

PUBLIC

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Fear of torture/ill-treatment

17 January 2003

CHILE

Jorge ESPINOLA ROBLES (m) - political prisoner
Marcelo GAETE MANCILLA (m) - political prisoner

Amnesty International fears for the safety of two political prisoners, Jorge Espinola Robles and Marcelo Gaete Mancilla who have both been severely beaten following a riot at the Colina II prison in the capital Santiago. Both men are now on hunger-strike in protest.

On 11 January, a foiled prison escape in the Colina II prison led to an all out riot which left seven guards and four inmates injured. Other political prisoners have stated that Espinola and Gaete were brutally beaten and doused with water by members of the prison guard (*Gendarmeria*) and the anti-riot unit (*Grupo Especial Antimotines de Gendarmeria*), before being transferred to punishment cells.

The prison guards accused them of inciting the riot and of assaulting an official. They were reportedly placed in punishment cells along with eight other common criminals accused of participating in the riot, who were also beaten. Espinola and Gaete then began a hunger-strike as protest. The prison authorities have stated that the two men will remain in the punishment cells for 15 days. During which time their families will reportedly not be allowed to see them, while only one lawyer has been granted access. Marcelo Gaete Mancilla was beaten during a prison transfer in 1999. (See EXTRA 20/99; AMR 22/06/1999; 12 February 1999)

BACKGROUND INFORMATION

Amnesty International has repeatedly expressed concern about the conditions of detention in high security prisons in Chile. In January 1997 there were reports that several political prisoners had been ill-treated after four prisoners escaped from a high security prison in Santiago. There were also reports of threats of reprisals against prisoners who complained about ill-treatment. In his 1996 report on Chile, the UN Special Rapporteur on Torture recommended that all detainees be fully guaranteed the right "to communicate without delay and in total confidentiality with their legal counsel" [el derecho de los detenidos "a comunicarse sin demora y con toda confidencialidad con su abogado defensor" debe garantizarse plenamente]. The report also recommended that prisoners be given prompt access to any necessary medical attention. Article 19.1 of Chile's Constitution guarantees the right to life and the right to physical and psychological integrity. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Chile is a State party, forbids the practice of torture.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern at reports of the ill-treatment and torture of Jorge Espinola Robles and Marcelo Gaete Mancilla;
- calling on the authorities to guarantee the immediate security of Jorge Espinola Robles and Marcelo Gaete Mancilla;
- asking that access be granted to relatives and lawyers;
- asking the authorities to provide all necessary medical care to the two men and any other injured prisoners;
- asking the authorities to initiate a thorough, independent and conclusive investigation into the allegations of ill-treatment;
- reminding the authorities of their need to ensure that all military police and prison guards are properly trained in minimum use of force, and are provided with conditions to perform their duties with safety to both detainees and themselves;

- reminding the authorities that Chile ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 30 September 1988, which passed into Chilean law on 26 November 1988.

APPEALS TO:

President of the Republic

Señor Presidente de la Republica de Chile

Señor Ricardo Lagos Escobar

Palacio de la Moneda, Santiago, Chile

Telegrams: Presidente, Santiago, Chile

Faxes: + 562 690 4949

Salutation: Sr. Presidente / Dear President

Minister of Interior

Sr. Jose Miguel Insulza, Ministerio del Interior

Palacio de la Moneda, Santiago, Chile

Telegrams: Ministro Interior, Santiago, Chile

Faxes: + 562 699 2165

Salutation: Sr. Ministro / Dear Minister

Minister of Justice

Sr. Jose Antonio Gómez Urrutia , Ministro de Justicia

Ministerio de Justicia, Morande107, Santiago, Chile

Telegrams: Ministro Justicia, Santiago, Chile

Faxes: + 562 6987098

Salutation: Sr. Ministro / Dear Minister

COPIES TO:

Minister of Foreign Affairs

Sra. Soledad Alvear Valenzuela, Ministra de Relaciones Exteriores

Ministerio de Relaciones Exteriores, Catedral 1158, Piso 3, Santiago, Chile

Faxes: + 562 699 4202

Newspaper

El Mercurio, Avenida Santa Maria 5542

Casilla 13-D, Santiago, Chile

Faxes: + 562 228 7541

Human Rights Organization

CODEPU, Brown Sur 150 - Nuñoa

Santiago, Chile

Faxes: + 562 699 8540

and to diplomatic representatives of CHILE accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 February 2003.