilla, Manuel Fernando Villanueva Ríos, Claudio Jiménez Cavieres and Robinson Ascencio Medina.

OTHER RELATED CASES :

N/A

B. DETENTION

DESCRIPTION

N/A

DATES

PLACES

(a)

(b)

(c)

(d)

WITNESSES

Place (a)

Place (b)

Place (c)

Place (d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

None

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	DATE	OUTCOME
(a) Amparo	Appeal of Santiago	1.020-76	15/11/76	31/1/77	Ordered his release ^{1/}
(b) Criminal Proc.	5th Criminal Court of Santiago	103.372	} Joint Procedures	5/7/78	Temporary suspension ^{2/} of Invest.
	2nd Military Court of Santiago	2.641-76			

DESCRIPTION

A sequence of the legal procedures is presented to illustrate the case as follows:

15 November: an application for a writ of amparo is filed on behalf of Carlos Contreras Maluje.

Amparo Proceedings:

16 November 1976: the Court of Appeal requests a report from the 6th Carabineros Station at Santiago and from the Minister of the Interior.

^{1/} Government did not comply with the Judgement of the Court.

^{2/} Ordered by Martial Court on 28/12/78

23 November 1976: The Minister of the Interior informs the Court that Carlos Contreras Maluje has not been arrested on the orders of the Ministry of the Interior.

30 November 1976: At the request of the applicant, the Court orders that another report stating "categorically" whether Carlos Contreras Maluje is in any premises operated by DINA or any other security agency.

21 December 1976: The Minister of the Interior replies that the Ministry's card index contains no record of the person under investigation and that there is no reliable evidence of his having been arrested by any security organization.

29 December 1976: The Court of Appeal calls for a further report from the Minister of the Interior.

17 January 1977: The Minister of the Interior provides the Court of Appeal with information similar to that referred to above. Luis Egidio Contreras a lawyer and father of the amparado (the person in respect of whom the applications were made for a writ of amparo), calls for enforcement of the remedy of amparo.

31 January 1977: The Court of Appeal takes a decision on the application for enforcement of amparo, admits it and declares that the Minister of the Interior must order the immediate release of the amparado so as to restore the rule of law and ensure due protection for Carlos Contreras Maluje.

COMPLIANCE WITH THE JUDGEMENT

4 February 1977: The Minister of the Interior informs the Court that "it is impossible to comply" with the order to release the amparado since, as he had informed the Court earlier, Carlos Contreras Maluje is not being, and has not been, detained by order of the Minister of the Interior or by any Government security services.

11 February 1977: By unanimous decision, the Court of Appeal transmits the record of the case to the Supreme Court as a result of the situation brought about by failure to comply with the judgement.

7 April 1977: The Court of Appeal requests a report from the intelligence services of the Carabineros, the Navy, the Army and the Air Force. It also requests a report from the Chief Prefect of Investigations of Chile and summons various witnesses of the arrest to make statement. The Supreme Court orders that the records be returned to the Court of Appeal because "the measures" to secure compliance with the judgement "have not been exhausted".

All the security Organizations reply, through the Minister of the Interior, that Mr. Carlos Contreras Maluje has not been detained by members of their organizations or services.

1 July 1977: The Court of Appeal decides to report to the Supreme Court on the result of the investigation ordered by the latter.

22 July 1977: The Supreme Court decides to return the record of the case and to file the dossier on the application for a writ of amparo.

The whereabouts of Mr. Carlos Contreras Maluje are still unknown. Criminal procedures for kidnapping and illegal arrest were suspended on 28/12/78 because the elements of the crime, specifically called out by the penal code, were not sufficiently proved. A complaint was filed against such decision before the Supreme Court: it was denied on procedural grounds.

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

OHS

Vicaría de la Solidaridad

International Red Cross

III. POSITION OF THE GOVERNMENT

(a) On 28 November 1976, the Ministry of Interior informs the Court that Carlos Contreras Maluje "has not been arrested on orders by the Ministry of the Interior".

(b) On 21 December 1976, the Ministry of Interior replies that the Ministry's card index contains no record on the person under investigation and that there is no reliable evidence of his having been arrested by any security organizations.

(c) Communications from DINA to the Ministry of the Interior, dated 28 December 1976, states "the said person has not been recorded in the Registry of the Dirección de Inteligencia Nacional nor has he been detained by officials of this organization".

IV. EVALUATION

The testimony of numerous witnesses reliably attests to the arrest of Mr. Contreras Maluje by the DINA. The same conclusion was reached by the Court of Appeals of Santiago and the Inter-American Commission on Human Rights (E/CN.4/1310, para. 115). The response of the Ministry of the Interior that Contreras Maluje had not been arrested on orders by the Ministry or that it had no record of Contreras Maluje are not pertinent since DINA could arrest independently of the Ministry. The Minister of the Interior's refusal to order the release of Contreras Maluje is understandable since the Ministry had no authority over the DINA, which was responsible only to the Military Junta. The Supreme Court refused to address itself to the President of the Republic who had authority over the DINA to order the release of Contreras Maluje. The investigation should be reopened and, in particular, the agents who arrested Contreras Maluje should be questioned.

V. ANNEX

Excerpts from Dónde Están? 1/

FACTS

At about 11.30 a.m. on 3 November 1976 in Calle Nataniel Cox, between Coquimbo and Aconcagua, and shortly after being hit and injured by a minibus on the Vivaceta line driven by Luis Rojas Reyes, who is a bus driver by occupation, Carlos Contreras Maluje was arrested by DINA agents, who identified themselves as such to Carabineros Captain Clemente Nicolás Burgos Valenzuela, who, having tried to assist the injured person, had to co-operate in carrying out the arrest in accordance with the relevant orders of higher authorities in effect at the time.

The captors were driving a Fiat 125, licence plate EG-388, from las Condes which proved later to belong to the Air Force Intelligence Directorate and was, according to the many statements made by that Directorate, reserved for the exclusive use of the head of that security service at the time, Mr. Jorge Ruiz Bunge, who is now a Brigadier General of the Air Force and the Intendant of Puerto Montt.

Although he was injured, the detainee managed to shout for help. He accused his captors of being members of DINA; gave his own full name and occupation, explaining that he was an active member of the Communist Youth and a municipal councillor of the city of Concepción; and asked the crown to notify his family in Concepción, at the Maluje Pharmacy, which belonged to his mother, Mrs. María Mercedes Maluje David.

The abductors pushed him violently into their car and drove off along Calle Nataniel Cox towards the south.

The following witnesses testified during the ampara proceedings under Case No. 1.020-76: (1) Clemente Nicolás Burgos Valenzuela, Captain of Carabineros, who stated "...I was present from the very start at the arrest of Carlos Humberto Contreras Maluje. In November - I do not remember the exact day - I was driving a jeep towards the 12th Carabineros Station at San Miguel. When I got to Copiapo, I saw that there had been a traffic accident. I stopped and saw a minibus and a man lying on his back about five or six metres from it. The people in the crowd that had formed said that he had thrown himself against the minibus, which had hit him. He was bleeding heavily from the head.

Because of the crowd, I left the jeep about 40 metres away from the scene of the accident and, when I moved closer to have a look, I clearly heard him say that he was a former Communist municipal councillor of Concepción and that they should notify his family, the Malujes, who owned a pharmacy in Concepción. I then walked to the jeep to call an ambulance and report the incident to radio headquarters,

1/ Publication of the Vicaría de la Solidaridad of the Archbishopric of Santiago, Chile, containing information of 477 cases of missing persons Case No. 250, volume 5, page 990

since the area was not within my jurisdiction. While I was reporting to my superiors, a Fiat 125 arrived (I do not remember its licence plate number now) and four persons in plain clothes got out of it. They showed me a DINA card and told me that they were DINA officials and that they had been seeking to apprehend this person, i.e. Contreras Maluje. Furthermore, when I approached Contreras, the victim of the accident, he shouted that I was the one who had called the DINA agents. According to the general rules we have to observe when we are on duty and personnel of the Intelligence Service are also involved, when they take over we withdraw".

"... As soon as the arrest was made, I personally recorded the above-mentioned events in the logbook of the 6th Carabineros Station ...".

...

(3) Sheet 79 contains the following testimony by Mr. Luis Rojas Reyes, driver: "... On 3 November of last year, I was driving a minibus on Vivaceta-Platadero line No. 20 and, at Nataniel, between Coquimbo and Aconcagua, a man who was over 30 threw himself in front of the vehicle. Fortunately, I managed to brake, but he hit his head on the back part of the vehicle. I stopped and saw that there was a Carabineros jeep behind the minibus. A Captain Burgos got out of it and had a look at the injured man. The Captain was looking at the injured man when a blue Fiat 125 pulled up. Four or five persons in plain clothes got out and I think, but I am not sure, that they spoke with the Captain. The plain clothes people from the Fiat 125 picked up the injured man and forced him to get into the car. I say that they forced him because he was shouting that they should not take him away and that they should let him die in peace".

"I did not see the licence plate of the light blue Fiat 125. I also remember that Captain Burgos told me that this matter would not go to the courts, that that was not necessary because personnel of DINA, or some other initials of that kind, had become involved in the proceedings".

In addition, report No. 72-102 (10-1-77) submitted by the Investigation Bureau to the Fifth Departmental Criminal Court of Santiago contains, inter alia, the following "I have the honour to inform you that there was delivered to me, together with the photocopy of the statement by Mr. Luis Contreras Aburto, a photograph of his son. When this photograph and six others were shown to Luis Rojas Reyes, he identified Carlos Humberto Contreras Maluje as the person who had thrown himself in front of the minibus he (Rojas Reyes) had been driving and who had then been pushed into a light blue car by four or five persons in plain clothes. Rojas Reyes also stated that the unknown person in question was wearing glasses when the accident occurred".

LEGAL ACTION

An application for amparo was submitted to the Santiago Court of Appeal under Case No. 1.020-76.

The many requests for information made to the Ministry of the Interior went unanswered, but the information requested of the 6th Carabineros Station in Santiago confirmed the arrest and the circumstances in which it had taken place.

The most conclusive evidence collected during the amparo proceedings and in the cases brought before the Office of the Military Prosecutor and the Fifth Departmental Criminal Court includes:

1. The statements made by various Carabineros officials and, in particular, by Captain Clemente Nicolás Burgos Valenzuela;
2. Information provided by the Carabineros confirming the complaints made in the application for amparo; and
3. Statements by the following civilian witnesses: Claudio Ernesto Jiménez Cavieres, Luis Rojas Reyes, Irene Diaz, Luis Enrique Hasbún Fuentes and Fernando Meneses.

By an exceptional majority decision, the Santiago Court of Appeal granted the application for amparo and ordered the Ministry of the Interior to release Carlos Humberto Contreras Maluje.

When the Ministry of the Interior, replying to the Santiago Court of Appeal, stated that it could not release Carlos Humberto Contreras Maluje, the full Court ordered that the records of the case should be transmitted to the Supreme Court, since the case was a very important one that raised a question of "competence" which only that high Court could decide.

The Supreme Court took the unusual step of referring the case back to the Court of Appeal with the instruction that it ensure, through the Fifth (Judgements) Section compliance with the decision of 31 January 1977 granting the application for amparo.

...

When the information in the case was again submitted to the Supreme Court by the Fifth Section of the Appeal Court, the Supreme Court only established an official file on "administrative matters" and avoided taking the action sought by the applicant, namely a request to the Executive Power that the decision of the Court be carried out.

In accordance with the article 311 of the Code of Penal Procedure, however, the Public Prosecutor's Department filed, within the statutory period of 10 days, a complaint against the perpetrator or perpetrators of the offence. After many developments, which included the submission to the Supreme Court of a direct complaint, Mrs. Leticia Contreras Squella, the Prosecutor of the Santiago Court of Appeal, brought charges, in the Air Force Court of Santiago, against DINA, now CNI, DIFA and SICAR, for the illegal arrest and abduction of Carlos Humberto Contreras Maluje.

...

Action has been taken against Luis Rojas Reyes under Case No. 148-77 in the presumed misadventure proceedings instituted on behalf of Carlos Humberto Contreras Maluje. Other proceedings include the amparo proceedings.

(Case No. 1.020-76), the abduction case in the Fifth Criminal Court and the case relating to the seemingly less serious injuries resulting from the accident heard by the Second Military Court.

Case No. 148-77 is before the Air Force Court as a result of the declaration by the Military Court and the Fifth Criminal Court that they lacked competence; the Military Appeal Court is also in this case.

On 5 July 1978, a stay of proceedings was ordered on the ground that "there was insufficient evidence to prove that the alleged offence had been committed".

The appeal lodged by Counsel for the defence with the Military Appeal Court is still pending.

Case Report No. 23

I. IDENTITY

- | | | | |
|----|------------------------|------------------------|---------------|
| 1. | Surname ⁽¹⁾ | Surname ⁽²⁾ | First names |
| | DIAZ | LOPEZ | VICTOR MANUEL |
2. Sex: M
3. Birth date or age^{*/}: 10 November 1919
4. Nationality: Chilean
5. Identity Card No.: 1.001.421 Santiago
6. Marital status: married
7. Number of children: three
8. Domicile: Bello Horizonte 979 (when arrested)
9. Profession: Technician in graphic arts
10. Official positions held (Governor, etc.): None
11. Political affiliations: Communist Party (Deputy Secretary General)
12. References/Sources (lists, reports, etc.):
- (a) A/31/253, paras. 259-261, E/CN.4/1221, para.171 and annex XV, A/32/227, para.106
 - (b) Vicaría de la Solidaridad "Dónde Están", case No. 74 (V.2, page 357)
 - (c) "Qué Pasa" magazine - 12 August 1976
 - (d) "El Mercurio" magazine - 23 July 1976

II. THE CASE

A. ARREST

DATE	TIME	PLACE
12 May 1976	3 a.m.	Bello Horizonte 979 Condes - Santiago

^{*/} At the time of disappearance.

