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@Human rights lawyer charged with sedition

20 APRIL 1994

SUMMARY

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Héctor Salazar Ardiles, a human rights lawyer working on the case of the assassination of Santiago Nattino Allende, Manuel Guerrero Ceballos and José Manuel Parada Maluenda by the security forces in 1985, was detained on 14 April 1994 on the orders of the Second Military Prosecutor's Office (*Segunda Fiscalía Militar*). He was charged with "sedition and inducement to disorder causing loss of commitment of troops [to the armed forces]" (*sedición impropia, inducción al desorden y a tibieza en el servicio de las tropas*). He was briefly held in the prison Anexo Capuchinos, in Santiago and released on bail on 15 April.

Héctor Salazar's detention followed interviews for *El Siglo* newspaper and for *Canal Nacional* and *Canal 13* television channels, where he asked whether any *Carabinero* was ready to follow orders from General Stange (former chief of *Carabineros*, the uniformed police) and risk facing life imprisonment like others before them ("*Yo le pregunto a cualquier carabinero de Chile si está en condiciones de cumplir una orden que emane del general Stange, corriendo el riesgo como han corrido otros, de enfrentar cadena perpetua*"). General Stange had been named as one of seven high ranking *Carabinero* officials (the other six former members of *Carabineros*) involved in covering-up the investigations into the 1985 killing of Nattino, Guerrero and Parada, effectively aiding the perpetrators of these crimes to benefit from impunity. Amnesty International believes that Héctor Salazar Ardiles has been charged solely on the basis of his public declarations and beliefs and that, if tried and sentenced, the organization would adopt him as a prisoner of conscience.

This report summarizes a 4-page document (1,146 words), *Chile: Human rights lawyer charged with sedition* (AI Index: AMR 22/02/94 - SANDEAN 03/94), issued by Amnesty International on 20 April 1994. Anyone wanting further details or to take action on this issue should consult the full document.

KEYWORDS: CENSORSHIP / HUMAN RIGHTS ACTIVISTS / LAWYERS / CONDITIONAL RELEASE / INVESTIGATION OF ABUSES / MILITARY / DISAPPEARANCES / EXTRAJUDICIAL EXECUTION / POLITICAL ACTIVISTS / PHOTOGRAPHS /

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EXTERNAL

AI Index: AMR 22/02/94

CHILE

Human rights lawyer charged with sedition

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On 3 April 1994, sixteen *Carabineros* and one civilian convicted of abducting and killing Santiago Nattino, Manuel Guerrero and José Manuel Parada, received sentences ranging between 41 days and life imprisonment. In addition to the sentencing of the 17, Judge Milton Juica established that five generals and two other armed force officers had failed to comply with their military duties by obstructing justice, not investigating the crime and concealing information from the judge. Following this statement, General Stange was asked to step down as chief of *Carabineros* by President Frei. Although he initially refused to resign, he was given indefinite leave of absence on 8 April.

The bodies of Manuel Guerrero, José Manuel Parada and Santiago Nattino were found on 30 March 1985 in the outskirts of Santiago after their abduction by a clandestine squad a few days earlier. Their throats had been slit and their bodies bore marks of severe torture. José Parada worked for the *Vicaría de la Solidaridad*, the Catholic church human rights organization, and was married with four children. Santiago Nattino was a graphic artist, married with three children, and Manuel Guerrero was the leader of the teacher's union and a school inspector. They were all members of the communist party.

Héctor Salazar Ardiles

In August 1985, special judge José Canovas Robles, appointed to lead the investigation into the murders, announced that *Carabineros* had been involved in the abductions and brought charges against nine police officers. Some had been identified by witnesses of the abductions, others were named in a report submitted to the judge by the military government's own intelligence service, the CNI. The CNI's own hypothesis was that the motive behind the murders had been the involvement of two of the victims in the investigations by the *Vicaría de la Solidaridad* into activities of a clandestine unit of the armed forces which had eliminated political opponents in the early years after the 1973 coup. In January 1986, the Supreme Court decided to drop the charges against three of the accused and by March 1986, the charges against all those apparently implicated had been withdrawn. Special investigating judge (*Ministro en visita*) Milton Juica

replaced Judge José Canovas Robles in 1990 and completed the investigation, bringing charges against seventeen members of the security forces and one civilian.

