

INTERNAL (for AI members only)

AI INDEX: AMR 22|22|85
DISTR: SC|CO|GR

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London WC1X 8DJ
United Kingdom

TO : All sections
Chile|CHAN coordinators
Groups with Chilean "disappeared" prisoners

FROM : Americas Research Department

DATE : May 1985

ORIGINAL

CHILE

"DISAPPEARANCES": TESTIMONY OF AN ALLEGED EX-MEMBER OF SECURITY FORCES

SUMMARY

Attached is the sworn statement of a self-confessed Chilean Air Force Intelligence agent who left Chile after giving detailed statements to the Vicaría de la Solidaridad (church human rights organization) about his activities in an illegal anti-subversion organization acting within the security forces in 1975|6.

The allegations, which contain important information which could, according to the Vicaría, lead to the clarification of the fate of at least fourteen "disappearance" cases, were presented to the Supreme Court on 31 December 1984 by the head of the Vicaría. In the document he requested the appointment of a special judge (ministro en visita) to investigate them. The Supreme Court rejected the request on 4 January 1985. Appended to this circular is a copy, with translation, of a letter which the Agrupación de Familiares de Detenidos-Desaparecidos (Association of Relatives of the Disappeared Prisoners) wrote to the Supreme Court after its decision to reject the request.

This circular also includes extracts from a document presented to the Supreme Court in July 1983 by the head of the Vicaría, Monseñor Juan de Castro, in which he criticizes the way the courts had acted after the arrest on 16 June that year of an ex-detainee who is alleged to have collaborated with DINA, the former secret police. She allegedly took part in the arrest of individuals who later disappeared. A military prosecutor released her on 22 June 1983 and she failed to appear the following day before a civilian judge responsible for investigating "disappearances". She is one of the many alleged members of the security forces or their collaborators whom the authorities have failed to bring before the courts to account for the arrest and "disappearance" of more than 650 people between 1973 and 1977.

Amnesty International is concerned that over the years the courts - both civilian and military - have failed to pursue vital evidence which could lead to the establishing of the fate of many of those who "disappeared" following their arrest between 1973 and 1977.

Amnesty International is also concerned that the Supreme Court, in deciding not to appoint a special judge, apparently failed to address the allegations made by Andrés Valenzuela of the existence of a special group acting within the security forces whose aim was to identify and eliminate known or suspected opponents of the government. Although AI is not able to verify the facts contained in the statements by Andrés Valenzuela, it believes that the allegations are serious enough to warrant a special investigation at the highest level by an independent body.

Amnesty International is further concerned that relatives of the "disappeared" are frequently detained by police for short periods while exercising their right to freedom of expression. There have been many occasions when AI has received reports that peaceful demonstrations organized by relatives to protest at the "disappearance" of their loved ones have been broken up - sometimes violently - by police, and participants arrested and taken to police stations for questioning.

RECOMMENDED ACTIONS

Letters should be sent to the Minister of Justice outlining Amnesty's concerns as stated above.

Urge that the authorities request the appointment of a special judge to investigate the many and well-documented allegations that members of security forces were involved in illegal activities which resulted in the arrest, torture and "disappearance" of more than 650 people between 1973 and 1977, including the alleged existence of special squads set up within the security forces whose reported aim was to identify and eliminate known or suspected opponents of the government.

Express concern also at the continued harassment and short-term detention of relatives of the "disappeared".

Letters should be sent to:

Sr. Hugo Rosende
Ministro de Justicia
Agustinas 1401-1419
Santiago, Chile

Copies of letters should be sent to the following addresses:

Vicealmirante
Patricio Carvajal Prado
Ministro de la Defensa Nacional
Plaza Bulnes
Santiago, Chile

General Fernando Matthei
Miembro de la Junta de Gobierno
Edificio Diego Portales
Santiago, Chile

Agrupación de Familiares
de Detenidos-Desaparecidos
c/o Vicaría de la Solidaridad
Casilla 26-D
Santiago, Chile

Don Rafael Retamal
Presidente de la
Corte Suprema
Plaza Montt Varas
Santiago, Chile

3. Groups should invite lawyers|lawyers groups to write letters in their professional capacity.
4. Groups should note that although the Vicaría has said that at least fourteen cases of "disappearances" could be clarified as a result of the testimony, only a few cases are actually mentioned by name in the text.
5. Groups should use the opportunity to raise once again the "disappearance" case on which they are working, giving a brief summary of the date and circumstances of the arrest and detention.

Please send copies of any replies you receive to your letters immediately to the IS.



Amnesty International
International Secretariat
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United Kingdom

May 1985

CHILE

" DISAPPEARANCES "

TESTIMONY OF AN ALLEGED EX-MEMBER OF SECURITY FORCES

On 4 January 1985, the Supreme Court rejected a request by the head of the Vicaría de la Solidaridad (a church human rights organization) to appoint a special judge to investigate allegations made by Andrés Valenzuela Morales, an alleged former Air Force intelligence agent, of the existence of an illegal organization acting within the security forces during the years shortly after the coup whose main purpose was to secretly kill and dispose of without trace suspected or known opponents of the government. Nine Supreme Court judges gave no explanation at all as to why they rejected the request, two judges stating that the grounds for their rejection was that the investigations fell under the jurisdiction of the military courts. Only one judge, the Court's president, Don Rafael Retamal, was in favour of pursuing the matter further.

The allegations made by Valenzuela were contained in two sworn statements made at the Vicaría and gave an account of his alleged involvement in security operations, mainly in 1975 and 1976. He describes how he believes a number of those who "disappeared" after their arrest were secretly killed.

According to the Vicaría de la Solidaridad, the statements, if properly investigated, could help to clarify the fate of at least fourteen "disappeared" prisoners:

Ricardo WEIBEL NAVARRETE, José WEIBEL NAVARRETE, Ignacio ESPINOZA, Miguel RODRIGUEZ GALLARDO, Humberto FUENTES RODRIGUEZ, Carlos CONTRERAS MALUJJE, Luis MORAGA CRUZ, Alonso GAHONA CHAVEZ, Luis Emilio MATURANA GONZALEZ, Juan ORELLANA CATALAN, Juan GIANELLI COMPANY, Nicomedes TORO BRAVO, Alfredo SALINAS VASQUEZ, José del Carmen SAGREDO PACHECO.

Amnesty International is concerned that the Supreme Court, in deciding to reject the request for the appointment of a special judge, has apparently failed to seriously address the allegations made by Andrés Valenzuela Morales. Alejandro González, head of the Vicaría's

legal department, said that the only option now remaining for the relatives and lawyers of the "disappeared" referred to in the statements is to make individual representations to the courts on a case by case basis, with little hope of making much progress.

The Agrupación de Familiares de Detenidos-Desaparecidos (Association of Relatives of Disappeared Prisoners) responded to the Supreme Court by writing a letter to express their indignation and disappointment. They said:

"We have always thought that at least between the victims of crimes and the Courts there should be a minimum common interest; that the truth be established by the courts and the criminals punished.

