

# £CHILE

## @Torture and ill-treatment continue

Since the publication of *Chile: Reports of torture since March 1990* (AMR 22/03/91) in September 1991, Amnesty International has continued to receive reports of torture and ill-treatment by members of the security forces. *Carabineros*, the uniformed police, is the force most frequently mentioned in the allegations, though cases of torture by members of the *Policía de Investigaciones de Chile*, criminal investigations police, have also been reported. Amnesty International also received reports indicating that at least one conscript was subjected to torture and ill-treatment by members of the armed forces.

The methods of torture reported include beatings to the whole body, sometimes using firearms and other objects; punching and kicking; near-asphyxiation using plastic bags over the head; electric shocks; deprivation of sleep and food and the use of blindfolds.

The victims of torture and ill-treatment have included individuals accused of politically motivated offences as well as a significant number of people suspected of common criminal offences. There are also a number of people who seem to have been the victims of apparently random acts of violence by members of the security forces. Three former political prisoners were subjected to beatings following their arrest by *Carabineros* in what seem to be manifest examples of harassment. The three men were released shortly after. In most cases the individuals whose cases are included in this report were arbitrarily arrested without warrants.

Amendments to the Code of Penal Procedure (*Código de Procedimiento Penal*, CPP) introduced in 1991, state that detainees held in incommunicado detention in police custody should be allowed to receive visits from a lawyer of up to 30 minutes a day. However, human rights lawyers have continued to complain to the authorities about the failure of the *Carabineros*, in a number of instances, to allow access to detainees held in police custody.

In some of the cases, complaints of torture (*querellas*) have been presented to the courts. Others have chosen to make administrative complaints. At the time of writing this report and as far as is known to Amnesty International, no member of the *Carabineros* or *Investigaciones* has been brought to justice for their participation in torture.

The following 15 accounts represent some of the nearly fifty cases of torture or ill-treatment received by Amnesty International since the latter half of 1991. A number of the other cases are listed in the appendix. Although Amnesty International is not in a position to verify all the details, the cases are consistent with other cases of torture reported in Chile in recent years. Several of the complaints received by the organization have included medical reports of injuries consistent with the victims' allegations of torture.

Amnesty International is deeply concerned for the impunity seemingly benefitting those responsible for torture and ill-treatment in Chile. The organization calls for immediate measures to be taken to ensure that any complaint of torture is vigorously and effectively investigated and that those responsible are brought to justice. The organization believes that clear instructions must be transmitted right through the line of command to ensure that all forms of physical or psychological coercion are forbidden and subject to strict disciplinary measures, without prejudice to any penal action that might be appropriate.

## Political cases

**Evaristo GODOY GODOY**, a member of the Socialist Party and former political prisoner, was arrested on 29 September 1992 by members of *Investigaciones*, the criminal investigations police, in Santiago, accused of robbery. He was taken to the *Investigaciones* headquarters where he was held in detention until 8 October 1992. During this time he was reportedly beaten, subjected to electric shocks and threatened with death to extract a confession and information about his political activities. He was released free of charge nine days later. An investigation opened into his complaints was continuing at the end of the year.

**Mirentchu VIVANCO FIGUEROA**, a member of the *Movimiento Contra la Tortura "Sebastián Acevedo"*, "Sebastián Acevedo" Movement Against Torture, was detained by *Carabineros* on 29 March 1992, in Villa Francia, Santiago. According to her testimony, following her arrest and during her detention at the 21st Police Station (*Vigésimo Primera Comisaría*), her hair was repeatedly pulled with violence, she was beaten on the legs and nearly asphyxiated. Mirentchu Vivanco was transferred to the 38th Police Station (*Trigésimo Octava Comisaría*) in the early hours of the morning of 30 March 1992. Her lawyers tried to see her on 30 and 31 March but were refused entry. Mirentchu Vivanco alleges that on 31 March she was deprived of sleep and was made to walk blindfolded for hours inside the interrogation room. A criminal complaint was presented on her behalf before the 15th Criminal Court on 10 April 1992. She is presently in the *Cárcel de San Miguel* (San Miguel Prison), charged under the Arms Control Law (*Ley*

Mirentchu VIVANCO FIGUEROA

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*de Control de Armas*) with "belonging to a clandestine organization" ("*formar parte de una organización clandestina*"). These accusations have been firmly denied by Mirentchu Vivanco's lawyers.