DESCRIPTION

On 12 May 1976 five DINA agents in civilian clothes and carrying machine-guns entered the home of Mr. Jorge Ernesto Canto Fuenzalinda and arrested Víctor Díaz who had assumed the alias of "José Santos Garrido Retamal". After interrogating "Garrido" and examining his identity card they made him walk. (Díaz has a physical defect and walks with a limp). As soon as he started walking they made statements indicating they recognized Garrido as Víctor Díaz. Mr. Canto Fuenzalinda states he overheard a telephone conversation in which the Chief of the agents informed a "Contreras" of the arrest of Víctor Díaz. Díaz was then taken away.

PERSONS MAKING THE ARREST

DINA Agents

WITNESSES

Jorge Ernesto Canto Fuenzalinda

OTHER PERSONS ARRESTED ON SAME OCCASION

None

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

Mr. Fuenzalinda had to sign a DINA form stating that "José Santos Garrido" had been arrested and taken to Cuatro Alamos.

In public declarations on 14 and 17 July 1976, the official Government information office (DINACOS) */ stated that beginning on 11 March 1976 a large group of underground leaders of the Communist Party were arrested. The magazine "Qué pasa" in its issue of 12 August stated that Víctor Díaz, Arturo Weibel, Bernardo Aroya and Uldarico Donaire were Communist Party leaders who had been arrested.

OTHER RELATED CASES

Juan Bercerra Barrera an eyewitness to the arrest on 4 and 6 May 1976 of CP leaders Mario Zamorano, Jorge Muñoz, Uldarico Donaire, Jaime Donata and Elisa Escobar stated that in connexion with those arrests he was shown, among others, a photograph of Víctor Díaz and asked if he recognized "El Chino Díaz".

B. DETENTION

DESCRIPTION

Pedro Jara Alegría states he was detained in "Villa Grimaldi" with Marta Ugarte in August 1976 and that the latter stated Víctor Díaz was being held at that time in Villa Grimaldi.

*/ The National Executive Secretariat for Prisoners.

DATES

PLACES

(a) August 1976

Villa Grimaldi

(b)

WITNESSES

Place (a) Pedro Jara Alegria

Place (b)

Place (c)

Place (d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

The wife of Víctor Díaz, Selenisa Caro, has stated that two persons identifying themselves as DINA agents handed her on 6 October 1976 a hand-written letter from her husband in which he requested that all steps in his favour be stopped. The DINA agents informed her he was detained in a place the location of which could not be disclosed. The daughter of Víctor Díaz, Victoria, according to her mother, received on 7 October 1976 a phone call from her father in which he also requested that steps in his favour be stopped. DINA agents visited the Díaz home on 19 October 1976 and asked for a package for Victor Díaz and on 20 November 1976 Mrs. Díaz received another phone call from her husband.

TREATMENT

Jorge Ernesto Canto Fuenzalinda states Mr. Díaz was ill-treated at the time of his arrest.

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	DATE/OUTCOME
(a) Amparo	Appeals	405-76	14 May 1976	denied 24/6/76
(b) Amparo	of Santiago	708-76	19 August 1976	denied 17/9/76
(c) Amparo	Appeals of Santiago	78-77	28 February 1977	25/5/77 Minister of Interior response <u>1</u> / 29/6/76 denied
(d) Amparo	6th Crim. Court of Santiago	107-77	21 March 1977	temporary suspension of investigation 28/4/78
(e) Criminal Proc.		94.362	14 September 1977	

1/ "José Garrido" has been arrested and released but not Víctor Díaz.

DESCRIPTION

All the writ of Amparo were denied on the basis of the information submitted to the court by the Minister of Interior that stated: "He has not been detained by order of this Ministry." Criminal proceedings (Querrela) for kidnapping, illegal detention, serious injury and other criminal offences were initiated by his wife against DINA and other Security service agents. The proceedings were temporarily suspended on 28 April 1978.

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Italian General Confederation of Labour

International Red Cross

Vicaría de la Solidaridad

III. POSITION OF THE GOVERNMENT

(a) Minister of Interior communicated officially on 12 May 1976 to the Supreme Court that "there was no evidence that Víctor Díaz had been arrested but that José Garrido had been arrested and released the next day".

(b) On 25 August 1976 the Government of Chile, communicated verbally to the Ad Hoc Working Group "there is nothing on record to show that he has been detained. This does not mean that he may not have left the country illegally under a false identity or that he is not involved in underground activities inside Chile".

(c) Minister of Interior by official letter No. 0992 dated 25 March 1977 informed the Court that "the detention of Mr. Garrido Retamal is recorded in the Ministry by Decree No. 2.052 dated 12 May 1976, issued under the state of siege. It is also recorded that he was released by Decree No. 2.054 dated 13 May 1976."

IV. EVALUATION

Witnesses and a written acknowledgement reliably attest to the arrest by DINA of Víctor Díaz under the name of José Santos Garrido Retamal. The mere statement that José Santos Garrido was released without further information is not convincing especially in light of the letter of Víctor Díaz. The investigation should be continued along the lines suggested in prior cases (Lorca, Zamorano, etc.)

V. ANNEX

Excerpts from Dónde Están? 1/

FACTS

This person was arrested early on the morning of 12 May 1976 during a DINA raid at 979 calle Belle Horizonte, las Condes, where he had been living temporarily. His arrest, the culmination of the unremitting persecution to which he had been subjected ever since 11 September 1973, was carried out in the presence

1/ Publication of the Vicaría de la Solidaridad of the Archbishopric of Santiago, Chile, containing information of 477 cases of missing persons. Case No.74, volume 2, page 357.

of the occupants of the above-mentioned building. These included Mr. Jorge Canto Fuenzalida, who, in a sworn statement made before and recorded by the Consul General in Paris, gave the following account of the circumstances in which the arrest took place:

...

"On Wednesday, 12 May 1976, at 2.10 a.m. I was awakened by a doorbell ringing loudly down in the street. From my bed, I opened my bedroom window and looked out at the gate, where I saw a group of six persons wearing civilian clothing and carrying arms, including two large machine guns.

One shouted, "We are from DINA. We have a warrant to search your house from top to bottom. Open the door immediately!"

...

When I opened the gate, an agent who was shaking a piece of paper in his hand, said that he had a legal warrant to search the house from top to bottom. He said that I should show them every room and that I should not worry because it was merely a routine legal procedure. The warrant was not shown to me either then or later.

...

... don Víctor's room ... seeing that I did not stop in front of the door, one of the agents stopped me, saying "Stop! Who is in this room?". I answered "An older man who lives with us. He must be sound asleep".

They insisted on entering, so I opened the door and, without turning on the light, I went over to the bed of Víctor Díaz and told him what was happening. An agent nervously ordered me to turn on the light. When I had done so, three agents moved slowly towards the bed, pointing their guns towards it and keeping a careful watch on don Víctor. One of them, who seemed to be the leader of the group, asked the questions while the other two kept their guns pointed at don Víctor, carefully watching his movements and listening to his replies. The questions came hurriedly, one after another, and were asked in a very rough tone of voice. They shouted at him, insulted him and hit him with their guns:

"And you, old man, who are you? What is your name?".

"Where's your identity card?".

"Where do you work? What do you live on?".

In these circumstances, Víctor tried to sit up in the bed, but they forced him to remain lying down by hitting him on the chest with the barrel of a gun. Then an agent ordered him to get up carefully, quietly.

One of the agents then took me out of the room and told me to continue showing him the rest of the house. As I was going out, I heard them order don Víctor to move. He must have moved, thus showing the limp he had had for years. At that moment, I asked the maid to open her door and an agent asked her for her identification and checked her room. Then the leader of the Group shouted furiously, "We've finally got you, Chino Díaz, you Communist son of a bitch. Arrest everyone in the house!".

...

From that position, I could see how they were beating Víctor Díaz. They held him face down on the floor of his room with his hands tied behind his back. Two of the agents, the leader and another one, were questioning him and punching and kicking his face and body. They asked him how long he had been in the house, where he had come from, where he got the weapons, where he hid the papers and documents, where he kept the money, where that "bastard ..." was, "where the others who worked with him were", etc. They hit him even harder when he did not reply and when he denied knowing about the papers, the money and the guns.

...

He then ordered one of the agents to go get "the others" and asked whether we had a telephone and where it was. On the telephone, he asked to speak with someone called "Contreras". After two tries, he got through and he said, "Chief, I'm calling to give you good news". He reported Víctor's arrest: "We got Víctor Díaz, 'el Chino'". He gave my name and my wife's name and briefly described the house. He was overjoyed as he reported how effective the search had been: "See what we can do, Chief, when we work together?" And he asked for congratulations for what he had done, saying "We deserve to be congratulated, right, Chief?".

He was overjoyed, happy and overexcited. He acted as though he would burst with joy, as though he were having a climax. The others in the group also acted in the same way, slapping each other on the back, saying how they would be congratulated, looking at me with disdain and acting very self-important. They acted and spoke as though they had just survived a great battle.

Víctor Díaz López was taken out of the house by the leader and two agents. It was about 3 a.m.

...

The agent wearing the hat received a couple of telephone calls. He again reported our names and the information he had been collecting. On one of these occasions, I heard him say, "The women know nothing. The wife has a small baby and there are two small girls in the house, but they are sleeping. He says he did not know it was el Chino Díaz."

...

The agent who had just arrived questioned me about the same subjects as I had been questioned about before. He referred to don Víctor as "el Chino". I answered in the same way as before. He then started to fill in some forms. When he had finished, he ordered them to untie my hands and told me to sign the forms.

The forms were mimeographed and, in the upper right-hand corner, bore the words:

DIRECCION NACIONAL DE INTELIGENCIA,
DINA
CHILE

The forms were written in duplicate:

1. The first was a record of the search. It gave my address and my name and stated that no property had been damaged and no one injured.

2. The second was a record of the arrest. It informed me of the arrest of José Santos Garrido Retamal (Victor's alias) in my home and his transfer to Cuatro Alamos.

I signed the forms and he did the same, with some illegible marks and without writing his name. He gave me a copy of both forms and started to leave the house."

...

OTHER INFORMATION

An account of what subsequently happened to the detainee is given in a sworn statement made before a notary public by a former detainee, Pedro Jara Alegría, who said that, in August 1976, he was at Villa Grimaldi with Marta Ugarte Román (whose body was later found on a beach in the Norte Chico area) who told him that Víctor Díaz was at the Villa.

Mr. Juan Becerra Barrera, an eyewitness to the arrests of the Communist leaders, Mario Zamorano, Jorge Muñoz, Uldarico Donaire, Jaime Donato and Elisa Escobar, which took place between 4 and 6 May 1976 at 1587 Calle Conferencia, gave the following testimony in a sworn statement notarized by Mr. Arturo Carvajal, a notary public: "... We were all questioned about what went on: how many people went to our house, when they were supposed to go again. They showed us many photographs of various people. Of the pictures I remember, there was one about which they said, 'This is Chino Diaz. Do you recognize him?'".

REFERENCES IN THE PRESS

Public statements were issued by the National Directorate of Social Information (DINACOS). The first, dated 14 July 1976, reported that, starting on 11 May, i.e. one day before the arrest of the person concerned, the Intelligence Services decided "to take action" against the clandestine information centres which the above-mentioned outlawed party used for liaison activities between the Political Committee and the regional leaders of the Communist Party. They did take such action and, as a result, the members of the clandestine Communist Party who were involved in that type of activity were arrested in the clandestine information centres.

The second public statement, dated 17 July, reported the arrest of a large group of clandestine Communist leaders, whose names have never been made public by the Government of Chile.

The 12 August 1976 issue of the magazine Qué Pasa dealt with the subject in an article entitled "Del MIR al PC" and gave the names of some of the persons who had been kidnapped, including, inter alia, Arturo Weibel, in March; Bernardo Araya, the former secretary of CUT, in April; Uldarico Donaire, of Imprenta Horizonte, and Víctor Díaz, the former Deputy Secretary-General of the Communist Party, in May.

LEGAL AND ADMINISTRATIVE ACTION

(a) Application for amparo submitted to the Santiago Court of Appeal on 14 May 1976, under case No. 405-76, and rejected on 19 July 1976. When that decision was appealed, it was upheld by the Supreme Court in a ruling handed down on 24 June 1976.

(b) Application for amparo submitted to the Santiago Court of Appeal on 19 August 1976, under Case No. 780-76, was rejected on 17 September 1976.

(c) Third application for amparo, submitted on 28 February 1977 under Case No. 78-77. Attached to the application were a sworn statement by Jorge Ernesto Canto Fuenzalida, an eyewitness of the arrest; a letter written by the person concerned while he was in prison and delivered to his wife by security agents on 6 October 1976; and a sworn statement by a former detainee, Pedro Jara Alegria. In his reply to the court in official communication No. 0992 of 25 March 1977 (sheets 45 and 46), the Minister of the Interior states that "this Ministry does have a record of the detention of Garrido Retamal, under Exempt Decree No. 2052 of this Ministry, issued on 12 May 1976 on the basis of the powers granted under the State of Siege. The record also shows that he was released in accordance with the provisions of Interior Decree No. 2.054 of 13 May 1976".