We are now aware, with great sadness, that after ten years, we cannot expect the courts to assist us in obtaining this, the most basic aspiration of everyone..."

(The full text of the letter is appended.)

On 10 January, members of the Agrupación went to the Palace of Justice to hand the letter over to the Supreme Court, and as a form of protest reportedly sat down on the floor, unveiling banners with photographs of the "disappeared". Court guards are said to have moved in to break up the peaceful gathering and many relatives were reportedly beaten. According to press reports, one person was beaten so hard on the head that the truncheon broke in two. Several lawyers tried to intervene to stop the guards. Nineteen people were reportedly arrested by uniformed police (carabineros) as they left the courts, including trade union leader Sergio Troncoso (a former banishment and torture victim), human rights lawyer Jaime Hales and fifteen relatives of the "disappeared". They were released after being held for several hours in a police station.

Attached is the shorter of the two sworn statements made by Andrés Valenzuela, together with extracts from the second. An unofficial translation is also appended. Although Amnesty International is not in a position to verify the facts contained in the statements, it believes that the allegations are serious enough to warrant a special investigation at the highest level by an independent body.

Amnesty International has been campaigning for many years on behalf of the approximately 650 people it believes to have "disappeared" following their arrest by security forces between 1973 and 1977. Over the years, the government has shown no willingness to cooperate in the investigations into their fate.

In spite of the many testimonies of witnesses who saw people being arrested or whilst in detention, investigations into "disappearances" by the courts have been inconclusive. The investigations, initially undertaken by civilian judges after persistent pressure by relatives of the "disappeared", human rights lawyers and the church, have been very slow and incomplete. Many were closed almost immediately for "lack of evidence". Others were closed after being handed over to military courts because of the involvement of military personnel. Those cases which do remain open are virtually at a standstill.

The courts have repeatedly failed, since 1973, to pursue evidence suggesting the involvement of security forces in the "disappearance" of hundreds of Chileans. The Supreme Court's decision not to appoint a

"DISAPPEARED" DETAINEES MENTIONED IN THE TESTIMONY OF

ANDRES VALENZUELA MORALES, SELF-CONFESSED FORMER

CHILEAN AIR FORCE INTELLIGENCE AGENT



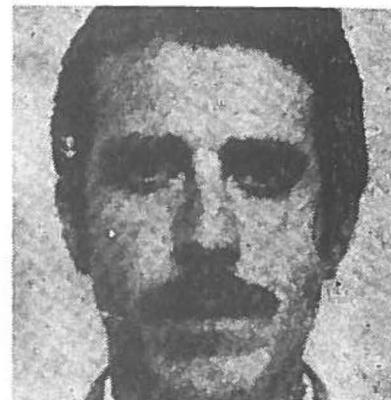
Miguel Rodríguez Gallardo
'disappeared' 28.8.75



José Weibel Navarrete
'disappeared' 29.3.76



Humberto Fuentes Rodríguez
'disappeared' 4.11.75



Ricardo Weibel Navarrete
'disappeared' 7.11.75



Carlos Contreras Maluje
'disappeared' 3.11.76

a special judge to investigate Valenzuela's allegations is one example. Another is the case of an ex-detainee, Marcía Alejandra Merino, who is alleged to have collaborated with the DINA (the secret police which was replaced by the Central Nacional de Informaciones in 1978) in the mid-seventies and participated in the arrest of several people who later "disappeared". On 16 June 1983, Marcía Alejandra Merino went to a police station to report a robbery at her home. When police checked their records, they discovered that she was wanted for questioning in connection with investigations into the arrest and "disappearance" of María Angélica Andreoli in August 1974 and that she had failed to respond to a series of summonses sent to her.

Marcía Alejandra Merino was arrested and placed at the disposition of a series of judicial authorities who failed to take steps to ensure that while she was in detention her alleged participation in the arrest of several "disappeared" prisoners was properly and thoroughly investigated. On 22 June, a military prosecutor, knowing that she had failed to answer a series of summons which had been sent to her over the previous five years, released her without charge, issuing her with a summons to appear the following day before an Appeals Court judge responsible for investigating "disappearances". She failed to appear and to Amnesty International's knowledge still has not done so.

Appended to this circular are extracts from a document presented to the Supreme Court in July 1983 by the head of the Vicaría which includes parts of a statement by Marcía Alejandra Merino about her role in the arrest of María Angélica Andreoli, and which also gives a step by step account of the judicial authorities' failure to fulfill their tasks. Monseñor Juan de Castro concluded in the document that "What has occurred recently is a pathetic example of what has been happening over the course of several years in judicial investigations in the "disappearance" cases. It will be difficult, as a result of these events, to argue in the future that the Courts of Justice have investigated the facts diligently and that they have fulfilled their mission..."

Amnesty International is calling on the authorities to request the appointment of a special judge to investigate the many and well-documented allegations that members of the security forces were involved in illegal activities which resulted in the arrest, torture and "disappearance" of more than 650 people between 1973 and 1977, including the alleged existence of special squads set up within the security forces whose reported aim was to identify and eliminate known or suspected opponents of the government.

APPENDIX I: Sworn Statement of Andrés Valenzuela Morales

APPENDIX II: Letter from the Association of Relatives of Disappeared Prisoners to the Supreme Court, 10 January 1985

APPENDIX III: Document submitted to the Supreme Court by Monseñor Juan de Castro, July 1985

APPENDIX I

TRANSLATION OF SWORN STATEMENT MADE BY

ANDRES VALENZUELA MORALES

ANDRES ANTONIO VALENZUELA MORALES, Identity card No. 5.443.690-4 from Renca, born on 30 November 1955 in Papudo, living at Pasaje Barranquilla 2044 in the Población Juanita Aguirre, Conchali, married, under sworn oath does hereby testify:

"I began my military service in April 1974, in the Colina Anti-aircraft Gunnery Regiment, in which I stayed for three months before being assigned to the Academia de Guerra Aerea (AGA) in Las Condes district in Santiago.

I was given my posting along with some 60 conscripts; 15 of us were assigned to the Office of the Air Force Prosecutor and the remainder continued to serve on AGA staff performing guard duties and other routine tasks.

The person in charge of our group was an officer called (NN), who coordinated anti-subversion intelligence work, which in those days was basically directed against the MIR. I can say very little about what went on in this office because I was only required to do guard duties. [1.]

After working at the AGA our whole group moved to a house in the Avenida Apoquindo, which now no longer exists, a bank having since been built on the site. About 15 detainees from the MIR were also transferred with us. I remember that there was a member of the MIR whose surname was Pérez who went abroad and who used to be visited by his wife in the detention centre. I also remember a member of the MIR who was known as "La Negra"; she was tall with short hair. I don't know what became of her.