**Ricardo PALMA SALAMANCA, Maritza Adriana JARA HERNÁNDEZ, Rafael ESCORZA HENRÍQUEZ, María Cristina SAN JUAN ÁVILA and José Miguel MARTÍNEZ ALVARADO**<sup>1</sup> were detained in Santiago during the last week of March 1992 accused of kidnapping Cristián Edwards, son of the owner of the daily newspaper, *El Mercurio*<sup>2</sup>. They have been tried under the Anti-terrorist Law (*Ley Antiterrorista*) and sentenced to life imprisonment. Rafael Escorza was originally given a death sentence but this was commuted to life imprisonment on appeal.

**Ricardo PALMA SALAMANCA**, 22, was arrested in the street on 25 March 1992 by a large contingent of *Investigaciones*. According to his testimony, during his arrest he was punched and kicked inside a police van. He was taken to the *Investigaciones* police station, where he was undressed, handcuffed and made to stand in a courtyard for several hours. In the early hours of the following day, during an interrogation session, he was punched and kicked in the head, threatened with death, had a gun placed against his head and was told his family would suffer if he did not collaborate with his interrogators. He was also deprived of sleep, handcuffed to a chair and threatened with electric shocks. Ricardo Palma also claims to have been pushed and dragged down the stairs on several occasions. He was held in incommunicado detention and ill-treated over a period of 11 days. Ricardo Palma was transferred to the *Penitenciaría* prison in Santiago on 5 April and remained incommunicado until 27 April. On 23 July 1992, Ricardo Palma and other inmates were beaten by security guards as a result of a disturbance in the *Penitenciaría*. Ricardo Palma's head was reportedly bashed against a railing. He was transferred later on to the *Cárcel de San Miguel*, San Miguel prison, that same day.

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<sup>1</sup> José Miguel Martínez Alvarado died during an incident at the *Centro de Prisión Preventiva Sur*, Detention Centre of Southern Santiago, commonly known as the *Penitenciaría*, on 10 October 1992. The circumstances surrounding his death remain unclear.

<sup>2</sup> Cristián Edwards was abducted on 9 September 1991 and released on 1 February 1992.

Maritza Adriana JARA HERNÁNDEZ

**Maritza Adriana JARA HERNÁNDEZ**, 30, was arrested on 24 March 1992 by six unidentified men (later identified as members of *Investigaciones*) on the border between Argentina and Chile. According to her testimony, she was handcuffed, blindfolded and her ears were stuffed with cotton wool. She was then taken to an unknown destination where she was held for ten days, in incommunicado detention. Maritza Jara was reportedly deprived of food, water and sleep for the first four days of her detention and was beaten around the head during long periods of interrogation. From the fifth day onwards she was given water and was

allowed to sleep. She was also allegedly given some tea containing a drug and then forced to incriminate herself during an interrogation session. On 3 April 1992, a court ordered she remained in incommunicado detention for ten days. According to her lawyer, a doctor examined Maritza Jara and found her injuries consistent with her allegations of torture.