It should be noted that, because the victim was the object of an intensive search, he had to use another name, which was José Santos Garrido Retamal.

This third application for amparo was denied on 24 June 1976.

(d) A fourth application for amparo was submitted by the Italian General Confederation of Labour and other Italian labour organizations on behalf of the person concerned and the following other persons who are detained or missing: Exequiel Ponce V., Bernardo Araya Z. and his wife, Fernando Navarro, Nicolás López Suárez and Lincoln Berríos Gataldo.

This application was submitted on 21 March 1977 and dealt with as Case No. 107-77. It was rejected on 29 June 1976.

(e) A charge of abduction was brought before the Sixth Departmental Criminal Court of Santiago (Case No. 94,362).

(f) A complaint of abduction, illegal arrest, serious injury and other offences was filed on 14 September 1977 with the Sixth Departmental Criminal Court of Santiago. A stay of proceedings has been ordered by this Court pending the issue of an opinion by the Court of Appeal.

Case Report No. 24

I. IDENTITY

- | | | | |
|----|-------------|-------------|-------------|
| 1. | Surname (1) | Surname (2) | First names |
| | UGARTE | ROMAN | MARTA LIDIA |
2. Sex: F
3. Birth date or age: */ 42 years old
4. Nationality: Chilean
5. Identity Card No.: 3.927.133
6. Marital status: Single
7. Number of children: N/A
8. Domicile: N/A
9. Profession: Secretary to the former parliamentarian Mireya Baltra
10. Official positions held (Governor, etc.): Departmental head of the Supplies and Prices Board (JAP) "Junta de Abastecimiento Popular"
11. Political affiliations: Communist Party
12. References/Sources (lists, reports, etc.):
- (a) A/31/253, annex XIX - E/CN.4/1221, para. 147-159

II. THE CASE

A. ARREST

DATE	TIME	PLACE
9 August 1976	unknown	unknown

DESCRIPTION

On Monday, 9 August, Marta Ugarte informed her sisters by telephone that she was going to see Dr. Ivan Insunja that morning for treatment of a dog bite. On the following day the family found out that she had not returned home that previous

*/ At the time of disappearance

night and that Dr. Insunja had been arrested by DINA a few days ago. The fear that she might have been arrested was borne out when one of her sisters and several friends caught sight of her travelling in a car with other persons, looking as though she had been hypnotized or drugged and wearing dark glasses.

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

None

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

None

B. DETENTION

Marta Ugarte was seen again in the control of her captors, first on a public street by members of her family and later at Villa Grimaldi.

DATES		PLACES
(a)	24 August 1976	Villa Grimaldi
(b)	10 August 1976 10.30 a.m.	Inside a car travelling along Matucana towards Quinta Normal
(c)		
(d)		

WITNESSES

Place (a) Pedro Rolando Jara Alegría

Place (b) Hida Ugarte Roman (sister)

Place (c)

Place (d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

TREATMENT

On Sunday, 12 September, the almost naked body of a woman, later identified as Marta Ugarte, was found on the beach, in the sector of Los Molles, 183 km off the North Panamerican Highway of Chile. According to press reports, the body presented signs of having been raped and the ribs, spinal column, forearms and wrists were broken.

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	DATE	OUTCOME
(a) Amparo		761-76	16/8/76	11/9/76	Denied <u>1/</u>

DESCRIPTION

In addition to the writ of amparo submitted on 16 August 1976, her family submitted, on 27 August, a sworn statement to the effect that Marta Ugarte had been seen inside an investigation service car on Tuesday, 10 August, at 10.30 a.m. On 5 September, the court was requested to resubmit the case to the Ministry of the Interior and the DINA, in view of that Ministry's delay in responding.

III. INFORMATION FROM OFFICIAL SOURCES

The Government of Chile stated, in a letter dated 3 December 1976 addressed to the Secretary-General:

"1. On 12 September 1976 the Carabineros of the locality of La Ligua discovered the body of Marta Lidia Ugarte Roman.

"2. On 14 September, by order of the Judge of the Criminal Court of La Ligua, a preliminary investigation was begun and recorded in dossier 15,027 of that court.

"3. The information obtained from the autopsy carried out by order of the competent court and the state in which the body was found make it possible to infer that Marta Lidia Ugarte Roman had been struck on the lower jaw with blunt instruments which caused it to fracture and which brought about an encephalo-cranial traumatism and subsequent death.

"4. On the basis of this information the Court of Appeals of Valparaíso appointed the Judge of this Court, Mr. Rafael Mera, as Investigating Judge to conduct the proceedings.

1/ The writ of amparo was denied on the basis of the information provided by the Minister of the Interior to the Court that she has not been arrested by order of that Ministry.

"5. At the present time, the appropriate legal proceedings are still under way, in pursuance of the orders of the Court". (E/CN.4/1221, para. 157)

On 7 September, the Court was requested to conduct official inquiries at Cuatro Alamos and to ask the Ministry of the Interior for information concerning the medical examination which all prisoners were required to be given under Supreme Decree No. 187.

On 8 September, a petition for Marta Ugarte's release was submitted to the Minister of the Interior.

On 11 September, the Appeals Court rejected the application for amparo, and an appeal against this rejection was immediately lodged.

On 20 September, a petition alleging abduction was filed with the First High Criminal Court of San Miguel.

On Thursday, 23 September, the sisters once again visited the Institute of Forensic Medicine, concerned over newspaper reports regarding the discovery of a woman's body on a beach; they were informed that the Institute did have a corpse displaying characteristics similar to those of Marta Ugarte, and they were allowed to see it on the following day. The sisters were able to recognize only certain features, since the face of the body had been disfigured. Finally, on Monday, 27 September, the family dentist was able, by means of a dental examination, to identify the body beyond doubt as being that of Marta Ugarte Roman. Her corpse had been found, on Sunday, 12 September, at La Ballena, on a beach close to Los Molles and 182 km from the capital. All the ribs were broken, there were injuries to the spine and a piece of wire was wound around the neck.

INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

International Red Cross
Vicaría de la Solidaridad

IV. EVALUATION

Although there is no doubt that Marta Ugarte was killed, no witnesses have testified to the actual arrest of Marta Ugarte although one witness testified to having seen her at Villa Grimaldi. This evidence does not permit the conclusion beyond a reasonable doubt that Marta Ugarte was arrested and killed by Government agents. The allegations of Government responsibility could be clarified by investigations into other cases of missing persons occurring during the same period.

V. ANNEX

(No annex)

Case Report No. 25
(November-December 1976)

I. IDENTITY

- | | | |
|----------------|-------------|------------------|
| 1. Surname (1) | Surname (2) | First names |
| ARAYA | CABRERA | SANTIAGO EDMUNDO |
2. Sex: M
3. Birth date or age: */ 28 July 1948
4. Nationality: Chilean
5. Identity Card No.: 5.880.734
6. Marital status: Single
7. Number of children: N/A
8. Domicile: Villa La Palma, Pasaje 13, Conchalí, Santiago
9. Profession: Travel agent
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: Communist Party
12. References/Sources (lists, reports, etc.):
- (a) A/32/227, paras. 118-120, annex XXXIV
- (b) Human Rights internal file

II. THE CASE

A. ARREST

DATE	TIME	PLACE
29 November 1976	N/A	N/A
DESCRIPTION		
N/A		

*/ At the time of disappearance

PERSONS MAKING THE ARREST

N/A

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

N/A

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

Berríos Cataldo Lincoyán Yalú
Pinto Arroyo Edras de las Mercedes
Portilla Portilla Armando
Cepeda Merinkovic Horacio
Cruz Díaz Lizandro Tucapel
Ortiz Letelier Juan Fernando
Iazo Santander Luis Segundo
Pizarro Molina Waldo Ulises
Durán González Carlos Patricio
Navarro Allende Fernando Alfredo
Velíz Ramírez Héctor
Pereira Plaza Reinalda del Carmen

B. DETENTION

DESCRIPTION

N/A

DATES

PLACES

(a) N/A

(b)

(c)

(d)

WITNESSES

Place (a) N/A

(b)

(c)

(d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a)	Ministro en Visita		2.77	2/2/77	Closed investigation 7/2/77
(b)					
(c)					

Preliminary hearing closed on the basis of the information provided by the Ministry of the Interior to the special Judge that Mr. Araya Cabrera left the country on 22 December 1976.

DESCRIPTION

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

IV. EVALUATION

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

V. ANNEXES

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

Case Report No. 26

(November - December 1976)

I. IDENTITY

- | | | | |
|----|-------------|-------------|---------------|
| 1. | Surname (1) | Surname (2) | First names |
| | BERRIOS | CATALDO | LINCOYAN YALU |
2. Sex: M
3. Birth date or age: */ 7 September 1928
4. Nationality: Chilean
5. Identity Card No.: 2.759.542 Santiago
6. Marital status: Married
7. Number of children: three
8. Domicile: Mariano Latorre 4169, Villa Macul, Santiago
9. Profession: retired civil employee
10. Official positions held (Governor, etc.):
11. Political affiliations: Communist Party. Former president of National Association of Municipal Workers
12. References/Sources (lists, reports, etc.):
- (a) A/32/227, paras. 118-120, annex XXXIV
 - (b) Vicaría de la Solidaridad, "Dónde Están", Case No. 470 (V.7, page 1841)
 - (c) E/CN.4/1921, Annex VIII

II. THE CASE

A. ARREST

DATE	TIME	PLACE
15 December 1976	8.30 a.m.	Rodrigo de Araya and La Plaza - Nuñoa District

*/ At the time of disappearance

DESCRIPTION

After having breakfast with his wife, Mr. Berríos Cataldo met with Mr. Cepeda Merinkovic on the street. Shortly after, four individuals got out of a car and arrested them. A fight took place between the victims and their captors. Once overpowered, the arrested men were placed in the car that quickly left the scene.

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

Horacio Cepeda Merinkovic

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

None

OTHER RELATED CASES

Araya Cabrera Santiago Edmundo

Pinto Arroyo Edras de las Mercedes

Portilla Portilla Armando

Cepeda Merinkovic Horacio

Cruz Díaz Lizandro Tucapel

Ortiz Letelier Juan Fernando

Lazo Santander Luis Segundo

Pizarro Molina Waldo Ulises

Dúran González Carlos Patricio

Navarro Allende Fernando Alfredo

Veliz Ramírez Héctor

Pereira Plaza Reinalda del Carmen

B. DETENTION

DESCRIPTION

	DATES	PLACES
(a)	N/A	
(b)		
(c)		
(d)		

WITNESSES

Place (a)
(b)
(c)
(d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a)	Amparo	Appeals of Santiago	1.089-76	22/12/76	Denied
(b)	Amparo (Appeal)	Supreme Court		N/A	Confirmed previous ruling
(c)	Criminal Proc.	8th Criminal Court of Santiago		31/1/77	In progress
(d)	Ministro en Visita		2-77	31/1/77	Closed investigation 7/2/77 <u>1/</u>

1/ Based on the information provided by the Minister of Interior that Mr. Berrío Cataldo left the country on 21/12/76, the Ministro en Visita closed the preliminary hearings.

DESCRIPTION

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

D. INQUIRIES BY NATIONAL AND OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

IV. EVALUATION

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

V. ANNEXES

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

Case Report No. 27
(November - December 1976)

I. IDENTITY

- | | | | |
|----|------------------------|------------------------|-------------|
| 1. | Surname ⁽¹⁾ | Surname ⁽²⁾ | First names |
| | CEPEDA | MERINKOVIC | HORACIO |
2. Sex: M
3. Birth date or age ^{*/}: 14 May 1922
4. Nationality: Chilean
5. Identity Card No.: 1.846.038 Santiago
6. Marital status: married
7. Number of children: N/A
8. Domicile: Diego Rojas 753 La Reina
9. Profession: Constructor Engineer
10. Official positions held (Governor, etc.):
Director of the State Public Transport System during 1971-1972
11. Political affiliations: Communist Party
12. References/Sources (lists, reports, etc.):
- (a) A/32/227, paras. 118-120, Annex XXXIV
 - (b) Human Rights internal file
 - (c) E/CN.4/1221, Annex VIII

II. THE CASE

A. ARREST

DATE	TIME	PLACE
15 December 1976	8.30 a.m.	Rodrigo de Araya and La Plaza - Nuñoa District

^{*/} At the time of disappearance.

DESCRIPTION

He left his home at 7.00 a.m. Shortly thereafter he met his friend Mr. Berríos Cataldo. They were both accosted on the street by four individuals dressed as civilians, who got out of a car. During the arrest a fight took place between the victims and their captors. Once overpowered, the arrested men were placed in the car that quickly left the scene.