We spent about three months at the headquarters in Apoquindo. We carried out raids and arrests. I was in the "Reaction" Force, which meant that we provided cover for the people carrying out the operations against the possibility of an attack from the surrounding areas. The people we arrested were set free or went to prison. (NN) was the leader of the group at this centre as well, and one of his closest subordinates was (NN) who was nicknamed "Wally". [2]

Very shortly afterwards we found ourselves with no more detainees because the job of suppressing the MIR had been transferred to the DINA, so we moved to the building on the corner of Santa Rosa and Alameda which houses the "Intelligence Community", that is, all the service organizations except the DINA.

Here our group was broken up and each of us was put in a different office. FACH member Guillermo Bratti Cornejo, who had been working in the group, went to El Bosque, as that was his unit; his nickname was "el Pelao Lito". There were other FACH officers, including two nicknamed "Patricio" and "Chirola"; all of them from the El Bosque Unit.

At the beginning of 1975 the group was back together, with (NN), Bratti and the others, except for the people from El Bosque base. We began to operate from a small hangar at Cerrillos airport; to reach it, you turn right immediately on coming into the main entrance, go towards the coast, and nowadays it's almost opposite a big sign saying "40 KMS. VEL. MAX.".

Our group was joined by (NN), a member of "Patria y Libertad". He (NN) had been found guilty of killing Salvador Allende's naval aide-de-camp and his team had also apparently played a part in the killing. The team were very professional. I should emphasize that (NN) was also a member of this team and was one of its leaders.

Our job was to carry out repression against the Southern Region section of the Communist Party. I remember that one night there was a search in which I didn't take part where some 12 Party members fell.

At this time, in July or thereabouts, "Juanca" appeared on the scene. His real name was Carol Fedor Flores Castillo, and he had been a Communist Party activist who I had seen in detention in 1974, at the AGA. The nickname "Juanca" was derived from his nom de guerre, Juan Carlos. Anyhow, at this period he was taking part in the interrogation of detainees and supplying the greater part of the information, as he knew an immense number of Party members. He was just like any other agent and was even provided with a house in La Florida district which had been confiscated from the MIR. He carried a gun and a two-way radio, went to our target practice sessions and had access to all parts of the organization just like any one of us.

At about this time, probably in September 1975, "Quila Leo", who had been a cabin-boy in the Navy, was arrested. I don't remember whether he was a member of the Young Communists or of the Communist Party itself. I can identify him with certainty from the photograph which is shown to me, as Miguel Angel Rodríguez Gallardo. I had many conversations with him as he was detained for a long time.

Because of the inadequacies of our headquarters (it didn't even have water), we moved to a house located at Santa Teresa 037, near Paradero 20 on the Gran Avenida, and known as "NIDO 20" (Nest 20).

The whole neighbourhood must have known what was going on inside the house as there were always people going in and out and there were two uniformed guards permanently on duty outside who were forbidden to enter the building and were always students from the Escuela de Especialidades (Army School of Specialists).

The house had a fireplace in the living room and three bedrooms. We moved there with roughly 20 detainees who were so crammed together that the closets had to be used as punishment cells; "Quila Leo" was shut up inside one of them so that he could be kept incommunicado.

Detainees began to be taken out of the house for interrogation at another establishment, which I also got to know. It is located at Paradero 18 in Vicuña Mackenna, in the calle Perú, No 9053, and was reached from Rojas Magallanes by turning right into the street I have just mentioned. This place was known as "NIDO 18". The property had been confiscated from a member of the MIR, whose surname was Sotomayor.

Torture and interrogation sessions were carried out at this establishment.

When "NIDO 20" and "NIDO 18" came into use, we acted under a joint command together with members of the regular Carabineros and Navy services. The officer in charge of the Carabineros was a lieutenant nickname "EL Lolo", whose surname was (NN). He is now a captain in the Carabineros and Head of the Grupo Operativo Represivo de Carabineros (Carabineros Repressive Operations Group) which was in charge of the repression in Pudahuel in the last few months.

For the Navy the person in charge was also a lieutenant (now retired) (NN). (He now works as an importer of security equipment and dealer in Winchester guns, and has an office in Bulnes).

I remember, though I cannot be sure of the exact dates, that two people died in NIDO 20. One, who I remember was called Yuri, was ill on arrival, and was short with dark curly hair, worked in the Municipality of La Granja or Cisterna and had been arrested at his place of work. He died of an attack of bronco-pneumonia because he had been kept in the bathroom in a hanging position.

The other one was brought to NIDO 20 from NIDO 18 and was called "Chino" or "Camarada"; he was about 50, short, and strongly built. When he arrived he had been very badly tortured at NIDO 18 and he was with us for about 15 days. Finally a group of civilians came in the night; I don't know whether they were from Patria y Libertad or DINA (I doubt whether they were from DINA, for there was such rivalry between ourselves and them that sometimes we would go in search of someone whom they had already arrested without our knowledge, and vice-versa). Well, they were beating this man and making a lot of noise, throwing him to each other and taking it in turns to punch him. I was on guard and it bothered us to see him being beaten for no reason, for they were hardly asking him any questions. In the end they left him on the floor by the fireplace and went off. On the way out they met (NN) as he was arriving, not having taken part in the incident. The detainee had a very bad night and in the morning the guard found him dead.

At midday (NN) came back with some clothing (I am sure it belonged to the detainee) and a razor. They gave the dead detainee a shave and changed his clothes and they then took the body outside and put it in a vehicle to be returned, so they said, to the man's family. I never heard anymore about him.

I remember now that Yuri's body was taken to NIDO 18. I was told by someone from the Navy that from there they disposed of his body by dumping it in the sea. I also remember that a naval group is still operating at the NIDO 18 house and that the façade of the building has been altered.

There was also a detainee who was bald and said he had been a boxing champion and was a taxi-driver. He lived in the Gran Avenida. He remained with us for nearly two months and gave us the name of a person who worked in Madeco. He led us to an arsenal of AKA machine guns, which the DINA took away with them. In fact I never found out whether he was a member of the MIR or the PC, but I was surprised that after this he should walk out free and unpunished.

Two brothers, aged about 38 to 40 I reckon, were detained in NIDO 18. One of them wore a brown leather jacket and hanged himself in the solitary confinement cell. The other brother was, apparently, set free.

Miguel Angel Rodríguez Gallardo, or "el Quila Leo", was still in detention there. In NIDO 18, I remember, there was someone who tried to commit suicide by climbing up a step ladder; he only managed to break an arm. According to the photos I have seen of people who disappeared in 1975, he looks very like Humberto Fuentes Rodríguez and I seem to remember that they called him "Old Fuentes".³

In about November 1975 we moved with several detainees to the FACH Anti-Aircraft Gunnery Regiment headquarters. Inside there is a prison known as La Prevención (Guardroom) which is not in use nowadays except for storing equipment. We arrived with 20 or so detainees from NIDOs 18 and 20. Among them was Quila Leo, the bald one with his arm in plaster and others who I do not remember. About two days after our arrival at this establishment, an operation was mounted in the northern sector of Santiago and Ricardo Weibel was arrested in the district of El Salto, near the headquarters of the Buin Regiment. He was taken from his house. I now recognise him unmistakably from the photo I have been shown; he is one of the people I had most conversations with. A young man who was a very good cartoonist (he did cartoons of nearly all of us) was also arrested in this sector, as was René Bezoa. Also arrested were the two 'Fantas'; one 'Fanta', the younger one, was arrested with his girlfriend - I do not remember their names. The girlfriend was short, dark and slim. They were all interrogated, and many others were being arrested.