The sentence passed by a civilian court against sixteen *Carabineros* and one civilian for serious human rights violations represents an important landmark in the search for truth and justice for the relatives and lawyers of the more than 3,000 people who were either unlawfully killed or "disappeared" during the military government of General Augusto Pinochet. Since the return to civilian rule, only a handful of lower ranking police officers have been brought to justice for crimes committed during the military rule. Most cases of "disappearance" and political killings committed between 1973 and 1978, have been closed under the 1978 Amnesty Law (see *Amnesty International Annual Report 1978* and *Military Courts close more than 100 "disappearance" cases*, AI Index: AMR 22/03/90).

Charges against Héctor Salazar, a lawyer who formerly worked with the *Vicaría de la Solidaridad* and in the case of the burning of two young people in 1986 (known as the *Quemados* case), confirm Amnesty International's concerns that restrictions to the freedom of expression in Chile continue to apply, especially in relation to investigations and trials for gross human rights violations.

In another case, in January 1994, Juan Andrés Lagos Espinoza and Francisco Herreros Mardones, editor and journalist, respectively, for *El Siglo* newspaper were sentenced to 300 days in jail for publishing an article critical of the Supreme Court (see UA 23/94, 25 January 1994). In a case brought by the Supreme Court, the two were charged in January 1993 under the *Ley de Seguridad del Estado* (State Security Law) with offending the judiciary. This followed an article, written by Francisco Herreros which was critical of the Supreme Court's decision to transfer investigations into the 1974 "disappearance" of Alfonso Chanfreau Oyarce to the military courts. They were detained in January 1993 for 15 days and then released on bail. Juan Andrés Lagos and Francisco Herreros are appealing against the sentence and continue to be free on bail.

Amnesty International believes that Héctor Salazar Ardiles has been charged solely on the basis of his public declarations and beliefs and that, if tried and sentenced, the organization would adopt him as a prisoner of conscience.

Please send airmail letters in Spanish or in your own language:

- ◆ expressing concern at the arrest of Héctor Salazar for exercising his freedom of expression and asking for all charges against him to be dropped immediately;
- ◆ expressing concern at the continuing prosecution of journalists and lawyers in the Chilean military courts for expressing their views, and calling for measures to be taken to allow them to exercise their profession without fear of harassment and detention.

Please send appeals to:

President of the Republic
Sr. Eduardo Frei Ruiz-Tagle
Presidente de la República de Chile
Palacio de la Moneda, Santiago, Chile
Telegrams: Presidente Frei,Santiago,Chile / Telexes: 240152 segreg cl
Faxes: + 56 2 697 3262
Salutation: Excelencia/Your Excellency

Minister of the Interior
Sr. Germán Correa Díaz
Ministro del Interior
Ministerio del Interior
Santiago, Chile
Telegrams: Ministro Interior,Santiago, Chile
Telexes: 240000 onemi cl
Salutation: Sr.Ministro/Dear Minister

Minister of Defense
Edmundo Pérez Yoma
Ministro de Defensa Nacional
Ministerio de Defensa Nacional
Villavicencio 364, piso 22
Edificio Diego Portales
Santiago, Chile
Telegrams: Ministro Defensa, Santiago, Chile
Faxes: +56 2 634 5339
Salutation: Sr Ministro/Dear Minister

Copies of your appeals to:

Second Military Prosecutor's Office
Sergio Cea
Segunda Fiscalía Militar
Antonio Varas 1562

Santiago, Chile

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