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

Lincoyán Yalú Berríos Cataldo

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

Berríos Cataldo Lincoyán Yalú

Araya Cabrera Santiago Edmundo

Pinto Arroyo Edras de las Mercedes

Portilla Portilla Armando

Cruz Díaz Lizandro Tucapel

Ortiz Letelier Juan Fernando

Lazo Santander Luis Segundo

Pizarro Molina Waldo Ulises

Durán González Carlos Patricio

Navarro Allende Fernando Alfredo

Veliz Ramírez Héctor

Pereira Plaza Reinalda del Carmen

B. DETENTION

DESCRIPTION

N/A

DATE

PLACES

(a) N/A

(b)

(c)

(d)

WITNESSES

Place (a) N/A

(b)

(c)

(d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a) Amparo	Appeals of Santiago	1084-76	20/12/76	Denied
(b) Appeal	Supreme Court			Confirmed resolution of Lower Court 17/1/77
(c) Ministro en Visita		2-77	2/2/77	Closed investigation on 7/2/77 <u>1/</u>

DESCRIPTION

See Case Report No. 33

Pereira Plaza Reinalda del Carmen

D. INQUIRIES BY NATIONAL AND OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

1/ Based on the information provided by the Minister of Interior that Mr. Cepeda Merinkovic left the country on 6/1/77, the Ministro en Visita closed the preliminary hearings.

III. INFORMATION FROM THE GOVERNMENT

See Case Report No. 33

Pereira Plaza Reinalda del Carmen

IV. EVALUATION

See Case Report No. 33

Pereira Plaza Reinalda del Carmen

V. ANNEXES

See Case Report No. 33

Pereira Plaza Reinalda del Carmen

Case Report No. 28
(November - December 1976)

I. IDENTITY

- | | | |
|----------------|-------------|------------------|
| 1. Surname (1) | Surname (2) | First names |
| CRUZ | DIAZ | LIZANDRO TUCAPEL |
2. Sex: M
3. Birth date or age: */ 21 January 1924
4. Nationality: Chilean
5. Identity Card No.: 1.752.825 Santiago
6. Marital status: married
7. Number of children: N/A
8. Domicile: General Freire 4340, Renca
9. Profession: Telegraphist
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: Communist Party. Former Trade Union Leader
12. References/Sources (lists, reports, etc.):
- (a) A/32/227, paras. 188-120, annex XXXIV
- (b) Human Rights internal file

II. THE CASE

A. ARREST

DATE	TIME	PLACE
18 December 1976	8.45 p.m.	Ibeceta Pharmacy, close to Plaza Renca

DESCRIPTION

He was arrested on the street in front of the Ibeceta Pharmacy.

*/ At the time of disappearance.

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

N/A

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

- Berrios Cataldo Lincoyán Yalú
- Araya Cabrera Santiago Edmundo
- Rinto Arroyo Edras de las Mercedes
- Portilla Portilla Armando
- Cepeda Merinkovic Horacio
- Ortiz Letelier Juan Fernando
- Lazo Santander Luis Segundo
- Pizarro Molina Waldo Ulises
- Durán González Carlos Patricio
- Navarro Allende Fernando Alfredo
- Velíz Ramírez Héctor
- Pereira Plaza Reinalda del Carmen

B. DETENTION

DESCRIPTION

N/A

DATES

PLACES

(a) N/A

(b)

(c)

(d)

WITNESSES

Place (a) N/A

(b)

(c)

(d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a)	Amparo	Appeals of Santiago	1085-76	21/12/76	Denied 17/1/77
(b)	Appeal	Supreme Court			Confirmed decision of Lower Court 24/1/77
(c)	Criminal Proc.	9th Criminal Court of Santiago	1085-76		In progress
(d)	Ministro en Visita		2-77	2/2/77	Closed investigation on 7/2/77 <u>1/</u>

DESCRIPTION

See Case Report No. 33

Pereira Plaza Reinalda del Carmen

D. INQUIRIES BY NATIONAL AND OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

1/ Based on the information that Mr. Cruz Díaz left the country on 11/1/77 the Ministro en Visita closed the preliminary hearings.

III. INFORMATION FROM THE GOVERNMENT

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

IV. EVALUATION

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

V. ANNEXES

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

Case Report No. 29
(November - December 1976)

I. IDENTITY

- | | | |
|----------------|-------------|-----------------|
| 1. Surname (1) | Surname (2) | First names |
| DURAN | GONZALEZ | CARLOS PATRICIO |
2. Sex: M
3. Birth date or age: */ 14 February 1951
4. Nationality: Chilean
5. Identity Card No.: N/A
6. Marital status: Married
7. Number of children: Two
8. Domicile: N/A
9. Profession: Technical Constructor
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: Communist Party
12. References/Sources (lists, reports, etc.):
- (a) A/32/227, paras. 118-120, annex XXXIV
 - (b) Human Rights internal file
 - (c) E/CN.4/1221, annex VIII

II. THE CASE

A. ARREST

DATE	TIME	PLACE
18 December 1976	9 a.m.	N/A

DESCRIPTION

He was arrested on the street

*/ At the time of disappearance

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

N/A

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

Berrios Cataldo Lincoyán Yalú
Araya Cabrera Santiago Edmundo
Pinto Arroyo Edras de las Mercedes
Portilla Portilla Armando
Cepeda Merinkovic Horacio
Cruz Díaz Lizandro Tucapel
Ortiz Letelier Juan Fernando
Lazo Santander Luis Segundo
Pizarro Molina Waldo Ulises
Navarro Allende Fernando Alfredo
Veliz Ramírez Héctor
Pereira Plaza Reinalda del Carmen

B. DETENTION

DESCRIPTION

N/A

DATES

PLACES

(a) N/A

(b)

(c)

(d)

WITNESSES

Place (a) N/A

(b)

(c)

(d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a)	N/A				
(b)					
(c)					
(d)					

He was excluded from the cases investigated by Judge Guastavinos.

DESCRIPTION

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

The Minister of Interior informed to the Court that Mr. Durán González has never been detained by order coming from this Ministry.

IV. EVALUATION

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

V. ANNEXES

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

Case Report No. 30
(November - December 1976)

I. IDENTITY

- | | | | |
|----|-------------|-------------|--------------|
| 1. | Surname (1) | Surname (2) | First names |
| | LAZO | SANTANDER | LUIS SEGUNDO |
2. Sex: M
3. Birth date or age: */ 10 November 1910
4. Nationality: Chilean
5. Identity Card No.: N/A
6. Marital status: N/A
7. Number of children: N/A
8. Domicile: N/A
9. Profession: General Labour
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: Communist Party. Former National Leader of the CUT **/
12. References/Sources (lists, reports, etc.):
- (a) A/32/227, paras. 118-120, annex XXXIV
- (b) Human Rights internal file

II. THE CASE

A. ARREST

DATE	TIME	PLACE
15 December 1976	16.00	N/A

DESCRIPTION

He was arrested on the street a few metres away from his home by civilian personnel who placed him in an off-white station wagon and drove away.

*/ At the time of disappearance

**/ Central Unica de Trabajadores

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

N/A

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

Berrios Cataldo Lincoyán Yalú

Araya Cabrera Santiago Edmundo

Pinto Arroyo Edras de las Mercedes

Portilla Portilla Armando

Cepeda Merinkovic Horacio

Cruz Díaz Lizandro Tucapel

Ortiz Letelier Juan Fernando

Pizarro Molina Waldo Ulises

Durán González Carlos Patricio

Navarro Allende Fernando Alfredo

Veliz Ramírez Héctor

Pereira Plaza Reinaldo del Carmen

B. DETENTION

DESCRIPTION

N/A

DATES

PLACES

(a) N/A

(b)

(c)

(d)

WITNESSES

Place (a) N/A

(b)

(c)

(d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a)	Ministro en Visita		2-77	2/2/77	Closed investigation on 7/2/77 <u>1/</u>
(b)					
(c)					
(d)					

1/ Based on the information provided by the Minister of Interior that Mr. Lazo Santander left the country on 6/1/77, the Ministro en Visita closed the preliminary hearings.

DESCRIPTION

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

IV. EVALUATION

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

V. ANNEXES

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

Case Report No. 31
(November - December 1976)

I. IDENTITY

- | | | | |
|----|-------------|-------------|------------------|
| 1. | Surname (1) | Surname (2) | First names |
| | NAVARRO | ALLENDE | FERNANDO ALFREDO |
2. Sex: M
3. Birth date or age: */ 50 years old
4. Nationality: Chilean
5. Identity Card No.: 312.505 Valparaíso
6. Marital status: Married
7. Number of children: N/A
8. Domicile: Villa Agua Santa, casa 75. Población Ferroviaria de Viñas del Mar
9. Profession: Retired from the Railroad Company
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: Communist Party - Union leader of the Federation of Railroad Workers
12. References/Sources (lists, reports, etc.):
- (a) A/32/227, paras. 118-120, annex XXXIV
 - (b) Human Rights internal file
 - (c) E/CN.4/1221, Annex VIII

II. THE CASE

A. ARREST

DATE	TIME	PLACE
13 December 1976	2.00 p.m.	Corner of Grecia Ave, and Ramón Cruz Street

*/ At the time of disappearance.

DESCRIPTION

He has been sought by the State Security Police since 11 September 1973 for his trade union activities and political affiliation. His name appeared in the military announcements published in the Valparaíso press, where he was instructed to turn himself in to the authorities. His home was searched on several occasions. His wife, in an effort to learn the whereabouts of her husband, was arrested and taken to a Navy Prison, where she was subject to 15 days of abuse and torture. According to the testimony of eye witnesses Navarro Allende was arrested at the bus stop by five armed men dressed as civilians, who got out of two cars. Navarro resisted and shouted out denouncing his captors as agents of DINA as well as his name. Beaten by his captors, he was placed unconscious in one of the cars (make Peugeot, light blue colour) which left the scene rapidly followed by the second car.

PERSONS MAKING THE ARREST

DINA

WITNESSES

Etelvina Figueroa Pacheco

OTHER PERSONS ARRESTED ON SAME OCCASION

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

OTHER RELATED CASES

Berríos Cataldo Lincoyán Yalú

Araya Cabrera Santiago Edmundo

Pinto Arroyo Edras de las Mercedes

Portilla Portilla Armando

Cepeda Merinkovic Horacio

Cruz Díaz Lizandro Tucapel

Ortiz Letelier Juan Fernando

Lazo Santander Luis Segundo

Pizarro Molina Waldo Ulises

Veliz Ramírez Héctor

Pereira Plaza Reinalda del Carmen

Durán González Carlos Patricio

B. DETENTION

DESCRIPTION

N/A

DATES

PLACES

(a) N/A

(b)

(c)

(d)

WITNESSES

Place (a) N/A

(b)

(c)

(d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a) Amparo	Appeals of Santiago	14.779	27/9/76	Denied <u>1/</u>
(b) Appeal	Supreme Court		N/A	Confirmed decision of Lower Court on 31/1/77
(c) Criminal Proc.	8th Criminal Court of Santiago		N/A	In progress

1/ Based on the information provided by the Minister of Interior that Mr. Navarro Allende has never been detained by order coming from this Ministry, the Court denied the amparo.

DESCRIPTION

D. INQUIRIES BY NATIONAL AND OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad
International Red Cross

III. INFORMATION FROM THE GOVERNMENT

The Minister of Interior informed the Court that Mr. Navarro Allende has never been detained.

IV. EVALUATION

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

V. ANNEXES

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

Case Report No. 32
(November - December 1976)

I. IDENTITY

- | | | |
|---------------------------|------------------------|---------------|
| 1. Surname ⁽¹⁾ | Surname ⁽²⁾ | First names |
| ORTIZ | LETELIER | JUAN FERNANDO |
2. Sex: M
3. Birth date or age^{*/}: 24 June 1922
4. Nationality: Chilean
5. Identity Card No.: 5.715.837-9 Santiago
6. Marital status: married
7. Number of children: three
8. Domicile: Bombero Nuñez 362, Santiago
9. Profession: Historian, University professor, leader of the Student Federation of Chile
10. Official positions held (Governor, etc.):
11. Political affiliations: Communist Party. Member of the Central Committee and former General Secretary of the Communist Youth.
12. References/Sources (lists, reports, etc.):
- (a) A/32/227, paras. 118-120, annex XXXIV
 - (b) Human Rights internal file
 - (c) E/CN.4/1221, Annex VIII

II. THE CASE

A. ARREST

DATE	TIME	PLACE
15 December 1976	7.30 p.m.	Larraín Avenue, Nufcoa District

*/ At the time of disappearance

DESCRIPTION

From the moment of the military coup right up to the time of his arrest, he was constantly and intensively sought for by the State Security Agencies in the homes of his relatives. The last search had been made on 24 November 1976 in the house of his daughter, María Estela Ortiz Rojas. The arrest took place as he was walking on the street with Mr. Pizarro Molina. They were both beaten by their captors and placed unconscious in one of the cars which left the scene rapidly followed by a second car.

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

Waldo Ulises Pizarro Molina

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

Berríos Cataldo Lincoyán Yaldú

Araya Cabrera Santiago Edmundo

Pinto Arroyo Edras de las Mercedes

Portilla Portilla Armando

Cepeda Merinkovic Horacio

Cruz Díaz Lizandro Tucapel

Lazo Santander Luis Segundo

Pizarro Molina Waldo Ulises

Durán González Carlos Patricio

Navarro Allende Fernando Alfredo

Veliz Ramírez Héctor

Pereira Plaza Reinaldo del Carmen

B. DETENTION

DESCRIPTION

N/A

DATES

PLACES

- (a) N/A
- (b)
- (c)
- (d)

WITNESSES

- Place (a) N/A
- (b)
- (c)
- (d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a) Amparo	Appeals of Santiago	1081-76	20/12/76	Denied 11/2/77 ^{1/}
(b) Appeal	Supreme Court		17/2/77	Confirmed resolution of Lower Court on 9/3/77
(c) Criminal Proc.	8th Criminal Court of Santiago	48-401	9/2/77	File sent to Ministro en Visita
(d) Ministro en Visita			21/3/77	In progress

^{1/} Denial based on information provided by the Minister of Interior (23/12/76) and the Air Force Intelligence Service (28/1/77) that he has never been detained by order of such authorities.