When we were in Colina our group was joined by some Army personnel, under the command of an officer who was often replaced. They did not work with us for long. They once interrogated one of the detainees who, owing to the 200 volt electric charges that had been applied directly to his body, had had a heart attack and died. The detainee was about 50 and had an almost complete set of false teeth. He lay dead in his cell almost all night and was removed by the same army team, who put him in the boot of a Chevy Nova car and took him away. After this incident the Army was separated from the Joint Command.

While Ricardo Weibel was in detention for the first time, a helicopter arrived. I do not remember if it belonged to the FACH or the Army, or whether it was a UH-1H or a Puma. Ten or fifteen detainees were taken away in the helicopter to be thrown into the sea. Among those who took part in this operation was FACH agent (NN), alias 'Fifo', and there were

individuals from other organizations. The following detainees were taken, as far as I can remember: the bald one with the fractured arm in plaster; an ex-councillor from Renca who belonged to the PC - he was lame and wore orthopaedic shoes, and was middle aged around 50. The cartoonist was also taken. Ricardo Weibel was much affected by this as he had chatted a lot with the cartoonist, who was in the next cell to his. Whenever Weibel heard the noise of a helicopter he trembled violently.

The agent (NN) said that they were thrown into the sea a short distance from San Antonio. He explained that the bald one with the broken arm whom they called 'Old Fuentes' woke up when they were about to throw him in the sea. (I should point out that the detainees had been drugged beforehand.) (NN) said that one of the Army agents cold-bloodedly hit him on the head with a piece of iron and threw him out of the helicopter. That is how I know that they were thrown into the sea.

After that incident they released a number of people, including the younger 'Fanta' and his girlfriend, Ricardo Weibel and others who I do not remember.

Bezoa and the elder 'Fanta' were at this time acting as informers. I learnt this because they used to be taken from the cells to another room, their blindfolds and handcuffs were removed and they were given very preferential treatment. I should explain that during the interrogation sessions the elder 'Fanta' took down the statements; Bezoa, behind the blindfolded person being interrogated, confirmed or denied what the person said with motions of his head. As far as I know the younger 'Fanta' was never a collaborator.

A few days later they arrested Ricardo Weibel for the second time. Agent (NN) took him home and then went back to fetch him again, telling Weibel's wife that the interrogation would only last a few days and there would be no problems. He was brought to Colina again. There, he suspected that they were going to kill him, for they did not interrogate him or blindfold him and he was allowed to walk about. Indeed, for a few days, more than a week, he was able to see Carol Flores acting like any other agent, and Bezoa and 'Fanta' collaborating and having coffee and eating with us (I repeat that Bezoa and 'Fanta' were collaborating but always as detainees, while Carol Flores was just like another agent).

Then a Citroneta van arrived and several detainees were thrown in, including Quila Leo and Ricardo Weibel. Another detainee who was taken was a thin man of about 28 or 30 who had already tried to commit suicide in his cell by cutting his veins with a metal fastener from his trousers which he sharpened on the concrete until it became a sharp blade. He had been taken to the FACH Hospital and had recovered, and now they were taking him away to be killed anyway.

They put picks, shovels and a large can of fuel in the van. The agents who took part in the operation included Bratti, Flores, (NN) and other agents from other organizations, who travelled in another vehicle. They returned the same day after about four hours, without the detainees. I am absolutely sure, because one of the agents told me so, that they were murdered in the military grounds at Peldehue. Furthermore I wish to emphasise the fact that, as I did not take part in the operation, before

leaving they handed over to me the detainees' identity cards, drivers' licences, watches, spectacles and wallets (Weibel's contained many photos). I was told to burn and bury them.

At the moment I do not remember any more important facts or events that took place in Colina so far as the detainees were concerned. One exceptional circumstance which affected us all was the detention of Guillermo Bratti, Carol Flores and (NN) (who had also come from the AGA and was a member of Patria y Libertad). According to (NN) they were arrested for having given information to the Communist Party and the MIR, but this explanation did not satisfy us as the usual practice was for those who fell into disgrace to be humiliated in order to make them hated by everyone. They were held in cells blindfolded. Another version that we heard was that they had handed over information in our possession to the DINA, who carried out operations that were harmful to our organization. The DINA, according to this version, had offered them more money, a car and a house. This was stated by Bratti and I heard it in a tape recording of his interrogation some years later. They were separated from us and then it was decided that Bratti should be dismissed, and the others removed from the organization.

In the summer of 1976 our operations in the Colina headquarters came to an end. This must have happened about the beginning of March. We moved to a building referred to as 'La Firma' which is almost opposite to where SIAT is. It belonged to the newspaper 'El Clarín', in Calle Dieciocho in Santiago. Today the building is occupied by DICOMCAR, and it is there that 'El Lolo' works. 'El Lolo' is, as I have said, a captain in the Carabineros with the surname of (NN), and it is in this building that the people who were arrested at Pudahuel in the last few weeks were interrogated. I know this because 'El Lolo' asked for my help in an operation in which about 200 people were arrested in a single night. That is how I discovered that the building I knew as 'La Firma' is used by DICOMCAR.

Returning to 1976; shortly after our arrival at 'La Firma' in March 1976 an operation was mounted to arrest José Weibel Navarrete, the brother of the one I mentioned earlier, which was carried out by a Patria y Libertad group operating with (NN). We assisted this group in the following way: I was told to go with other agents on the bus in which 'Checho Weibel' was travelling with his wife and son. I was sitting at the back. We were not sure how we were going to get him off the bus. Suddenly we were presented with a good opportunity - it was not contrived by us. A youth of about 14 or 15 stole a purse from a lady. At that moment one of the Navy agents pointed to Weibel saying "It was him who did it" and asked the driver to stop the bus to get him out. He was immediately made to get into another vehicle and I went off in a third one. The operation being over, we returned to "La Firma". As soon as we arrived Weibel was interrogated, but not for very long. Some days later, as it was thought that an inspection by a human rights group was to take place, Weibel, Fanta, and Bezoa were moved to a three-storeyed house in Bellavista Street, almost opposite the tennis courts (it still exists) and which was the sleeping quarters of those of us who were unmarried.

The detainees stayed there for a week. One night when I was off duty Weibel was taken out and done away with. I am sure he was killed because (NN) told me he had been thrown into the Cajón del Maipo, which had a very special significance for me, for reasons I shall explain. First, I should state that Bezoa and Fanta were released at this time.

