

# CHILE

## @Five cases of torture and ill-treatment

In September 1991 and March 1993<sup>1</sup> Amnesty International published reports documenting more than 80 cases of torture in Chile that occurred after the country's return to civilian rule in March 1990.

Throughout almost seventeen years of military rule (September 1973-March 1990), torture was used systematically against the civilian population. Thousands of people were subjected to physical and psychological abuse that included: the widespread use of electric shocks, near-asphyxiation often through the submersion of the detainee's head under water, severe beatings, mock executions and sexual abuse. Those responsible were never brought to justice.

Shortly after taking office, the civilian government of Patricio Aylwin introduced legislation to curb practices that facilitated the use of torture. Among these measures were amendments to the Code of Penal Procedure aimed at reinforcing detainees' rights to legal counsel and independent medical attention. Nevertheless, a significant number of cases of torture continued to be reported.

There was a marked decrease in the number of reports of torture in 1994. In addition, some members of the security forces involved - *Carabineros* (uniformed police) and *Investigaciones* (criminal investigations police) - have been called to testify before the courts. At the time of writing, however, Amnesty International is unaware of any member of the security force being convicted for torture offences.

In November 1994, the United Nations Committee Against Torture (CAT)<sup>2</sup> examined the second periodic report submitted by the Chilean Government of President Eduardo Frei (who took office in March 1994) regarding measures it has taken to implement provisions contained in the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment. While welcoming the legislative measures adopted by the Chilean

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<sup>1</sup> *Reports of Torture since March 1990* (AMR 22/03/91) and *Torture and Ill-treatment Continue* (AMR 22/01/93).

<sup>2</sup> The CAT is a body of experts set up to monitor the implementation of the United Nations Convention Against Torture. At each session, the CAT reviews a number of the periodic reports submitted by states parties to the Convention on measures they have taken to implement its provisions.

Government to prevent and punish torture, the UN body expressed its concern at the number of allegations of torture that had been reported and the failure of the authorities to secure convictions against those responsible.

In the cases registered by Amnesty International in recent weeks, the methods of torture reported have included severe beatings and the use of electric shocks. None of the cases have involved individuals accused of politically motivated offences. The cases are summarized below.

**Jaime Humberto JORQUERA ARELLANO**, 24-year-old mechanic.

According to a summary of the treatment he received, on 4 November 1994, Jaime Jorquera was detained by an unidentified individual, who covered his head and pushed him into an unmarked vehicle. He was reportedly taken to a police station belonging to the Criminal Investigations Police (*Policía de Investigaciones*) and interrogated about some photographs of people allegedly connected with drug trafficking. When he denied knowing anything about them, he was blindfolded again and beaten, punched and kicked, especially in the abdomen. He was beaten for around four hours.

At around 4pm, he was taken to another room and forced to undress. He was tied to a chair, doused with water and given electric shocks particularly to his right forearm. This continued for around 30 minutes. He lost consciousness at least once.

He was later untied, dressed and taken blindfolded to a deserted area, where he was released. Jaime Jorquera was threatened with death if he denounced the torture.

Hospital staff have certified that Jaime Jorquera received serious burns produced by electricity. The Medical Examiners Office (*Servicio Médico Legal*) has also certified that the wounds were caused by electric shocks.

A criminal complaint (*querrela criminal*) against the Criminal Investigations Police, was presented before the 22nd Criminal Court of Santiago (*Vigésimo Segundo Juzgado del Crimen de Santiago*) on 30 November 1994.

In December, a senior official in the criminal investigations police force, denied that any of his men had been involved in the torture of Jaime Jorquera.