DESCRIPTION

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad
International Red Cross

III. INFORMATION FROM THE GOVERNMENT

The Minister of Interior informed the Court that Mr. Ortiz Letelier had never been detained.

IV. EVALUATION

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

V. ANNEXES

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

Case Report No. 33
(November - December 1976)

I. IDENTITY

- | | | |
|----------------|-------------|---------------------|
| 1. Surname (1) | Surname (2) | First names |
| PEREIRA | PLAZA | REINALDA DEL CARMEN |
2. Sex: F
3. Birth date or age^{*/}: 5 May 1947
4. Nationality: Chilean
5. Identity Card No.: 5.319.316-1 Santiago
6. Marital status: married
7. Number of children: N/A
8. Domicile:
9. Profession: Medical technologist
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: Communist Party - Trade Union leader
12. References/Sources (lists, reports, etc.):
- (a) A/32/227, paras. 118-120, annex XXXIV
 - (b) Vicaría de la Solidaridad "Dónde Están", Case No. 473 (V.7, page 1860)
 - (c) E/CN.4/1221, Annex VIII

II. THE CASE

A. ARREST

DATE	TIME	PLACE
15 December 1976	8.30 p.m.	Exequiel Fernández and Rodrigo de Araya streets

*/ At the time of disappearance

DESCRIPTION

On 24 September 1973, following the military coup, she was arrested together with her husband by troop belonging to the Puente Alto Railroad Military Regiment (outside Santiago). She was released in the custody of the military which remained in effect for several months. On 15 December 1976 she left her house at 3.30 p.m. for a regular medical checkup as she was 6 months pregnant. According to information provided by several neighbours, Reinalda Pereira was arrested that same day on returning home by several armed individuals dressed as civilians who grabbed her from the back and drove her away in one of the vehicles, make Peugeot, blue colour, licence plates HLN-55.

PERSONS MAKING THE ARREST

DINA

WITNESSES

Pablo Santelices

Aida Richi

Juan Mujica

Max Alejandro Zufiga Fernández

Manuela Mónica Banda

OTHER PERSONS ARRESTED ON SAME OCCASION

None

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

None

OTHER RELATED CASES

Berríos Cataldo Lincoyán Yalú

Araya Cabrera Santiago Edmundo

Pinto Arroyo Edras de las Mercedes

Portilla Portilla Armando

Cepeda Merinkovic Horacio

Cruz Díaz Lizandro Tucapel

Ortiz Letelier Juan Fernando

Lazo Santander Luis Segundo

Pizarro Molina Waldo Ulises

Durán González Carlos Patricio

Navarro Allende Fernando Alfredo

Veliz Ramírez Héctor

B. DETENTION

DESCRIPTION

	DATES	PLACES
(a)	N/A	
(b)		
(c)		
(d)		

WITNESSES

Place (a)
(b)
(c)
(d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a)	Amparo	Appeals of Santiago	N/A	20/12/76	Denied <u>1/</u>
(b)	Appeal	Supreme Court		N/A	Confirmed decision of Lower Court
(c)	Criminal Proc.	Ministro en Visita	2-77	2/2/77	Closed investigation on 7/2/77 <u>2/</u>
(d)	Criminal Proc.			3/1/77	In progress

1/ Amparo was denied on the basis of the information provided by the Minister of Interior to the Court that she has never been detained by order coming from this Ministry.

2/ Based on the information provided by the Minister of Interior that Mrs. Pereira Plaza left the country on 21/12/76, the Ministro en Visita closed the preliminary hearings.

DESCRIPTION

Writs of Amparo and Criminal Complaints were presented to the Courts in Santiago immediately after each arrest. Finally, families of the thirteen victims requested on 27 January 1977 the Supreme Court to order a special investigation. The request was granted on 31 January 1977 for eight of the thirteen persons:

- Araya Cabrera Santiago Edmundo
- Cepeda Merinkovic Horacio
- Pinto Arroyo Edras de las Mercedes
- Portilla Portilla Armando
- Berríos Cataldo Lincoyán Yalú
- Cruz Díaz Lizandro Tucapel
- Lazo Santander Luis Segundo
- Pereira Plaza Reinalda del Carmen

Judge Aldo Guastavinos, of the Court of Appeals of Santiago, was appointed as Ministro en Visita, to conduct the investigation which he began on 2 February 1977 and closed as exhausted on 7 February 1977. His decision was based on the information provided by the Minister of Interior that the eight people registered as having left the country on specific dates and places. The official documents indicate that these people crossed the Andes on foot or by car.

The resolution was objected by the defence of the thirteen "missing people" claiming that no real investigation had taken place and that Guastavinos' activities were notarial rather than investigative, whereupon the Court of Appeals of Santiago ordered on 21 March 1977 that investigation be continued and expanded to include the disappearances of Fernando Ortiz Letelier and Waldo Ulises Pizarro Molina.

Investigations are still in progress.

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

1. The Minister of Interior informed on 5 February 1977 to the Ministro en Visita Aldo Guastavinos that the Department of Immigration of the Office of Investigations have registered the departure of the eight people from the National Territory on the following dates and place:

NAMES	DATE	PLACE
Araya Cabrera Santiago Edmundo	22/12/76	Los Libertadores, Argentina
Cepeda Merinkovic Horacio	6/ 1/77	" "
Pinto Arroyo Edras de las Mercedes	6/ 1/77	" "
Portilla Portilla Armando	11/ 1/77	" "
Berrios Cataldo Lincoyán Yalú	21/12/76	" "
Cruz Díaz Lizandro Tucapel	11/ 1/77	" "
Lazo Santander Luis Segundo	6/ 1/77	" "
Pereira Plaza Reinalda del Carmen	21/12/76	" "

2. The Minister of Interior informed to the Court on 20 May 1977 that the eight persons involved "have left the country by way of Libertadores Pass for Argentine. The citizens Waldo Ulises Pizarro and Juan Fernando Ortiz Letelier have no records in this Ministry".

3. As far as Mr. Durán González, Mr. Veliz Ramírez and Mr. Navarro Allende, the Minister of Interior informed to the Court that they have never been detained.

IV. EVALUATION

Thirteen missing persons of November-December 1979

- The common aspects of all cases in question are:

- (a) the nature of the political affiliation of the missing persons
- (b) the time of the alleged detention
- (c) the behaviour of the Government and
- (d) the outcome of judicial proceedings if any.

- All persons in question belong to the Communist Party some of them in leading positions; all persons are allegedly detained during the same period; in the majority of the cases the Government stated that the persons in question have left the country.

- The evidence of the arrest of the persons in question varies in each case. In some cases witnesses saw the arrest whereas in other cases no such testimony exists. In certain cases the evidence may be said to reliably attest the arrest but in others the fact of arrest is not proved beyond a reasonable doubt.

- In eight of these cases the Government reported that the persons had left the country. However, evidence discovered during the investigation of these cases strongly suggests that the information in which the reports were based was fabricated.

The Expert agrees with the opinion of the defence as to the inconsistencies of the arguments of the Government and which are the following:

1. It is impossible for a person to leave the country, on foot or in an automobile without complying with many requisites. In this case there exists only doubtful "exit permits" extremely incomplete, not even listing a home address for the travellers.

2. It has been established that the car by which they travelled was Chilean and not Argentine as stated by the Dirección de Investigaciones (civil police department), that the car licence plates HG-19 were not sold to any private vehicle in 1976 and were no longer valid in 1977. Presumably, they could only be used by institutions or persons with enough power to obtain them from the respective Municipality.

3. The Defence has also pointed out that a pregnant woman or people who are fifty years old cannot possibly cross the border on foot or by hitch-hiking.

4. The Government of Argentina has not registered their entry into that country.

The Expert proposes that the investigation into the cases be renewed. The investigation into those which are reliably attested may shed light on the others. The Expert suggests that the Secretary-General be asked to request from the Government of Argentina information as to the entry of the persons in question into that country.

V. ANNEX

Excerpts from Dónde Están? 1/

FACTS

Reinalda del Carmen Pereira Plaza, an active member of the Communist Party of Chile, was arrested on 15 December 1976, at the intersection of Calle Exequiel Fernandez and Calle Rodrigo de Araya at approximately 8.30 p.m. while she was waiting for transportation in order to return to her home. She had left her house at 3.30 p.m. in order to make arrangements for a regular medical check-up, as she was six months pregnant.

Her husband, Pablo Santelices, made the following statement to the investigating judge appointed by the Santiago Court of Appeal to investigate the disappearance of eight persons (who had disappeared in the same period allegedly because they were trade-union leaders and politicians and members of the Communist Party):

"We were able to ascertain that her friend and colleague, Mrs. Cristina Arancibia Caballero had left her on the day of her "disappearance" at about 7 p.m. at the bus-stop at San Joaquin and Sierra Bella, where she took a Lo Plaza bus. That and other facts led us to believe that she had been arrested in the vicinity of Lo Plaza and Irarrázaval (...) then, beginning in March of this year we began to receive messages - the first that we had - from eye-witnesses of her arrest. The witnesses all agreed that she had been violently seized by two persons and forced into a light blue Peugeot car on 15 December 1976 at 8.30 p.m. at the intersection of Calle Rodrigo de Araya and Calle Exequiel Fernandez".

He went on to state: "Since then, together with my mother-in-law, Mrs. Luzmira Plaza Medina, I have been to the spot in question on several occasions. It is a typical place with shops on all four corners, all of them with a good view of the street and, particularly, of the spot where my wife, Reinaldo del Carmen, was arrested." He then continued: "In brief, the facts recounted by the witnesses, to all of whom we showed a photograph of my wife, are the following: on 15 December 1976, at 8.30 p.m., while a young lady whom they recognised as my wife was awaiting transport on Calle Exequiel Fernandez at the corner of Calle Rodrigo de Araya, suddenly a Peugeot passenger car bearing licence plate No. HLN-55 - they were unable to see the name of the locality - stopped there and a young man about 35 years of age got out of it and grabbed my wife by her shoulder. She clung to the traffic light standard on the corner and began to scream. At that moment another person got out of the car and they both pushed her inside it. Her head struck the door frame and she was thrown to the floor of the car; the witnesses could see her move in pain and heard her cry for help. She kept calling out: "Save me". The operation must have lasted only a few minutes. The car driven by my wife's captors then went east along Rodrigo de Araya Street, followed by a second Peugeot. There were five persons in each of the cars. While my wife was being arrested - an illegal detention or abduction - two cadets from the Military Academy passed by the spot in a passenger car. One of them was well known in the neighbourhood, since his

1/ Publication of the Vicaría de la Solidaridad of the Archbishopric of Santiago, Chile, containing information of 477 cases of missing persons, Case No. 473, volume 7, page 1860.

family lives at 2251 Exequiel Fernandez. When they tried to help my wife, they were repulsed with violent language and ordered, in threatening terms, 'not to get involved'."

Pablo Santelices continued his statement: "Only five metres away stood Mrs. Aida Richi who, upon seeing what was taking place, called her husband, Mr. Juan Mujica. The latter, when told what had happened, being unable to help, looked particularly carefully at the young woman who had been arrested and whom he later recognized as my wife upon being shown photographs of her. It was he who noted down the number of the licence plate of the Peugeot driven by the captors (...) Directly opposite and only a few metres away from the spot where these events were occurring is a butcher's shop -- at 2971 Rodrigo de Araya -- which can be seen in the photographs and in the accompanying plan. The butcher's assistant, whose name, I think, is Alejandro, saw the events take place from this shop. The events were also seen by the wife of Mr. Jorge Salcedo Jaramillo, who was standing in front of her house at 1940 Exequiel Fernandez with the daughter of Mr. Juan Buchiazzo Piombo, who lives at 2883 Rodrigo de Araya. Another eyewitness of the arrest is a female resident in the building on Calle Exequiel Fernandez next to the glazier's shop, 'El Triunfo', which is situated at 2972 Calle Rodrigo de Araya".

All this information furnished by eyewitnesses, the time at which the arrest took place, and, in particular, the way in which the captors operated, led the victim's relatives to conclude that the arrest had undoubtedly been carried out by agents of the Directorate of National Intelligence (DINA) as part of an operation directed against persons with trade-union ties or political relations with the Communist Party.

The handling of case No. 2-77 by the Investigating judge began, with respect to matters of substance, with the request which he made to the Ministry of the Interior for information concerning the detention of Reinalda del Carmen Pereira and seven other detainees. In an official communication dated 4 February 1977, the Ministry stated that: "... you have requested information concerning Santiago Araya Cabrera, Edrás Pinto Arroyo, Lincoyán Yalú Berríos Cataldo, Lizandro Cruz Díaz, Horacio Cepeda Marinkovic, REINALDA PEREIRA PLAZA, Armando Portilla and Luis Lazo Santander (...); in this connexion, I can inform you that the Aliens Department of the General Directorate of Investigations was consulted and has stated, in documents which are attached for your information, that all the persons referred to above are recorded as having left Chilean territory on the dates and at the places shown in each case. To this communication are attached eight travel certificates issued by the Aliens and International Police Department of the Directorate of Investigations. Certificate No. 354 refers to Mrs. Reinalda Pereira. In this document, dated 3 February 1977, it is stated that "Mrs. Reinalda Pereira Plaza, a Chilean national; Chilean Identity card No. 5,319,316, undertook the following journey in December 1976. DEPARTURE: 21 December 1976, Los Libertadores, Argentina". The court sat in the Aliens Department of the Directorate of Investigations and proceeded to examine the records from which

the above-mentioned information had come. Paragraph (5) of the record drawn up by the court states: "Reinalda Pereira Plaza, identity card No. 5,319,316 of Santiago; departed 21 December 1976, on foot: travel certificate No. 354" (the emphasis is ours).