I shall now relate my experience in connection with the Cajón del Maipo. A few weeks after the Weibel affair an operation was prepared in which I was to be involved. (NN) came to pick me up at the house in Bellavista and told me I was to accompany him. I went in his Torino car. It surprised me that I was the only member of the group to be going. We went to the 'La Firma' building, where we found 'El Lolo', (NN), (NN) and other Patria y Libertad agents. There was a table with things on it, as if for a cocktail party. I helped myself, although I understood nothing of what was going on; when that was over they told the guard to fetch the package (by which they meant the detainee). To my surprise the detainee turned out to be Bratti, handcuffed, blindfolded and drugged. Then they started saying that he had been stupid enough to betray the cause and such like. They put him in the boot of a car and we set off in two vehicles. I was in the one driven by (NN), heading for the Cajón del Maipo. As we set off I was given a pill, and some other agents took one too. (NN) made the journey very cautiously and after crossing a bridge over a river flowing from left to right he turned left along a road which is on the eastern slope of the Cajón del Maipo area. He stopped somewhere about 7 kms in and 40 metres from some cliffs. They got Bratti out, blindfolded, and (NN) put him by a stone and said "How d'you want to die?" He wanted, it seemed, to play some macabre kind of game with him, for he said "Run away if you want, and I'll come after you". He was fairly drunk. Bratti said, "Take off my handcuffs and blindfold". I had to take them off him, and I was straight away sent to the car for some cord and wire. When I got to the car and was taking the stuff out of the boot I heard a burst from a machine gun with a silencer. On returning to the spot I found (NN) finishing him off. I did not see anyone else fire. They asked me to tie his hands and feet. I don't remember whether his hands were in front of him or behind his back. They tied stone weights to him and motioned to me to push him over the edge but as there were some bushes I had to pull the body right to the edge. Someone held me by the hand and I hung there, thinking that they might even be about to kill me too. At last, however, he fell into the water below and we all went back.

As for Carol Flores, I know they killed him as well, but I can't remember if it was done a few days after or before Bratti was killed. (NN) once hinted that it had happened in the same spot or area.

After this we went on working at "La Firma" with Bezoa and Fanta continuing to act as collaborators.

A new wave of repression against members of the PC began. "José" was arrested; he later gave away the place where he was to meet Contreras Maluje. Another person arrested was 'El Macaco' who was in charge of Communist Party finances and came from the Young Communists; ("El Macaco" had a small flat in the city centre). Somebody they called by the name of "El Vicario" and a person who repaired watches were also arrested; there were eight or nine in all. "José" said that he was to meet Contreras Maluje in a house in the Gran Avenida sector, and in the operation that was carried out to arrest him they got Contreras Maluje after "José" had come out. Contreras Maluje was

with two girls and when he saw us he fled so we had to pursue him several blocks. It took ten of us to hold him down for he was very strong. He was put in a Kleinbus Volkswagen minibus which belonged to the Navy. The driver was so nervous that while driving along the Gran Avenida he hit a pedestrian.

We got back to "La Firma", where Contreras Maluje was interrogated about "José" so as to protect him and prevent Contreras Maluje realizing that "José" was responsible for his arrest. Contreras would not say anything. At one point, when he was being given electric shocks, they sat him up and removed his blindfold so that he could see his companions, also under arrest, sitting in front of him, watching. On the wall of that room was an organizational diagram of the Young Communists on which the names of those who had been arrested were marked in red. I don't remember if there were other detainees besides "José", "Vicario", "Macaco", the "watchmender" and others I can't name.

Contreras pretended to have a rendezvous for the following day in the area of Nataniel street. An operation was set up and Contreras Maluje walked along Nataniel towards the Avenida Matta (at that time the traffic flowed towards the North). Suddenly on the radio in the car I was in we heard: "A minibus ran him over". We went straight to the scene in the car, thinking an accident had happened, and arrived at the same time as the car which (NN) was in as well as a Carabineros Jeep which happened to be passing that way. We realized that Contreras Maluje had thrown himself under the wheels of the minibus, and trying to sit up, was shouting "I am a communist, that's not a sin. Tell the Maluje pharmacy in Concepción." He shouted his name and his function in the Party. He asked the Carabineros to help him and not leave him in our hands and added: "They are from the DINA". He pointed to (NN) saying "That one's their boss. Look how they tortured me", and showed them his wrists that were bruised by the handcuffs. A crowd of people gathered; the Carabineros officer was overwhelmed and did not even ask for identification. It was very difficult to get him into the car, for he put up a struggle and only with the help of some detectives who came by in a patrol car was he finally forced to get into the blue Fiat 125 which was registered as belonging to the organization's Intelligence Service. All the vehicles were registered in the name of Director General Ruiz' legal representative.

We took him back to "La Firma" where the chiefs beat him up badly in a cell, even though he was injured: he had a fractured arm, his head was cut open, and he was bleeding from the mouth. The chiefs were saying to him: "You just put the noose round your own neck." After that he was left alone, thrown down on the floor in a heap, without medical attention. When "José" saw this he became very depressed for a long time since he felt guilty for what had happened. That day I had a day off, a team of guards remaining. When I came in the next day I was told that he had been taken in the afternoon to a place on the Barriga hill that I knew.

To finish with I shall explain how I came to know the place. Some ten days after the Contreras Maluje business, I was sent with somebody from the Navy in a Renoleta car to dig a large hole in a spot I did not know. We went a little way up the Barriga hill and then on foot we turned into a small gully and walked along it for about 70 metres. There we worked for about three hours, with two agents from the Navy, "Alex" and "Chico", making a grave for two persons. That day I realized that there were other corpses hidden there, for at one point I stood on a grave and one of the Navy people pointed it out to me; I think there must have been at least six corpses.

The next day I went back there in a Renoleta with several other agents, some of whom were in another vehicle. We had two detainees with us. They were blindfolded and I only remember one of them, who I had to help up the gully. They were walking in a dazed state owing to the drugs they had been given. The one I remember, who had told us he was a teacher, was tall and thin with pale eyes and almost blond hair. He wore a parka or wind-cheater. It was hard work getting him up the hill. He realized he was going to be killed because he said to me in a low voice that he had done nothing wrong. I have no recollection of the other detainee. When they reached the place where they were to be martyred (NN) sent me down to the road again to see that no cars or people going hunting followed our tracks and came up. While I was down there I heard (NN) mocking them and shooting them with a silenced gun (which makes a short, dull sound). Then (NN) and the others came down. (NN), who was a sadistic character, was still making fun of them.

I am sure there are more corpses up there than the ones I know about and I can't be certain, when people were "set free", whether that was really what happened to them.

When the Contreras Maluje scandal broke out an order came from above for us to rejoin our unit and so we returned to regular duties.[4]

That is all I can say about the disappeared detainees for the present. We didn't take part in any more direct action against subversion until much later, and then only as back-up for the CNI (for example, in the largely fictitious confrontations in Fuente Ovejuna and Jaqueneo in 1983).

