

To: Health professionals  
From: Medical office / Americas Regional Program  
Date: 10 March 1998

**MEDICAL LETTER WRITING ACTION**

**20 prisoners with HIV/AIDS, Santiago  
CHILE**

**Summary**

Amnesty International is seeking information about the treatment available to a group of 20 prisoners with HIV or AIDS held in *Galería 3* of Santiago Prison. One is said to be suffering from advanced AIDS.

**Recommended Actions**

Letters are requested from medical professionals to the addresses below:

oexplaining that you are writing about the prisoners in *Galería 3*, corridor no. 3 of the ex-Penitenciaría de Santiago whom you believe to have HIV or AIDS

oexpressing concern at allegations that they are not receiving adequate medical attention and that they are required to pay for lymphocyte counts when this test is available free to those at liberty

oexpressing concern at the length of time they have been held without any trial judgement having been made by the courts and without any possibility of bail

o seeking information about the medical care they are receiving and the prison regimen being applied to them and urging that their status of remand prisoners be taken into account in all consideration of matters regarding their health care and treatment

oasking specifically about the frequency with which they are medically examined, why they are examined naked in a corridor rather than in the infirmary and whether the hospital annexe in their corridor is permanently staffed by health professionals

oasking why there are such delays in their trials and urging an end to such delays

ourging that the possibility of providing some form of educational or recreational facilities be explored

**Addresses***Minister of Justice*

Señora Soledad Alvear Valenzuela  
Ministra de Justicia  
Ministerio de Justicia  
Morandé 107  
Santiago, Chile  
Tel: +56-2 696.81.51  
Fax: +56-2 698.70.98  
e-mail minju@reuna.cl

*Director-General of the Prison Service*

Señor Mario Morales Mondaca  
Dirección General de Gendarmería  
Rosas 1274  
Santiago, Chile  
Fax: +56-2 695.57.09

*Prison Director*

Comandante Hector Toro  
Penitenciarla de Santiago  
Av. Pedro Montt 1902  
Santiago, Chile  
Fax: +56-2 555.21.64

**Copies**

Please send copies of your letters to:

*Minister of Health*

Señor Alex Figueroa Muñoz  
Ministro de Salud Pública  
Ministerio de Salud Pública  
Mac Iver 541  
Santiago, Chile  
Fax +56-2 638.43.77  
e-mail: info@minsal.cl

*Minister of Foreign Affairs*

Señor José Miguel Inzulza  
Ministro de Relaciones Exteriores  
Ministerio de Relaciones Exteriores  
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**HEALTH CONCERN**

**20 prisoners with HIV/AIDS, Santiago  
Chile**

Amnesty International is seeking information and comment from the Chilean authorities about the treatment of a number of HIV-positive prisoners in the ex-Penitenciaría de Santiago<sup>1</sup> for whom a *recurso de protección* was taken out in the courts on 24 February 1998. In Chile, a *recurso de protección*, appeal for protective measures, is an appeal for the investigation of whether the constitutional right to life is being upheld. The judge hearing the appeal agreed to investigate the *recurso* which is based on the claim that the prisoners are not receiving adequate medical attention.

The prisoners concerned are a group of 20 who are housed in *Galería no. 3*, corridor no. 3 of the prison, all of whom identify themselves as homosexual, although there are reported to be around 36 HIV positive people in the entire prison. On the evening of 21 February 1998 they initiated a protest action against their isolation from other prisoners and to call for improved medical care and conditions of detention. Seven family members who were visiting that day refused to leave the prison at the end of visiting time and the group was calling for a meeting with the Director General of the Gendarmerie - the official responsible for the prison service - to lodge complaints about the way in which they were being treated.

Some of the prisoners have AIDS. There was an AIDS-related death on 25 February 1998, the day after the *recurso* was presented, and another prisoner with AIDS is reported to be critically ill.

After the *recurso* was presented, the prison service stated to journalists that the prisoners were all "receiving specialist HIV/AIDS treatment and receiving the necessary medications". Opportunistic infections are reported to be treated with penicillin, but Amnesty International has insufficient information to be able to comment upon the attention they are receiving generally. There are, nonetheless, aspects of their conditions which Amnesty International wishes to raise with the authorities. In particular, none of the prisoners has yet been convicted. Although some are said to have been imprisoned for as long as seven years for offences which are punishable by a maximum sentence of five years, their trials are still continuing and have not reached a conclusion. They have not been allowed bail and are not permitted transfer to outside hospitals.

The detainees themselves complain of their isolation in a special wing with no possibility of participating in work programmes as they are not allowed access to the existing workshops which they argue would aid their social reintegration and be of positive benefit to their overall state of health. The

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<sup>1</sup>Although the prison is called the ex-Penitenciaría, it is a normal prison. Its name is due to the fact that it was an existing prison before a new Penitenciaría was built.

idea of workshops for their sole use has not apparently met with favour and as the prisoners cannot work they have no pay to organize their own activities.

The events which led to the recent *recurso de protección* began in September 1996 when a number of homosexuals were tested for HIV infection. The prisoners allege that at the time 10 needles were used to take blood samples from a total of 37 prisoners and they presented a complaint of possible wilful and deliberate infection. They also allege that at this time opportunistic infections were not being treated in timely fashion.

Although the majority of the prisoners have few means, they are obliged to pay for lymphocyte counts (reportedly US\$30) whereas in public hospitals the test is free. This would appear unjustly discriminatory. The prisoners also complain of a callous attitude in their treatment. When they receive medical examinations, for example, they are reported to be made to queue totally naked awaiting examination in a damp and dirty corridor and that the examinations themselves are cursory.

One of the prisoners with AIDS, Jorge Villarroel Castro, is presently in a hospital annexe in an advanced stage of AIDS. He is aged 27, unemployed, and is on trial for street robbery. He is reported to have been in prison for three years while his trial continues. The maximum penalty for the crime is five years' imprisonment. Jorge Villarroel Castro was moved into the hospital annexe in mid-February 1998 with severe anaemia, paralysis in both legs, dermatitis all over the body and a weight of around 35 kilos. He is currently being treated for an intestinal infection, is on a drip receiving Metronidazole and has had a surgical drain installed. Requests have been made to have him transferred to a public hospital, but this has been refused as the prison administration states that he is receiving adequate attention.

The *recurso* presented on 24 February this year was the latest in a series of similar *recursos* presented on behalf of the prisoners over the period since September 1996. There was no ruling on them.