This explanation of the whereabouts of Mrs. Reinalda Pereira Plaza is, in any case, highly improbable. It notes the departure on foot from Chilean territory for the Argentine Republic of a woman who was in the sixth month of her first pregnancy and whose main concern was precisely to find peace and quiet and to avoid anything that might endanger the pregnancy and the birth of her child.

In dealing with the case of the disappearance of the above-mentioned persons, the court took steps to learn the formalities which must be fulfilled by persons leaving the country via Avanzada Los Libertadores. It obtained the route sheets in which the alleged departures are shown and entered the following in the record of the personal inspection carried out at the Avanzada: "The names of the above-mentioned persons are written on the route sheets in a handwriting different from that in which the preceding names on the same page and also the last lines of the various route sheets are written". On the route sheet on which the alleged departure of the person concerned is recorded, it can be seen clearly that the handwriting of the entry is not the same as that of the preceding line where the departure of another person is recorded. Attention is drawn to the fact that during these proceedings, to which frequent reference has been made, handwriting tests were made which showed that the documents in question might have been altered.

LEGAL ACTION

On 20 December 1976 an application for amparo was submitted to the Santiago Court of Appeal on behalf of the person concerned. The Court agreed to hear the case and ordered the Ministry of the Interior to submit a report. The Ministry submitted a report denying the arrest and stating that it had no information. On the basis of this report alone, the Court denied the request for amparo. The applicant lodged an appeal, but the Supreme Court upheld the decision of the court of first instance.

Notwithstanding the denial of amparo, the Court ordered that the records of the case should be transmitted to the competent criminal judge for investigation of the disappearance of the subject of the amparo proceedings.

On 27 January 1977, the relatives of the person concerned and the relatives of the other missing detainees jointly requested the Supreme Court of Justice to order the appointment of an investigating judge to carry out the inquiry for the purposes of ascertaining the fate of the missing persons.

On 2 February 1977, the investigating judge began the investigation and his first substantive order was that the Ministry of the Interior be requested to submit a report. The Ministry reported in the manner already indicated above and the Court then sat in the Aliens' Department of the Investigation Bureau. On the basis of these proceedings alone, which were held on 7 February 1977, the investigating judge declared that the inquiry was closed "the investigation having been completed". This decision was appealed by the plaintiffs, who, on the same day, had communicated further information to the Court.

Case Report No. 34
(November - December 1976)

I. IDENTITY

1. Surname⁽¹⁾ Surname⁽²⁾ First names
PINTO ARROYO EDRAS DE LAS MERCEDES
2. Sex: M
3. Birth date or age^{*/}: 4 February 1928
4. Nationality: Chilean
5. Identity Card No.: 2.471.070 Santiago
6. Marital status: Married
7. Number of children: Eight
8. Domicile: Población José María Caro, Pasaje 10 Norte 3912, Santiago
9. Profession: Chauffeur
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: Communist Party - Chauffeur to the former Communist Councilmen César Godoy and Leopoldo Ortega
12. References/Sources (lists, reports, etc.):
(a) A/32/227, paras. 118-120, annex XXXIV
(b) E/CN.4/1221, Annex VIII

II. THE CASE

A. ARREST

DATE	TIME	PLACE
20 December 1976	10.30 a.m.	1030 Patricio Lynch Street Santiago

DESCRIPTION

The arrest took place as he was walking into his mother's house. He was beaten by several captors, handcuffed and placed in a white pick-up that left the scene immediately. He was constantly sought for by Security agencies since 11 September 1973.

*/ At the time of disappearance

PERSONS MAKING THE ARREST

DINA

WITNESSES

Francisca Rosario Barroza
Eudomira Arroyo Quiroz

OTHER PERSONS ARRESTED ON SAME OCCASION

N/A

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

Berríos Cataldo Lincoyán Yalfú
Portilla Portilla Armando
Cepeda Merinkovic Horacio
Cruz Díaz Lizandro Tucape
Ortiz Letelier Juan Fernando
Lazo Santander Luis Segundo
Pizarro Molina Waldo Ulises
Durán González Carlos Patricio
Navarro Allende Fernando Alfredo
Velíz Ramírez Héctor
Pereira Plaza Reinalda del Carmen
Araya Cabrera Santiago Edmundo

B. DETENTION

DESCRIPTION

N/A

DATES PLACES

(a) N/A

(b)

(c)

(d)

WITNESSES

Place (a) N/A
(b)
(c)
(d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a) Amparo	Appeals of Santiago	1086-76	21/12/76	Denied
(b) Ministro en visita		2-77	2/2/77	Closed investigation on 7/2/77 <u>1/</u>
(c)				

DESCRIPTION

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

International Red Cross

III. INFORMATION FROM THE GOVERNMENT

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

IV. EVALUATION

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

V. ANNEXES

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

1/ Based on the information provided by the Minister of Interior that Mr. Pinto Arroyo left the country on 6/1/77, the Ministro en Visita closed the preliminary hearings.

Case Report No. 35
(November - December 1976)

I. IDENTITY

1. Surname⁽¹⁾ Surname⁽²⁾ First names
PIZARRO MOLINA WALDO ULISES
2. Sex: M
3. Birth date or age^{*/}: 25 April 1934
4. Nationality: Chilean
5. Identity Card No.: 2.951.237 - K Santiago
6. Marital status: Married
7. Number of children: three
8. Domicile:
9. Profession: Mine Technician
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: Communist Party. Candidate for Councilman in 1971.
Former leader of the Federation of Textile Workers.
12. References/Sources (lists, reports, etc.):
- (a) A/32/227, paras. 118-120, annex XXXIV
 - (b) Vicaría de la Solidaridad "Dónde Están", Case No. 474 (V.7, page 1870)
 - (c) E/CN.4/1221, Annex VIII

II. THE CASE

A. ARREST

DATE	TIME	PLACE
15 December 1976	19.30	Larraín Ave, Nuñoa District

* / At the time of disappearance

DESCRIPTION

The arrest took place as he was walking on the street with Mr. Juan Fernando Ortiz Letelier. They were both beaten by their captors and placed unconscious in one of the cars which left the scene rapidly followed by a second car. From the moment of the military coup right up to the time of his arrest, he was constantly and intensively sought for by the State Security Agencies in the home of his friends and relatives.

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

Juan Fernando Ortiz Letelier

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

None

OTHER RELATED CASES

Berríos Cataldo Lincoyán Yalú
Araya Cabrera Santiago Edmundo
Pinto Arroyo Edgar de las Mercedes
Portilla Portilla Armando
Cepeda Merinkovic Horacio
Cruz Díaz Lizandro Tucapel
Ortiz Letelier Juan Fernando
Lazo Santander Luis Segundo
Durán González Carlos Patricio
Navarro Allende Fernando Alfredo
Veliz Ramírez Héctor
Pereira Plaza Reinalda del Carmen

B. DETENTION

DESCRIPTION

N/A

DATES

PLACES

(a) N/A

(b)

(c)

(d)

WITNESSES

Place (a) N/A.
(b)
(c)
(d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a) Amparo	Appeals of Santiago	1083-76	17/12/76	Denied ^{1/}
(b) Appeal	Supreme Court		17/2/77	Confirmed resolution of Lower Court on 9/3/77
(c) Criminal Proc.	8th Criminal Court of Santiago	48-401	9/2/77	File sent to Ministro en visita
(d) Ministro en Visita			21/3/77	In progress

DESCRIPTION

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad
International Red Cross

^{1/} Denial based on information provided by the Minister of Interior (23/12/76) and the Air Force Intelligence Service (28/1/77) that he has never been detained by order of such authorities.

III. INFORMATION FROM THE GOVERNMENT

The Minister of Interior informed the Court that Mr. Pizarro Molina has never been detained.

IV. EVALUATION

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

V. ANNEXES

See Case Report No. 33 Pereira Plaza Reinalda del Carmen

Case Report No. 36
(November - December 1976)

I. IDENTITY

1. Surname⁽¹⁾ Surname⁽²⁾ First names
PORTILLA PORTILLA ARMANDO
2. Sex: M
3. Birth date or age^{*/}: 14 June 1928
4. Nationality: Chilean
5. Identity Card No.: 2.758.775-5 Santiago
6. Marital status: married
7. Number of children: three
8. Domicile: 1281 Estrella Ave., Padahuel, Santiago
9. Profession: Mechanic operator and salesman
10. Official positions held (Governor, etc.): Manager of Industrial Relations of El Salvador Copper Mine under the administration of former President Allende.
11. Political affiliations: Communist Party, Trade Union leader of the National Electrical Company between 1963 and 1968
12. References/Sources (lists, reports, etc.):
- (a) A/32/227, paras. 118-120, annex XXXIV
 - (b) Vicaría de la Solidaridad "Dónde Están", Case No. 475 (V.7, page 1877)
 - (c) E/CN.4/1221, Annex VIII

II. THE CASE

A. ARREST

DATE	TIME	PLACE
9 December 1976	N/A	N/A

*/ At the time of disappearance.

DESCRIPTION

He left home at 9 a.m. to go to work. After that, he has not been seen again.

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

N/A

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

Berríos Cataldo Lincoyán Yalú
Araya Cabrera Santiago Edmundo
Pinto Arroyo Edras de las Mercedes
Cepeda Merinkovic Horacio
Cruz Díaz Lizandro Tucapel
Ortiz Letelier Juan Fernando
Lazo Santander Luis Segundo
Pizarro Molina Waldo Ulises
Durán González Carlos Patricio
Navarro Alende Fernando Alfredo
Velíz Ramírez Héctor
Pereira Plaza Reinalda del Carmen

B. DETENTION

DESCRIPTION

N/A

DATES

PLACES

- (a) N/A
- (b)
- (c)
- (d)

WITNESSES

Place (a) N/A
(b)
(c)
(d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a)	Amparo	Appeals of Santiago		13/12/76	Denied 27/12/76
(b)	Appeal	Supreme Court			Confirmed resolution of Lower Court 30/12/76
(c)	Criminal Procedure	Ministro en Visita	2-77	2/2/77	Closed investigation on 7/2/77 <u>1/</u>
(d)	Criminal Procedure				In process

DESCRIPTION

See Case report No. 33 Pereira Plaza Reinalda del Carmen

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad
International Red Cross

1/ Based on the information provided by the Minister of Interior that Mr. Armando Portilla left the country on 11/1/77 the Ministro en Visita closed preliminary hearings.

III. INFORMATION FROM THE GOVERNMENT

See Case report No. 33 Pereira Plaza Reinalda del Carmen

IV. EVALUATION

See Case report No. 33 Pereira Plaza Reinalda del Carmen

V. ANNEXES

See Case report No. 33 Pereira Plaza Reinalda del Carmen

Case Report No. 37
(November - December 1976)

I. IDENTITY

- | | | | |
|----|------------------------|------------------------|------------|
| 1. | Surname ⁽¹⁾ | Surname ⁽²⁾ | First name |
| | VELIZ | RAMIREZ | HECTOR |
2. Sex: M
3. Birth date or age^{*/}: 20 January 1933
4. Nationality: Chilean
5. Identity Card No.: 3.330.564-8
6. Marital status: married
7. Number of children: four
8. Domicile: N/A
9. Profession: General Labour
10. Official positions held (Governor, etc.): N/A
11. Political affiliations: Communist Party. From 1970 to 1972 he served as secretary to the former Labour Minister Mireya Baltra
12. References/Sources (lists, reports, etc.):
- (a) A/32/227, paras. 118-120, annex XXXIV
 - (b) Human Rights internal file
 - (c) E/CN.4/1221, Annex VIII

II. THE CASE

A. ARREST

DATE	TIME	PLACE
15 December 1976	N/A	N/A

DESCRIPTION

He was arrested on the street.

^{*/} At the time of disappearance.

PERSONS MAKING THE ARREST

N/A

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

N/A

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

N/A

OTHER RELATED CASES

Berrios Cataldo Lincoyán Yalú
Araya Cabrera Santiago Edmundo
Pinto Arroyo Edras de las Mercedes
Portilla Portilla Armando
Cepeda Merinkovic Horacio
Cruz Díaz Lizandro Tucapel
Ortiz Letelier Juan Fernando
Lazo Santander Luis Segundo
Pizarro Molina Waldo Ulises
Durán González Carlos Patricio
Navarro Allende Fernando Alfredo
Pereira Plaza Reinalda del Carmen

B. DETENTION

DESCRIPTION

N/A

DATES

PLACES

(a) N/A

(b)

(c)

(d)

WITNESSES

Place (a) N/A

(b)

(c)

(d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

N/A

TREATMENT

N/A

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	OUTCOME/DATE
(a)	Amparo	Appeals of Santiago	N/A	N/A	Denied
(b)	Criminal Proc.	8th Criminal Court of Santiago	N/A	N/A	In progress
(c)					

He was excluded from the cases investigated by Judge Guastavinos

DESCRIPTION

D. INQUIRIES BY NATIONAL AND OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad
International Red Cross

III. INFORMATION FROM THE GOVERNMENT

The Minister of Interior informed to the Court that Mr. Velíz Ramírez had never been detained by order coming from this Ministry.