The above, having been read by the testifier, is endorsed with his signature.

Santiago, 28 August 1984.

NOTES

1. The following notes are taken verbatim from a second, long sworn statement which the same ex-agent made at the Vicaría de la Solidaridad to extend and complete his earlier account.

"Among the people that I remember having been in detention at the AGA, I can mention ex-Captain Ferrada and Corporal Figueroa, both from the FACH; Víctor Toro, "El Reta", "El Pelao" Moreno, "El Loco Mario" who tried to commit suicide there, Villavela, somebody they called "El Kila" from Quilapayún, deputy or senator Montes with his wife and two daughters. Mr. Montes was always in the corridor of the second floor of the AGA. The second floor of the Academy had two or three large rooms which had been made into apartments. In these apartments were some prisoners in whom the bosses placed a certain amount of trust."

2. "Among the jobs I recall having performed under the heading of providing protection during raids was one carried out on a nursery school in the Plaza Agaña sector, where we found a photographic laboratory run by the MIR. I also remember the Reina Alta one, over in the Peñalolén sector, with some members of the MIR. I later learned that this had been a mock operation to protect one of the organization's informants, who lived at the AGA and who they called "Barba" or señor Velazco. I should add that some time afterwards when I was guarding him he was abducted by the DINA. We were going along Alameda a few yards from Nataniel street, exactly where the exit from the Moneda metro station now is, and it was there that some DINA agents held us up at gunpoint and went off with him. I also remember that I had to take part in an operation in the Avenida Kennedy, where "coño Molina" of the MIR was to be arrested; on that occasion the 'Mirista' got wind of our trap and escaped with one of our vehicles in pursuit. They caught up with him at a traffic light and he was sprayed with bullets by (NN) when he tried to draw his gun to defend himself. He died almost instantaneously. As we were trying to deal with this situation a red Peugeot appeared, failed to obey our order to stop and headed straight for one of our agents, upon which it sped away, followed by a C-10 van with myself, two agents and one officer inside. The fugitive took Kennedy Avenue in the direction of the city centre. About two blocks before the underpass at the end of the Golf Club we opened fire on the vehicle. We got one of the tyres and the vehicle hit a post and turned over; the driver was also hit from behind by one of the bullets which killed him. On looking through his belongings we found that he was an army lieutenant and that the car belonged to General Pinochet's son. We heard later that the officer had about that time begun to suffer a persecution complex and this had been the reason for his behaviour towards us."
3. I should also like to add that both the NIDO 18 and NIDO 20 detention centres and the one in Colina which I referred to in my earlier statement were visited fairly regularly when the occasion required by a doctor called (NN) Junior (hijo) who is now a cardiologist in the FACH hospital and was then a medical intern. He treated a person we arrested in 1976 whose surname was Guerrero and who was wounded accidentally by a Navy agent while being arrested. He

was taken to the Carabineros hospital to recuperate. (...) The doctor also put the arm of 'old Fuentes Rodríguez' in plaster when he broke it trying to commit suicide in NIDO 18. He also treated Quila Leo, to whom he gave pills for his ulcer. When prisoners were drugged he gave them the injections."

4. "Nonetheless, last year (1983), after the death of Carol Urzua and a couple of days before 7 September, we learned through (NN) that the CNI wanted the support of our group on a date to be specified, to capture the group of subversives that had killed CArol Urzua. On the morning of the 7th we were formed into a small group and taken in a van to Borgoño where the CNI has a detention centre. Only (NN) got out to talk to the CNI officials and we had to wait for hours in the van, which was parked in the courtyard of the building. Shortly after midday we were told to position ourselves in the Plaza Egaña sector and so we set off in that direction. On the radio we began to hear odd pieces of information about what was going on, for we were tuned in to the same frequency. While we were waiting in the courtyard at Borgoño we heard that they had started to follow Number One (Palma) who we later learned had been intercepted by car on Avenida Kennedy. We also heard that they had arrested another member of the group of three who are now facing trial by Consejo de Guerra (war tribunal) at a bus stop, and that they had arrested a third person near the detention centre known as Capuchinos."

"It was already dark when we were told by radio to move towards the Arrieta street sector, to the east of the Américo Vespucio bypass, and to go to an electricity sub-station where we were told to wait for orders to liquidate an objective, which meant to kill someone who lived in that sector. I also remember that we made a mistake and parked in an alleyway, the name of which I forget, and were challenged and told to move because we were exactly in front of the house of our objective and the rest of the forces had not yet arrived and they were still assessing conditions. In the end they decided not to go in to the house as there were a lot of people in the neighbouring houses (I think there was a party going on) and the operation could be too costly in lives.

"So we were ordered to proceed in the direction of Avenida Colón, where there is a supermarket on the south-east corner of a roundabout which is also joined by Tomás Moro street. We waited there for a time while instructions were being given to go into action at a house in Fuente Ovejuna street where three people had been detected. A CNI Jeep came into the parking lot. The CNI has two Jeeps of that type - they have a sliding roof and a .50 machine gun which is mounted on a hydraulic device allowing it to be hoisted above roof level. It is operated by two men, one to fire it and the other to feed in the ammunition belt. A moment later, we all headed for the house in Fuente Ovejuna street. There was an alleyway exactly facing the front of part of the house, and the Jeep was parked there. I remember that I kept behind a post and finally all the people taking part in the operation had the house completely surrounded. The officer in charge asked "Ready to open fire?" The answer being in the affirmative, the order to fire was given. The sliding roof was opened, the machine gun was raised and fired for about a minute I think. I should make it clear that this weapon fires about 1000 rounds per minute. At the end of this operation in which only the gun-carrier was involved, silence fell once more and, using a loud-hailer someone called on the people in the house to surrender.

A voice from the house called out "We surrender." One of the residents then came out with his hands behind his head. I recall that he was thin and fair-skinned. As he approached the fence of the front garden, two CNI agents moved towards him and sprayed him with bullets at a range of little more than a yard; doubling up, he fell to the ground.

"At that moment the woman fired several shots from inside the house. This led to a new order to open fire, which we all did, as well as the machine-gun carrier. I don't know how long this went on, but of course it couldn't have been more than 3 or 4 minutes. Then somebody threw a flare at the house which started a fire. Later on I was ordered to drag the body of the first person who had been killed out into the street, and then the body of the woman.

"We went into the house and in the passage we found the woman on the floor and I helped to drag her out to the street. In another room, I forget which was (NN). Five minutes later the homicide squad arrived to deal with the legal side of things.

"We were ordered to proceed towards Jaqueneo street in the western part of the city near the Plaza Garín, which we had great difficulty in finding. When we were getting near our objective we were ordered to crouch down as one of the people to be eliminated was running towards us; he passed right next to our van. When he got to a bit where there was a wall he was shot by CNI agents and the machine-gun carrier and other agents immediately opened fire on a house.