**María Cristina SAN JUAN ÁVILA**, 39, was taken from her home by members of *Investigaciones* on 31 March 1992 along with her husband Rafael Escorza and her 16-year-old son, Jorge Antonio. According to her testimony, María Cristina San Juan was blindfolded, handcuffed and taken to an unknown destination where she was made to sit in a chair for two days and was deprived of food and sleep. During the first night, she was beaten and told that her son Jorge Antonio would suffer if she did not answer their questions. It is alleged she was given a cup of tea containing a drug that made her drowsy and filmed while a man made her repeat after him a description of the kidnapping of Cristián Edwards - who had allegedly been held in her home. During this session, she claims to have had a lit cigarette stubbed out on her hand. She was made to sign several sheets of paper which she could not read. According to María

María Cristina SAN JUAN ÁVILA

Cristina San Juan's testimony, her son was also beaten and threatened with death during his detention. On 2 April, the three were remanded in incommunicado detention for five days, following which María Cristina San Juan's son was released free of charge. She is currently held in the San Miguel prison. She reportedly suffers from a chronic ailment which requires regular medical monitoring and which she is allegedly not receiving.

**Cristián CÁRDENAS JOFRE** was detained on 9 March 1992 in the street by members of *Investigaciones* and taken to their headquarters in Santiago where he was held until 12 March. According to reports, Cristián Cárdenas was beaten, punched and kicked all over his body, received blows to the ears (a torture method known as the "telephone" [*teléfono*]) and had electric shocks applied to various parts of his body. A torture complaint was submitted to the Third Criminal Court (*Tercer Juzgado del Crimen*) in Santiago on 20 March. To Amnesty International's knowledge, he remains in prison.

**Ana María SEPÚLVEDA SANHUEZA** was detained on 6 March 1992 by members of *Investigaciones*, and taken to their headquarters in Santiago, accused of belonging to the *Movimiento Juvenil Lautaro*, Lautaro Youth Movement. According to her testimony, on 9 March she was taken to an interrogation room, undressed, showered with water and given electric shocks. At the same time somebody stood on her feet and interrogated her. The following day, Ana María Sepúlveda denounced the treatment she had received, after which a police doctor examined her. According to her criminal complaint, the doctor, after a cursory examination, told her that her injuries were consistent with the type of torture she had suffered ("*tras proceder a un superficial y ligero análisis, me expresó que las secuelas que tenía se explicaban por el tipo de torturas sufridas*"). A *querrela*, or criminal complaint, was presented on her behalf on 13 March 1992. She is currently in prison in Santiago charged under the Antiterrorist Law.

**Manuel Antonio MOSCOSO GONZÁLEZ**, **Salvador Edmundo SILVA VALDIVIA** and **Luis Sebastián CORREA SALDIVIA**, 17, were attending a workshop in Santiago on the morning of 14 September 1991 in the vicinity of a meeting organized by the political party, *Movimiento Patriótico Manuel Rodríguez (MPMR)*, Manuel Rodríguez Patriotic Movement. They were arbitrarily detained by members of the Special Operations' Group, *GOPE*, *Grupo de Operaciones Especiales* of the *Carabineros* and taken to the Third *Carabineros* police station in Santiago. According to the *querrela*, or criminal complaint, presented on behalf of Manuel Moscoso González and Salvador Silva Valdivia on 17 September 1991, they were beaten and threatened while being interrogated. Manuel Moscoso González was hit in the back of the neck with the butt of a gun and Salvador Silva Valdivia's hand was burned with a cigarette. Luis Correa was reportedly beaten with a piece of elastic. They were transferred to *Investigaciones*, who reportedly ordered a medical examination of the detainees before releasing them during the afternoon.

**Antonio Lenin SÁNCHEZ PARDO**, 20, a military conscript, was harassed by his superiors during September 1990, and reportedly accused of being a member of the Communist Party (*Partido Comunista*) and of an armed group, the Manuel Rodríguez Patriotic Front (*Frente Patriótico Manuel Rodríguez*). According to his testimony, he was beaten on several occasions, threatened with death and deprived of food. A *recurso de amparo*, similar to a writ of habeas corpus, was presented by his family on his behalf on 21 September 1990. Antonio Sánchez was relieved from duty (*dado de baja*) in October 1990.