IV. EVALUATION

See Case report No. 33 Pereira Plaza Reinalda del Carmen

V. ANNEXES

See Case report No. 33 Pereira Plaza Reinalda del Carmen

Case Report No. 38

I. IDENTITY

- | | | |
|---------------------------|------------------------|----------------|
| 1. Surname ⁽¹⁾ | Surname ⁽²⁾ | First names |
| GARCIA | RAMIREZ | VICENTE ISRAEL |
2. Sex: M
3. Birth date or age^{*/} 7 September 1957 - 19 years old
4. Nationality: Chilean
5. Identity Card No.: 6.554.335-4 Santiago
6. Marital status: Married
7. Number of children: N/A
8. Domicile: Covadonga 8681 - La Granja - Santiago
9. Profession: Student/Employee
10. Official positions held (Governor, etc.): None
11. Political affiliations: Socialist Party
12. References/Sources (lists, reports, etc.):
- (a) A/32/227, para. 91 - E/CN.4/1266, para. 65
A/C.3/32/6, chapter III B
- (b) Vicaría de la Solidaridad "Dónde Están" Case No. 477 (V.7, page 1889)

II. THE CASE

A. ARREST

DATE	TIME	PLACE
30 April 1977	8h30 a.m.	Rocahue, block 4, Apt. 42 City of San Fernando

^{*/} At the time of disappearance.

DESCRIPTION

Vicente Israel García Ramírez, at that time using the name of Jorge Luiz Aldana Contreras, was arrested on 30 April 1977 at 8.30 a.m. together with his wife, they had been married the day before, Karen Olma Reimer Carrasco at a house of a relative of the latter in the town of San Fernando. The persons making the arrests were armed, dressed in civilian clothes and stated they were from the Bureaux of Investigations.

They were placed in a car and taken in the direction of Santiago.

The mother-in-law and sister-in-law of García Ramírez, respectively Viola Olma Carrasco Rodriguez and Kathia Reimer Carrasco, were arrested by armed persons who identified themselves as from the Bureaux of Investigations at their home in Santiago, five hours earlier (3.30 a.m., 30 April 1977). At that time Mrs. Carrasco was questioned about the whereabouts of García Ramírez and she told them where her son-in-law was staying.

PERSONS MAKING THE ARREST

Persons identifying themselves as from "Investigations".

WITNESSES

Karen Olma Reimer Carrasco (arrest of García Ramírez)

Magda Alarcón Chacana (arrest of Viola Carrasco and Kathia Reimer)

Nanay Veloso (" " " ")

OTHER PERSONS ARRESTED ON SAME OCCASION

His wife, Karen Olma Reimer, his mother-in-law Viola Carrasco Rodríguez and sister-in-law Kathia Reimer Carrasco.

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

None

OTHER RELATED CASES

Arrests of Socialist Party Member in May 1977:

Guillermo Bello Doren; Juan Carlos Villar Ehijo;

(A/32/227, para. 91)

B. DETENTION (places, etc.)

DESCRIPTION

Karen Olma Reimer Carrasco was taken to an unknown location with her husband Vicente García Ramírez where she was held until her release on a street in Santiago on 3 May 1977 at 1.30 a.m. Her mother, Viola Olma Carrasco and sister Kathia Milova Reimer were also taken to the same place of detention the location of which is unknown. Kathia Reimer was also released on 3 May 1977 but the mother, Viola O. Carrasco, was held until 6 May 1977 at 8 p.m. when she was released on a Santiago street. Juan Carlos Villar Ehijo testified to the Ad Hoc Working Group on Chile that between his own detention on 13 May 1977 and his release 10 days later, he heard Vicente García being questioned at the place where he was being held.

DATES	PLACES
(a) 30 April 1977/1 May 1977	Unknown
(b) 17 to 27 May 1977	Unknown
(c)	
(d)	

WITNESSES

Place (a) Karen Olma Reimer Carrasco
Viola Olma Carrasco
Kathia Milova Reimer Carrasco

Place (b) Juan Carlos Villar Ehijo
Jaime Troncoso Valdez

Place (c)

Place (d)

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

None

TREATMENT

García Ramírez's wife and Mr. Villar Ehijo state that Mr. García Ramírez was ill-treated.

C. LEGAL PROCEDURES (Amparo, criminal) and results

TYPE	COURT	NUMBER	DATE	DATE/OUTCOME
(a) Amparo	Appeals of Santiago	205-77	4 May 1977	17/6/77 Court declared itself incompetent
(b) Amparo	Appeals of Ramogüe	241-77	12 May 1977	Court declared itself incompetent
(c) Criminal Proc.	2nd Crim. Court of Pedro Aguirre Cerda	21-485-1	22 May 1977	Judicial inqu still in progress

DESCRIPTION

Concerning the writs of amparo, both the Appeals Court of Santiago and that of Rancagua declared themselves without jurisdiction and the cases were sent to the Supreme Court charging kidnapping, violations of domicile, serious injury, robbery and other criminal offences for a determination on the jurisdiction. The criminal complaint is under investigation in the 2nd criminal court of Pedro Aguirre Cerda (southern part of the city of Santiago). The summary proceedings are conducted by Judge Javier Torres.

D. INQUIRIES BY NATIONAL AND/OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

III. POSITION OF THE GOVERNMENT

The Minister of Interior informs on 20 May 1977 that official files have been searched on whether Mr. García Ramírez had any police record or whether any judicial proceedings were initiated against him. The result of such investigation show "no record".

The Government of Chile informed the General Assembly on 4 November 1977 that Israel Vicente García Ramírez disappeared after his marriage, under a false name, and that he was under indictment before the Fifth Superior Court of Santiago (A/C.3/32/6, Chapter III B.)

IV. EVALUATION

There are a number of witnesses to the arrest of García Ramírez and five witnesses testified to having been detained with him at an unknown place. The Government provided information to the courts and the General Assembly which was inconsistent. The arrest and detention of García Ramírez is reliably attested. The investigation should be continued.

V. ANNEX

Excerpts from Donde Están?^{1/}

FACTS

VICENTE GARCIA RAMIREZ, an active member of the Socialist Party, was arrested on 30 April 1977. The circumstances of this event are reported in the complaint of abduction lodged with the Second Departmental Criminal Court of Pedro Aguirre Cerda by his mother-in-law, Viola Carrasco Rodriguez and by his wife Karen Olma Reimer Carrasco.

"... On 30 April 1977, at approximately 3.30 a.m., between eight to ten persons travelling in four cars arrived at our house. They were carrying firearms, had no arrest or search warrant and identified themselves as officials of the Investigation Bureau. The following persons were in our house at the time: the plaintiff, Viola Olma Carrasco Rodríguez; her daughter Kathia Reimer Carrasco, a student; Magda Alarcón Chacan, a student; and Nancy Veloso, an employee, the last two being lodgers in our house. While affected by the nervousness naturally caused by such an event, the plaintiff, Viola O. Carrasco, recalls that she was interrogated in the house itself by a slim, tall person about 30 years of age, "who put various questions to me concerning my activities and my past political militancy. They also questioned me about my daughter, Karen Olma, and my son-in-law, Vicente Israel García Ramírez, who had been married only the day before, and their present whereabouts, which I told them. Meanwhile, the other persons accompanying him were inspecting my house and at the same time interrogating the other three occupants. Suddenly, they blindfolded me and my daughter Kathia and forced us to go with them in one of their cars in a direction which I cannot identify. After about half an hour we came to some place which I cannot identify either. There we were forced to get out and were taken separately to small rooms or cells in the basement of the building. We were taken from those cells only to be interrogated by means of physical and mental torture, the former consisting mainly of beatings with the hand or a blunt, apparently wooden, instrument, the visible marks of which I, Viola Carrasco R., still bear on my arms and thighs. There were also frequent blows to the head and applications of electric current to the breasts and various other parts of the body. In addition, I was frequently threatened that my two daughters would be raped in my presence if I did not collaborate with my interrogators and give them the information they wanted, the main topic of the interrogation being alleged political activities of my son-in-law, to whom I have referred above, and my own political activities. I was kept permanently blindfolded and handcuffed until 6 May of this year (1977) when I was released on the Carretera Panamericana Sur, near the metropolitan cemetery, at approximately 8 p.m., having been warned beforehand not to make any complaint about the events described. Upon returning to my house I learnt that my two daughters had been released early on the morning of 3 May and that, as a result of the search of the house, the following property had been taken from me. a Remington portable typewriter, a small stapling machine, a punch bearing no manufacturer's name, a normal-sized alarm clock ..."

^{1/} Publication of the Vicaría de La Solidaridad of the Archbishopric of Santiago, Chile, containing information on 477 cases of missing persons. Case No. 477, Volume 7, p. 1889.

Some hours later on that same day, 30 April, following the interrogation to which I was subjected in my own house, my daughter Karen Olma Reimer Carrasco, also mentioned as a plaintiff herein, and my son-in-law, her husband, Vicente Israel García Ramírez, were arrested in San Fernando, where they had gone to spend their honeymoon.

"According to what she told me, they were arrested in that town by four persons, one of whom was visibly armed, who identified themselves as belonging to the Investigation Bureau and who said they were carrying out orders received from Santiago. The couple were immediately taken to Santiago in a light blue car. Before it started, Vicente García R. was handcuffed and blindfolded and my daughter was blindfolded as soon as they had passed the Angostura toll point. They were taken to the place where I was being held but we were kept in separate rooms all the time. My daughter, Karen Olma, was also tortured by various means, similar to those used on me, and as a result of that torture she still shows certain physiological changes which can be verified by a doctor.

"In any case, she succeeded in being near her husband García Ramírez on a couple of occasions and we can both affirm that he was barbarously tortured, because, on a number of occasions while we were in detention in the same place as Vicente García we heard his shouts of pain while he was being ill-treated by his captors".

OTHER INFORMATION

In a sworn statement made before a notary public, Kathia Milova Reimer Carrasco stated: The above-mentioned confirmation covers all the events personally known to me, namely: my own arrest and that of my mother (we were arrested together) on 30 April 1977; my stay in detention, until 3 May, in a place in Santiago the whereabouts of which I do not know, together with my mother, my sister Karen and Vicente Israel García Ramírez (Karen was released together with me and my mother was released on 6 May) and, finally and in particular, the absolute certainty that Vicente García was present in that place.

"On a number of occasions I heard him talking and shouting when he was being tortured and on two occasions I talked to him. I was in a wooden cell measuring approximately 1 metre by 1 metre, on the night of 30 April to 1 May, if I remember correctly, when I heard groans and sounds of difficult breathing in the next cell; the person who was in that cell sensed my presence and asked me who I was, at the same time saying "Mama", "Karen". I definitely recognized the voice of Vicente García and told him that he was talking to Kathia. He was alarmed on learning that we had also been arrested and he immediately asked 'What have they done to you? How are you?' He then explained to me with difficulty, since he was clearly in very bad condition, that his head was 'full of bumps', his face covered with blood, his mouth also full of blood, that he could barely swallow and that he had been kicked and beaten all over his body, particularly on his head, stomach and testicles. I cannot say exactly how long we talked; finally he said that he did not think he would see us again".

It should also be noted that the person concerned was married under the assumed name of Jorge Luis Aldana Contreras. García Ramírez used this name as he was wanted by the Security Services because of his political activities.

To this day, nothing is known of the fate or whereabouts of the person concerned.

LEGAL ACTION

Applications for amparo were submitted by Rita Ramírez Ramírez, the mother of the missing person, (Case No. 205-77) on 4 May 1977, and by Karen O. Reimer Carrasco (Case No. 241-77) on 12 May 1977. Both applications were submitted in order to protect the person concerned and the second one was submitted as a preventive remedy (amparo preventivo) by the same applicant, Karen Reimer C., by her sister Kathia Reimer C. and by her mother Viola Olma Carrasco R.

The Santiago Court of Appeal declared itself incompetent to hear the case and sent it to the Rancagua Court of Appeal (decision of 17 June 1977).

The Rancagua Court, in turn, declared itself incompetent to hear the case and referred it to the Supreme Court for decision.

On 22 May 1977 a complaint of abduction and other offences (wounding, theft) was lodged on behalf of the person concerned and all the persons involved. The case is being heard in the Second Departmental Criminal Court of Pedro Aguirre Cerda under Case No. 21,485-1 and is at the preliminary investigation stage.