"I can now remember details of the operation. It was reported that one of the CNI agents was wounded. The truth of the matter is that it wasn't 'José' who was responsible; it happened when the agent tried to throw a 'Cardoen' grenade in through a window. To do this he ran past the window and threw it in, but as luck would have it the grenade bounced back off the bars of the window and onto the path. It exploded and the shrapnel caused injuries to his buttocks and the back of his legs. His trunk was unharmed thanks to his bullet-proof vest.

"I also remember that as soon as the one who was killed on the run fell, a CNI agent went over to him and placed a gun in his hand and then left it lying nearby as if the dead man had been carrying it, when in fact he had been unarmed. I was impressed by the speed with which the CNI acted in seeing to this detail to justify its part in the killing.

"A minute later all was quiet again and we entered the house to find 'José' dead in the back yard. Neighbours shouted to us that there was a child in the house, and we thought at first that he was lying on the bed, but it turned out to be a bloodstained pillow. We learned afterwards that the child had escaped over the wall and gone to the house of a woman, but we didn't bother ourselves any more over him. After these events we returned to the Operational Headquarters in Borgoño from where, on being told we were no longer needed, we set off for our offices and the base. I wish to make it quite clear that the aim and the order in both these operations that I have described was purely and simply to kill the people in the houses, since it was known that those directly responsible for the death of Carol Urzúa were under arrest and could be shown to the Press. "

APPENDIX I

DECLARACION JURADA - ANDRES ANTONIO VALENZUELA MORALES

Entré al Servicio Militar en Abril de 1974, en el Regimiento de Artillería Antiaérea de Colina, donde estuve 3 meses, para ser destinado a la Academia de Guerra Aérea, ubicada en la Comuna de Las Condes de Santiago.

Llegué a esta repartición junto a un grupo aproximado de 60 conscriptos, de los cuales 15 pasamos a depender de la Fiscalía de Aviación y el resto quedó como personal de la AGA, haciendo labores de vigilancia y otras que son de rutina.

Quien dirigía todo nuestro grupo era un oficial de nombre (NN), el cual unificaba los trabajos de inteligencia contra la subversión, que en ese período estaban dirigidos fundamentalmente contra el MIR. Es muy poco lo que puedo señalar sobre lo ocurrido en ese recinto, puesto que sólo me tocó hacer labor de vigilancia.[1]

Después del trabajo en la Academia de Guerra nos trasladamos, todo el grupo, a una casa ubicada en la Avenida Apoquindo, inmueble que ya no existe, puesto que allí se construyó un Banco. Al trasladarnos, nos fuimos con unos 15 detenidos del MIR. Puedo recordar que había un mirista de apellido Pérez que salió al extranjero, el cual era visitado por su mujer en el recinto de detención. Recuerdo también a una militante del MIR que le decían "la Negra": era alta, pelo corto. No sé qué destino tuvo.

En este recinto de Apoquindo, estuvimos unos 3 meses más o menos. Hacíamos allanamientos y detenciones. Yo participaba en la Fuerza de "Reacción", es decir resguardando, a quienes realizaban los operativos, de algún posible ataque en los alrededores. Las personas detenidas salían libres o iban a dar a la Cárcel. También en este recinto el grupo era dirigido por (NN) y uno de sus subalternos más cercanos era (NN) a quien apodaban el "Wally". [2]

Muy poco tiempo después nos fuimos quedando sin detenidos, ya que la represión al MIR pasó a estar a cargo de la DINA, por lo que nos trasladamos al edificio de Santa Rosa con Alameda, donde queda la "Comunidad de Inteligencia", es decir todos los servicios institucionales, excepto la DINA.

En este lugar nuestro equipo se disuelve, quedando cada uno en oficinas diferentes. El miembro de la FACH Guillermo Bratti Cornejo, que venía trabajando en mi grupo, se fue a El Bosque, ya que esa era su Unidad; a él lo apodaban "el pelao Lito".

Había otros funcionarios de la FACH apodados "Patricio", "Chirola", todos de la Unidad de El Bosque.

Cuando empieza el año 1975, se reúne nuevamente el grupo, con (NN), Bratti y los otros, excepto de la Base El Bosque, y nos vamos a operar a un pequeño hangar que queda en el aeropuerto de Cerrillos, entrando por la puerta principal, inmediatamente por la mano derecha, en dirección a la costa, ubicándose actualmente casi frente a un gran letrero que dice "40 KMS. VEL. MAX."

A nuestro grupo se agregó (NN) que era "Patria y Libertad" (aclaro que no sé si su nombre era Luis o César o ambos, pero estoy seguro de sus dos apellidos).

Este individuo llega con un equipo de civiles: "Luti", "Yerko", "Patán" y otros. Este (NN) había sido condenado por la muerte del Edecán Naval de Salvador Allende y, al parecer, su equipo también había actuado en el hecho. Era un equipo que actuaba muy profesionalmente. Debo reiterar que (NN) también estaba integrado a este equipo y era uno de sus jefes.

Nuestro tarea era trabajar la represión en el Regional Sur del Partido Comunista. Me recuerdo que en una noche se hizo una pesquisa, en la cual no participé, donde cayeron unos 12 militantes más o menos.

Aparece en escena en esta época - principios del tercer trimestre del año - el "Juanca", que era Carol Fedor Flores Castillo, quien había sido militante del Partido Comunista y yo lo había visto detenido en el año 1974, en la AGA. El apodo "Juanca" derivaba de su nombre de guerra, Juan Carlos. En todo caso, en esta época él participaba en los interrogatorios de los detenidos aportando la mayor cantidad de datos, puesto que conocía a un inmenso número de militantes. El era un agente más, e incluso se le facilitó una casa, que había sido requisada al MIR y que quedaba ubicada en la comuna de La Florida. Usaba arma, intercomunicador, iba a nuestras prácticas de tiro y entraba a las reparticiones de la Institución como cualquiera de nosotros.

Por este período, probablemente en septiembre del 75, cae detenido el "Quila Leo", que había sido ex-grumete de la Armada; no recuerdo exactamente si era militante de las juventudes comunistas o del Partido Comunista, y lo identifico inequívocamente por la foto que se exhibe, como Miguel Angel Rodríguez Gallardo. Con él conversé muchas veces, ya que estuvo largo tiempo detenido.

Por la falta de comodidad de este lugar (ni siquiera había agua) nos vamos a una casa ubicada en Santa Teresa 037, a la altura del Paradero 20 de la Gran Avenida, conocida como "NIDO 20".

Esta era una casa en que el vecindario notoriamente se podía percibir lo que pasaba adentro ya que entraban y salían personas, había 2 vigilantes externos de uniformes, siempre apostados afuera, los que tenían prohibición de ingresar al interior de la casa y eran siempre alumnos de la Escuela de Especialidades. Esta casa tenía una chimenea en el living y tres dormitorios. Llegamos allí con unos 20 detenidos más o menos, los que estaban hacinados, a tal punto que se usaban los closets como celdas de castigo: el "Quila Leo" estaba allí encerrado, para permitir la incomunicación.