**Miguel Ángel BARRALES MONSALVE**, 23-year-old street vendor.

On 21 November 1994, members of *Carabineros* based at the Third police station (*Tercera Comisaría*) in Santiago, attempted to arrest Miguel Ángel Barrales Monsalve while he was selling his produce in the street. His wife and their 18-month-old daughter were with him at

the time. Miguel Ángel Barrales tried to evade the police but was eventually detained and beaten. Reports indicate that a policeman tried to push Miguel Ángel Barrales off the flyover where he had been detained and onto the road below. Despite struggling to avoid being pushed off, Miguel Ángel Barrales fell onto the street. A *carabínero* then allegedly told him that he "owed them one" (*Les debe una*) allegedly in reference to a complaint he had already made against the police before the Second Criminal Court (*Segundo Juzgado del Crimen*). He was then taken to the First police station (*Primera Comisaría*) and threatened with death again for criminal complaints he had previously made against the police.

At the moment of his detention, a *carabínero* reportedly dragged Miguel Angel Barrales' wife by the hair as she attempted to cross the street. She was carrying her child in her arms and both fell over. She was then dragged on to the pavement and was released a few minutes later.

A criminal complaint was to be presented before the Fifth Criminal Court (*Quinto Juzgado del Crimen*), of Santiago on 1 December.

**Roberto CATALAN VALENZUELA**, 29 years old, a driver.

On 30 October 1994, Roberto Catalán Valenzuela, together with four members of his family went to a liquor store to buy some beer. On the way home they were intercepted by two *Carabineros* in civilian clothes.

A few minutes later, two vans carrying members of the *Carabineros* police drew up and pushed the five people into one of the vehicles. They were taken to the Forty Third Police Station in Peñalolén, on the outskirts of Santiago. On arrival, the detainees were made to stand against the wall in a corridor with their legs apart where they were punched, kicked and beaten with batons. This continued for about 15 minutes. Roberto Catalán was hit mainly in the testicles and suffered serious injuries as a result.

Two of the detainees, including Roberto Catalán, were taken to a medical centre but were not examined.

Roberto Catalán was the only one of the five to remain in custody, charged with "attacking a policeman" (*maltrato de obra a carabineros*).

On 30 November a complaint of "unnecessary violence resulting in serious injuries" (*violencias innecesarias con resultado de lesiones graves*) was submitted to the Fourth Military Prosecutor's Office (*Cuarta Fiscalía Militar*).

**Jorge Patricio DE LA CRUZ ORTIZ**, tradesman.

In September 1994, members of *Investigaciones* went to Jorge de la Cruz Ortiz' business accusing him of participating in a robbery. He was released the same day but was reportedly told to hand over a sum of money which he said he did not have.

On 7 December 1994, he was arrested by two members of *Investigaciones*. At the time of his arrest he was punched, thrown to the ground and had his right arm twisted behind his back. The police again reportedly asked for money and when he refused to hand it over without a receipt, six policemen were called to the scene.

He was transferred to the Third Assault Investigation Police Station, (*Tercera Comisaría Investigadora de Asaltos*), where he was searched and had money and other possessions taken from him. Tape was placed over his eyes and his arms were tied to a chair while he was beaten and punched. The police also threatened to subject him to electric shocks. On three occasions, ammonia was put up his nose. He was released at 6pm the following day after signing a statement he was unable to read.

In January 1995, lawyers submitted a torture complaint to the Fifth Criminal Court of Santiago (*Quinto Juzgado del Crimen de Santiago*).

**Cecilia María SILVA GODOY**, 43-year-old housewife, lives in Temuco.

On 6 November 1994, Cecilia Silva Godoy went to "Las Quilas" *Carabineros* police station, in Temuco, to complain about some neighbours who had been harassing her by playing loud music and throwing stones at her house. She had presented a formal complaint against these neighbours at this police station on previous occasions.

According to reports, she was prevented from presenting a new complaint and was instead beaten with a baton, kicked and punched. She was then forced to undress. She was released later on that day and left Temuco for Santiago.

Cecilia Silva Godoy was seen by doctors at the "San Juan de Dios" Hospital in Santiago on 10 November, who diagnosed that she was suffering from wounds consistent with her allegations of torture. A criminal complaint for torture was presented before the criminal court in Temuco.