Case Report No. 39

I. IDENTITY

1. Surname⁽¹⁾ Surname⁽²⁾ First names
TRONCOSO AGUIRRE JORGE ANDRES
2. Sex: M
3. Birth date or age:*/ 20 January 1929
4. Nationality: Chilean
5. Identity Card No.: 2.095.120 Santiago
6. Marital status: married
7. Number of children: two
8. Domicile: Equique 3871, El Esfuerzo, Santiago
9. Profession: Jeweller
10. Official positions held (Governor, etc.):
Secretary of Supplies and Prices Board (JAP) Junta de Abastecimiento Popular
11. Political affiliations:
12. References/Sources (lists, reports, etc.):
(a) E/CN.4/1266, para. 65(b) - A/C.3/32/6, Chapter III.B
(b) Vicaría de la Solidaridad "Dónde Están" Case No. 144 (V. 3, page 630)

II. THE CASE

A. ARREST

DATE	TIME	PLACE
11 May 1977	22.00	General Vásquez and Santa Teresita Street Población El Esfuerzo Santiago

DESCRIPTION

He left home to go to a friend's house who lives in población Javiera Carrera.
At General Vásquez Street and Santa Teresita Street a vehicle (Fiat 125, cream

*/ At the time of disappearance

coloured, licence plates No. 287, municipality of Quinta Normal) stopped beside him, a person got out and forced him at gunpoint to get into the car. His captor was a tall man described as sturdy. Inside the car a driver was waiting and a fair-haired woman, with long hair. The car drove off immediately at top speed.

PERSONS MAKING THE ARREST

DINA

WITNESSES

N/A

OTHER PERSONS ARRESTED ON SAME OCCASION

The detention of Mr. Troncoso Aguirre is connected with other arrests that took place in Santiago during the month of May 1977. The news media, especially the newspaper El Cronista on 25 May 1977 announced the capture of a gang that had tortured a sixteen year old, Carlos Arnaldo Veloso Reidenbach. Carlos Veloso was detained on 2 May by unknown persons, one of whom he subsequently identified as a DINA agent, he was taken to ,an unknown location and tortured. He was released and his detention reported in the press as a kidnapping. Osvaldo Figueroa and Eduardo de la Fuente, along with others, were subsequently arrested and accused of the kidnapping. Carlos Veloso was detained again and, under threats, forced to identify Figueroa and de la Fuente as his kidnappers. Subsequently, in a statement to the Supreme Court, Carlos Veloso reported that what actually had occurred is that he had been forced while in DINA custody to falsely accuse Figueroa and de la Fuente. Press reports in Chile stated that Jorge Troncoso, a watchmaker, which he is, was the head of the group which kidnapped Carlos Veloso and that was involved in making and planting bombs.

WRITTEN OR OTHER ACKNOWLEDGEMENT OF ARREST

None

OTHER RELATED CASES

N/A

B. DETENTION

DESCRIPTION

Osvaldo Figueroa expressed, in a sworn statement, that he helped DINA to identify the victim who was sitting down with his arms tied and blindfolded. To facilitate the identification DINA personnel uncovered Troncoso's eyes. Later on they were both tortured separately. The last time he saw him "he was tied to a bed and did not make any movement".

Eduardo de la Fuente expressed in a sworn declaration that he heard, when in custody, torturing Troncoso with electrical devices up to a point where one of the torturers expressed "stop, give him massages. It looks like he is dead".

DATES

PLACES

(a) 11 May 1977 (23.00)

DINA Secret detention centre

WITNESSES

Place (a) Osvaldo Figueroa - Eduardo de la Fuente

WRITTEN OR OTHER ACKNOWLEDGEMENT OF DETENTION

None

TREATMENT

Severely tortured, probably dead, according to Mr. Eduardo de la Fuente testimony.

C. LEGAL PROCEDURES (Amparo, criminal) and results

	TYPE	COURT	NUMBER	DATE	DATE	OUTCOME
(a)	Amparo	Appeal		16 May	13/6/77	Denied
(b)	Criminal Proc. Querella	7th Criminal Court of Stgo	79.671.1	24/5/77	25/7/78	Judicial Inquiry still in progress

DESCRIPTION

The writ of amparo has been denied on the basis of the information provided by the Minister of Interior to the Court that Mr. Troncoso Aguirre has not been arrested by order coming from this Ministry.

The original criminal proceedings for kidnapping were amplified on 25 July 1977 by a Querella for possible murder.

D. INQUIRIES BY NATIONAL AND OR INTERNATIONAL ORGANIZATIONS

Vicaría de la Solidaridad

III. POSITION OF THE GOVERNMENT

(a) President of the Supreme Court on 13 June 1977 to his brother, Miguel Troncoso Aguirre "We inform you that your brother Jorge Troncoso Aguirre is not in detention in Cuatro Alamos. I could personally verify such on my last visit on 2 June 1977 - signed José María Eyzaguirre.

(b) The Minister of Interior on 20 June 1977 to his brother, Miguel Troncoso Aguirre "This Ministry has no record on your brother, neither has an arrest warrant been issued against him. In addition, it has been established in accordance with information received by the Security Services that Troncoso Valdes, mentioned by the press - has not been detained as of today".

(c) The Ad Hoc Working Group reported "He is being sought on an arrest warrant issued by the Military Prosecutor of Santiago and under indictment before the Fifth Superior Court of Santiago" (Case No. 103.372 - A/C.3/32/6 - Chapter III B, page 36); the reference made here by the Chilean authorities is to Jorge Troncoso Valdés and not Jorge Troncoso Aguirre.

IV. EVALUATION

The testimony of witness to the arrest and continued detention of Jorge Troncoso reliably attest to his arrest and detention. The Government has given inconsistent information in this case and the statement that Troncoso was not detained by order coming from the Ministry of the Interior is irrelevant since DINA had independent powers of arrest.

V. ANNEX

Excerpts from Dónde Están? 1/

FACTS

On 11 May 1977, Jorge Andrés left his house to call at the house of his friend Nelson Torres Donoso, who lives in the Población Javierra Carrera district, in order to provide him with a tool.

While he was returning to his home, just as he reached the intersection of Calle General Velásquez and Calle Santa Teresita, he was intercepted by a cream-coloured Fiat 125 car bearing licence plate No. TH287 of the municipality of Quinta Normal. A tall, dark, heavily-built person got out of this car and forced him at gun-point to get into it. There were two other persons in the vehicle, the driver and a young woman with long fair hair and a long face. The vehicle then was driven off in a direction which could not be identified.

The arrest of Jorge Andrés is connected with other arrests which occurred in Santiago in May 1977.

In that month, Chilean public opinion was greatly affected by reports in the press, on radio and on television concerning the abduction of Carlos Arnaldo Veloso Reindenbach, a minor, on 2 May.

The events reported in the press began with an article on the detention of Osvaldo Figueroa Figueroa, which appeared under the heading "Strange abduction of a tailor", in the newspaper La Segunda on 11 May 1977. Figueroa was abducted from his home in Villa México by agents of the Directorate of National Intelligence on 9 May 1977.

There then followed reports giving information concerning the detention of the minor Veloso and of four other persons: Luis Mardones Geza, Humberto Drouillas Ortega, Williams Zuleta Mora and Eduardo de la Fuente Sandoval. This all formed part of a campaign to discredit the Vicaría de la Solidaridad because of its

1/ Publication of the Vicaría de la Solidaridad of the Archbishopric of Santiago, Chile, containing information on 477 cases of missing persons. Case No. 144, volume 3, page 630.

"submission" of applications for amparo on behalf of persons "alleged" to be missing. This campaign was led by the newspapers El Cronista and La Segunda and it even drove the Archbishopric of Santiago to issue a public statement on 26 May 1977.

All the foregoing culminated, on 24 May 1977, in a report in La Segunda naming Williams Zuleta Mora, Osvaldo Figueroa Figueroa, Humberto Drouillas Ortega and Luis Mardones Goza - the last-named an official of the "Cardenal Cardijn" Apostolic Institute Foundation, a body subordinate to the Archbishopric of Santiago (although the newspaper refers to them all as workers in the above-mentioned Foundation) - as being responsible for the abduction and maltreatment of the minor, Veloso Reindenbach and for having caused him physical harm.

Yet, all the above-mentioned persons were working on the day and at the time of the abduction, as was proved at the trial which they underwent and in their respective applications for amparo.

On 29 May 1977, the front-page headline of EL Cronista read: "Head kidnapper - a bomb-maker", "Fugitive Jorge Troncoso, jeweller-watchmaker, expert in explosive devices".

Inside, the newspaper provided information concerning the group in terms similar to those used by La Segunda adding, however, that "these terrorists" seemed to be those responsible for the bomb explosions of 1 May 1977.

The jeweller-watchmaker referred to in the press report is Jorge Andrés Troncoso Aguirre who, as was mentioned above, was arrested on 11 May 1977, by persons in plain clothes who were travelling in a Fiat 125 car.

After his release, Osvaldo Figueroa signed a sworn statement before Public Notary Demetrio Gutiérrez, on 22 July 1977, in which he recounts the facts of his arrest by DINA, which the press on two occasions described as "Strange abduction of a tailor".

Concerning the torture to which he was subjected, he says that he was forced, by blows, threats and electric shocks, to admit to being a participant in the abduction of the minor Veloso, whom he did not even know, and to name Troncoso Aguirre as a participant in that abduction.

In part of his statement, Osvaldo Figueroa refers to Jorge Troncoso Aguirre, stating at sheet 11: "... they made me recognize two persons, one of whom was Humberto Drouillas. Some time afterwards they took me to the side of a person whom they were holding sitting down, tied and blindfolded, and whom I recognized as Jorge Troncoso Aguirre. It must have been approximately 11 p.m. on Wednesday, 11 May 1977. In order to help me to identify this person, who was sitting down and tied, they took off the blindfold covering his eyes and I saw that it was Jorge Troncoso Aguirre. It seemed that Troncoso had recently arrived, since he bore no signs of having been punished". "... Afterwards, another person came, who told me that I had made a mistake and that the person I had identified as Jorge Troncoso was another person whom they had arrested for going around without documents. Afterwards they again took me to the torture room and removed my blindfold so that I was able to see that they had tied Eduardo de la Fuente to a

sort of bed and that alongside him, in similar conditions, was another person. This was the person I had identified as Jorge Troncoso Aguirre. I said that it was Jorge Troncoso Aguirre, but he did not make any movement and I could not even see him breathing". It may safely be concluded from the foregoing, taken together with the sworn statement of Eduardo de la Fuente, that Jorge Andrés Troncoso Aguirre was detained by DINA and that the latter should answer for his life and personal safety.

In one of the paragraphs of the sworn statement which he made before Notary Public Denétrio Gutiérrez, on 22 July 1977, de la Fuente states: "... 'Do you know Troncoso?' I replied 'yes, he lives in the town': the next question was 'In which block?' I replied 'I do not know; I only know that he lives in the town'; another of them asked: 'What did Troncoso do in the town?' I replied 'He worked at home, making bells and mending watches; he also made silver jewellery'. One of them asked me: 'And was he not a member of JAP also?' I agreed." Later in his deposition he states: "Afterwards, they called me and took me to another room. I sensed that they were preparing the "Grill" and were ordering somebody to undress. They began to apply the current to that person and from his voice I realized that the person the current was being applied to was Jorge Troncoso Aguirre. They gave him instructions to lift a finger when he wanted to say something. Afterwards, Troncoso said 'I know nothing about what you are telling me.' The interrogation concerned the activities of Troncoso on 2 May and his participation in the abduction of a child called Veloso. The "chief" said addressing himself to Troncoso: 'You are the ringleader of all this'; afterwards he added: 'Wait a minute' and, turning to me, he said 'This was the nitwit who threatened you'; I said that he was not, and he proceeded to kick me in the ribs. Because of this I said: 'Yes, it was he who threatened me and my wife and I think that he threatened Figueroa as well'. I sensed that they began to apply the current to Troncoso again and that he was screaming. The chief ordered 'Block his mouth'; they kept on applying the current and one of them said: 'Stop. Massage him. He seems to be dying on us'. Afterwards somebody ordered: 'Drag this nitwit outside'. I felt them seize me and drag me rapidly from the room. They took me to an open place and sat me in a chair, where I remained for approximately an hour until I heard a Fiat 125 arrive, which I recognized by the sound of its engine. Somebody got out of the car and said: 'Cris! I came to talk to the nitwit on the bed and I think he's dead'."

Finally, an additional fact should be noted in connexion with the foregoing. On 13 August 1977, between 10.30 a.m. and 10.35 a.m., a brother of Jorge Andrés recognized the car in which the latter had been arrested. This car was at 920 Calle Alameda B. O'Higgins and inside it there were the driver and a woman with long fair hair. The car had no licence plate, so the plaintiff went to the Carabineros van (Z-467) and asked the sergeant in it to give the Fiat 125 S a ticket for not having a licence plate. The sergeant approached the driver, asked for his documents and then returned to the brother of Jorge Andrés, saying that he could not arrest the driver because he belonged to the Special Services, i.e. he belonged to DINA.

A letter from the Under-Secretary of the Interior, Enrique Montero Marx, sent to a brother of the person concerned on 20 June 1977 states "This Ministry has no information concerning your brother, nor has any order affecting him been issued".

"Moreover, according to information furnished by the security services, it has been possible to establish that Troncoso Valdes, referred to in the press as an alleged participant in the abduction to which reference has already been made, has not yet been detained because he is a fugitive.

LEGAL AND ADMINISTRATIVE ACTION

On 16 May 1977, the relatives of the person concerned submitted an application for amparo with the Santiago Court of Appeal. The application was denied solely on the basis of information given by the Minister of the Interior, who stated that the person concerned had not been detained by order of that Ministry.

On 24 May 1977, the relatives brought a charge of abduction in the Seventh Departmental Criminal Court under Case No. 79,671-1.

On 25 July 1977, the charge was amplified to a criminal complaint of abduction with unlawful coercion and aggravated homicide.