### Non-political cases

**Ricardo Alfredo HUIRCAFIL COLICOY** was reportedly beaten by seven *Carabineros* who raided his house in Santiago on 19 June 1992. His house was reportedly raided again three days later - while he was out - by *Carabineros*, who reportedly told the person there that they would kill Ricardo Huircafil when they found him. Ricardo Huircafil has allegedly been detained and beaten on other occasions by members of *Carabineros* since the detention of his brother, Juan Carlos Huircafil Colicoy in November 1990. At that time, his brother was charged with illegal possession of arms. Ricardo Huircafil was arrested the same day but was released free of charge shortly afterwards.

**Miguel Ángel HIDALGO ODAZ** was detained on 6 June 1992, by *Carabineros* and taken to the police substation in Población Alessandri (*subcomisaría Población Alessandri*), in Santiago, where a small penknife was found among his belongings. He was then reportedly taken to an open air courtyard and made to stand in the rain. According to the *querrela* (criminal complaint) presented to the 15th Criminal Court (*Decimo Quinto Juzgado del Crimen*) on 15 June, he was then allegedly beaten and kicked all over, particularly on his face and head. As a result of these beatings he suffered extensive bruising and his false teeth were completely destroyed. While being beaten, it is alleged the police officers laughed as they extracted pieces of broken false teeth from his mouth. He remained in the police station until midnight when his belongings were returned to him, at which point he discovered that a certain amount of money and his penknife were missing. When he complained about this and refused to sign a receipt for his belongings, he was beaten again. He was then released free of charge.

In the afternoon of 3 June 1992 **Francisco Javier PIÑA MOLINA**, a street vendor in Conchalí, near Quillota, was allegedly punched in the face during his arrest by three men in civilian clothing whom he recognized as belonging to the First *Carabineros'* Police Station (*Primera Comisaría*). The three men handed Francisco Piña over to a group of *Carabineros* who took him to a police bus. In the interior of the bus he was reportedly made to kneel down and was kicked in the abdomen by a policeman, following which he lost consciousness. He was then taken by the *Carabineros* to the *Casa Central de la Asistencia*

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*Pública*, a public hospital, where he was apparently refused a medical certificate. He was released free of charge that same day. Francisco Piña declared that this was the fourth time he had suffered ill-treatment at the hands of the security forces and that other street vendors were often detained and beaten.

**Germán Andrés VARGAS ARMIJO**, aged 15, was arrested by *Carabineros* on 18 April 1992 in Santiago and accused of "*agresión a Carabineros*" (attacking Carabineros). According to his testimony, during his arrest he was hit with the butt of a rifle and later with a *nunchaku*, a weapon used in martial arts. Two hours after his arrest, the police allegedly took him to a private house, apparently looking for another person who had escaped during Germán Vargas' arrest. In this house Germán Vargas was reportedly kicked and punched. He was taken back to the police station in the neighbourhood of La Pintana and allegedly given electric shocks, submerged in a drum full of water and made to walk on his knees on the rubble in the courtyard. When he was transferred to the juvenile court, an attorney reportedly confirmed that he had wounds consistent with his allegations.

**David Alejandro ROJAS SILVA**, 17, **Jorge Andrés MARCHANT INSUNZA**, 16, and **Jorge Abel SEPÚLVEDA MORALES**, all minors, were reportedly ill-treated at the time of their arrest following an altercation with other youths in Santiago on 8 April 1992. According to their testimony, when *Carabineros* arrived at the scene of the fight, they began to punch, kick and beat the three minors with batons and firearms and to pull their hair. Jorge Marchant's face was reportedly crushed against the pavement and he was undressed in the street. The three minors were then taken to the Tenth Police Station (*Décima Comisaría*) where they were allegedly interrogated and beaten. They were then taken to the 34th Police Station (*Trigésimo Cuarta Comisaría*) and from there to an emergency service. Their cases were then passed to the juvenile court. An independent doctor has confirmed that the injuries sustained by David Rojas and Jorge Marchant are consistent with their allegations.

**Alejandro Roberto CORDERO AGUIRRE**, 21, was arrested on 25 January 1992 in the northern town of Antofagasta by *Carabineros*, accused of stealing money from a *botillería* (liquor store). He was held in incommunicado detention in the Second Police Station (*Segunda Comisaría*) of Antofagasta until 27 January and then transferred to the local jail, where he remained incommunicado for a further three days. According to his mother's testimony, Alejandro Cordero Aguirre had electric shocks applied to his wrists, armpits, ears and mouth. He reportedly complained before a judge that he had been tortured and that his confession had been extracted under duress. Despite his complaint, he was allegedly not seen by a forensic doctor (*médico legista*) until twenty days after his complaint before the judge. No information relating to his current status has been received by Amnesty International.

## APPENDIX

The following cases were all reported to Amnesty International in 1992. Apart from the case of Angel Mauricio Ortega Riquelme, none of the other individuals were arrested for politically motivated offences. Although Amnesty International does not have the release dates for all the people included in this appendix, most of them were released within a few hours free of charge. In several cases, the detainee was taken to hospital where they were treated for contusions, fractures, bruises and cuts. All the cases occurred in Santiago except for the case of Nelson Gutiérrez Añasco who was taken to a police station in the city of Valparaíso.

Name	Date of arrest	Force reportedly responsible	Reported torture and ill-treatment
Julio Orlando, CISTERNAS RAMÍREZ	February 1992	<i>Carabineros</i> , uniformed police	kicked and beaten despite informing police that he suffered from epilepsy.
Héctor Alejandro MIRANDA VIVANCO	February 1992	<i>Carabineros</i>	punched and hit with batons at time of arrest. Hit by about 12 policemen. He was partially undressed, soaked with water from a hose and kicked in the face.
Juan Carlos CHÁVEZ PILQUIL	March 1992	<i>Carabineros</i>	beaten and kicked in the face; nearly asphyxiated with a bag over his head and left handcuffed to a rail for hours.
Fabián Rodrigo FUENZALIDA CONCHA,	March 1992	<i>Policía de Investigaciones</i> ,	beaten in face and chest.



Name	Date of arrest	Force reportedly responsible	Reported torture and ill-treatment
16		Investigations' police	
Mauricio GUERRERO CASTILLO and Alejandro MEZA PRIETO	March 1992	<i>Grupo de Operaciones Especiales, GOPE, Special Operations Group of the Carabineros</i>	both were pushed to the ground and kicked during their arrest.
Raúl ESPEJO CANCINO	March 1992	<i>Carabineros</i>	beaten unconscious inside a police bus.
Eduardo SAN MARTÍN NEIRA	March 1992	<i>Carabineros</i>	kicked and beaten with the butts of firearms.
Patricia Bernarda FARÍAS PALMA	April 1992	<i>Carabineros</i>	kicked and punched during her arrest; slapped in the face, hair pulled and face pushed into the floor of a police van.
Leonardo Andrés GONZÁLEZ GONZÁLEZ	April 1992	<i>Carabineros</i>	punched and beaten with a baton; reportedly harassed since witnessing death of an individual at hands of police in 1989.
Rafael Alex UGARTE VALDÉS	April 1992	<i>Carabineros</i>	beaten during arrest.

Name	Date of arrest	Force reportedly responsible	Reported torture and ill-treatment
Enrique Héctor GRAU MATAMALA	April 1992	<i>Carabineros</i>	beaten inside a police van following his arrest; kicked, punched and subjected to a mock execution at the police station.
Juan Domingo COVARRUBIAS BRAVO	May 1992	<i>Carabineros</i>	kicked and punched, especially in the face.
Luis Alberto RIQUELME CARRASCO	May 1992	<i>Carabineros</i>	beaten all over and punched in the face inside a police vehicle.
Patricio Fernando APURAHAL CAMPOS	May 1992	<i>Carabineros</i>	beaten with batons, punched, kicked and dragged by the hair.
Ángel Mauricio ORTEGA RIQUELME	May 1992	<i>Investigaciones</i>	shot in the leg during his arrest; beaten, deprived of sleep and told his family would be killed.
Abel Segundo FERRADA ACEITUNO	May 1992	<i>Carabineros</i>	hit in face with handcuffs, punched and kicked at time of arrest.
Marco SAAVEDRA CASTRO, Hernán CASTRO MORENO, Cristián RIVERO FLORES,	June 1992	<i>Carabineros</i>	beaten during arrest; made to undress and submerged in a water tank; one was nearly strangled with his own hair; reportedly made to take part in humiliating acts such as dancing with each other while naked.

Name	Date of arrest	Force reportedly responsible	Reported torture and ill-treatment
Víctor FERNÁNDEZ PARADA (14) and several others			
Fernando Adonías VILLENA HENRIQUEZ	July 1992	<i>Carabineros</i>	punched and kicked, particularly in the genital area, the stomach and shoulders. Slapped repeatedly round ears in torture known as the "telephone" (" <i>teléfono</i> ").
Ernesto Rubén GARCIA RAVELLO	August 1992	<i>Carabineros</i>	beaten at time of arrest; hit with a baton on the soles of his feet, punched, attempted to hang him.
Nelson Arturo ROMERO SALINAS	August 1992	<i>Carabineros</i>	arrested on two occasions. During first: beaten, punched and kicked. Lost two teeth. During second: punched and kicked.
Ariel Alejandro RAMÍREZ OPAZO	August 1992	<i>Carabineros</i>	beaten and kicked [even though he had pointed out he was epileptic]
Julio HUERTA CARRASCO	August 1992	<i>Carabineros</i>	beaten and kicked all over; punched and slapped in the face.
Miguel Angel BARRALES	August 1992	<i>Carabineros</i>	beaten and kicked at time of arrest; buckets of water

Name	Date of arrest	Force reportedly responsible	Reported torture and ill-treatment
MONSALVE (minor)			were thrown over him, his head was pushed down the toilet and he was beaten.
Raúl Miguel GAMBOA MORALES	September 1992	<i>Carabineros</i>	stripped and kicked particularly in legs and thighs, mock execution.
Eddie OSORIO ARELLANO, Exequiel INOSTROZA, Mauricio CABEZAS	September 1992	<i>Carabineros</i>	beaten at time of arrest and in police station. E. Inostroza threatened with "disappearance".
Nelson GUTIERREZ AÑASCO	September 1992	<i>Investigaciones</i>	subjected to electric shocks
Francisco Armando OTEIZA CASTRO	September 1992	<i>Carabineros</i>	beaten and punched in left ear. Pulled by his hair and thrown against bars of cell several times.
Raúl ORELLANA DEL NIDO	September 1992	<i>Carabineros</i>	beaten, particularly about the head. Collapsed and kicked in chest and face.
Vasily Guillermo CARRILLO NOVA (former political prisoner)	October 1992	<i>Carabineros</i>	hit with police batons at time of arrest in kidneys, elbows and knees. Threatened to kill him. Thrown to floor of police van and kicked in different parts of

Name	Date of arrest	Force reportedly responsible	Reported torture and ill-treatment
			the body.
Mauricio DIAZ PEÑA (former political prisoner)	December 1992		Beaten on two occasions. Hit when refused to be photographed and put on files. Questioned about "subversive groups".
Reinaldo LABRAÑA FERNANDEZ (former political prisoner)	January 1993	<i>Carabineros</i>	arrested in connection with the non-payment of a fine. Punched and kicked. Questioned about "subversive groups". Hit when refused to be photographed and put on files.

INTERNAL (for AI members only)

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**TORTURE AND ILL-TREATMENT CONTINUE**

March 1993

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