Desde aquí se empezó a sacar detenidos para interrogarlos en otro lugar, que también conocí. Se encuentra ubicado en el Paradero 18 de Vicuña Mackenna, en la calle Perú No. 9053, a la cual se llegaba entrando por Rojas Magallanes y doblando a la derecha por la calle que he señalado. Este lugar era conocido como "NIDO 18". La propiedad había sido requisada a un militante del MIR, de apellido Sotomayor.

En este recinto se torturaba e interrogaba.

Cuando empiezan a ser usadoslos recintos "NIDO 20" y "NIDO 18", actuábamos en un comando conjunto con miembros de los servicios institucionales de Carabineros y la Marina. Por Carabineros tenía el mando un teniente apodado "El Lolo", de apellido (NN), hoy capitán de Carabineros y Jefe del Grupo Operativo Represivo de Carabineros que ha comandado la represión en Pudahuel en los últimos meses.

Por la Marina participaba también al mando un teniente (hoy en retiro) (NN) (hoy trabaja en importaciones de elementos de seguridad y negocios de armas Winchester y tiene oficina en Bulnes).

Puedo recordar, sin determinar exactamente las fechas, que en el NIDO 20 fallecieron dos personas; una, recuerdo le decían Yuri, llegó enfermo, era bajo, crespo, pelo castaño, corto, trabajaba en la Municipalidad de La Granja o Cisterna y había sido detenido en su lugar de trabajo. Murió por una bronconeumonía fulminante, ya que lo tenían colgado en el baño.

Además llevaron del NIDO 18 al 20 a un detenido a quien le decían "Chino", o "Camarada", era bajo, de unos 50 años, fornido. Venía muy torturado desde el NIDO 18, estuvo como unos 15 días con nosotros. Al final llegó un grupo de civiles en la noche, que no sé si eran de Patria y Libertad o de la DINA (esto lo dudo, porque había gran rivalidad con ese Servicio, a tal punto que a veces buscábamos personas que ellos ya tenían detenidas o vice-versa, sin que lo supierámos). Bueno, a este señor lo golpeaban haciendo un ruedo, tirándoselo y pegándole entre unos y otros. Yo estaba de vigilante y nos enervaba que le pegaran sin sentido, ya que casi no le preguntaban nada. Al final lo dejaron tirado en el piso, al lado de la chimenea, y se fueron. A la salida se encontraron con (NN) que venía llegando, el que no participó en esa acción. Ese detenido pasó muy mala noche y en la mañana el centinela interno se dio cuenta que estaba muerto.

Al mediodía volvió (NN) con ropa (estoy casi seguro que era del propio detenido) y una máquina de afeitar. Lo afeitan y le cambian ropa al cadáver y después lo sacan en un vehículo, según decían para entregárselo a la familia. Nunca más supe de él.

Ahora me recuerdo que a Yuri, como también fallecido, lo llevaron muerto al NIDO 18 y desde allí lo hicieron desaparecer, según me comentó un agente de la Marina, tirándolo al mar. También recuerdo ahora, que en la casa del NIDO 18 aún sigue funcionando un grupo de la Marina y también sé que han modificado el frontis del sitio.

Existió también un detenido que era calvo, que contaba haber sido campeón de box y era taxista. Vivía en la Gran Avenida, estuvo cerca de dos meses y entregó una persona que trabajaba en Madeco, el cual nos condujo a un arsenal de metralletas AKA, las cuales se las llevó la DINA. En realidad nunca supe si era militante del MIR o del PC, pero me extrañó que después de esto saliera libre impunemente.

En el NIDO 18 cayeron 2 hermanos detenidos, como, calculo, de unos 38 a 40 años. Uno de ellos vestía chaqueta de cuero café y se ahorcó en la celda de aislamiento. El otro hermano salió al parecer en libertad.

Miguel Angel Rodríguez Gallardo o "el Quila Leo", seguía detenido en estos recintos. En el NIDO 18, recuerdo, hubo una persona que intentó suicidarse, subiéndose a una escala de tijeras y sólo logró quebrarse un brazo. Según las fotos que he visto de los desaparecidos del año 75, podría parecerse muy cercanamente a Humberto Fuentes Rodríguez y creo recordar que le llamaban "el viejo Fuentes". [3]

Estamos en este relato ubicándonos aproximadamente en el mes de noviembre de 1975, época en la cual nos trasladamos, con varios detenidos, al Regimiento de Artillería Antiaérea de la FACH. En el interior de ese Regimiento hay una cárcel, llamada La Prevención, que hoy en día no se usa, sino para guardar equipos.

Llegamos con unos 20 detenidos provenientes de los NIDOS 18 y 20; estaba el Quila Leo, el calvo del brazo enyesado y otros que no recuerdo.

Como a los dos días de llegados a ese recinto, se monta un operativo por el sector norte de Santiago y cae detenido Ricardo Weibel en el barrio El Salto, cerca del Regimiento Buin.

Se le sacó de su casa, lo reconozco ahora inequívocamente por la foto que se me exhibe de él; es una de las personas con la cual más conversé. También fue detenido en ese sector un joven que era muy buen caricaturista (hacía dibujos de casi todos nosotros); cayó detenido Bezoa de nombre René; y caen detenidos los dos "Fanta", el menor, es detenido con su novia, y no les recuerdo sus nombres. La novia era delgada, bajita y morena.

A todos estos se les interrogaba, y seguían cayendo muchos más detenidos.

Cuando estábamos en Colina ingresó a nuestra agrupación personal del Ejército, al mando de un Oficial que rotaba seguido. Estuvieron poco tiempo trabajando.

Este personal de Ejército interrogó en una oportunidad a uno de los detenidos, quien, a causa de la electricidad aplicada de 200 voltios directos, fallece por paro cardíaco. El detenido era de unos 50 años, tenía placa dental casi completa. Permaneció muerto casi toda la noche en su celda y fue sacado por el mismo equipo del Ejército que lo pone en un portamaletas de un auto Chevy Nova y se lo llevan.

Después de este incidente el Ejército se separó del Comando Unido.

Estando detenido Ricardo Weibel por primera vez, llegó un helicóptero, que no recuerdo exactamente si era de la FACH o del Ejército y tampoco recuerdo si era tipo UH-1H o PUMA. Se llevaron unos 10 o 15 detenidos en el aparato para tirarlos al mar. Participó en esta operación el agente (NN) alias el "Fifo" por la FACH, y había personal de las otras instituciones. Se fueron, según recuerdo, los siguientes detenidos: el calvo del brazo fracturado y enyesado; un ex-regidor de Renca del Partido Comunista, que era cojo, usaba zapatos ortopédicos, tenía una edad madura de unos 50 años más o menos; también iba el caricaturista. Esto afectó mucho a Ricardo Weibel ya que conversaba mucho con este último detenido por ser de celdas vecinas; cada vez que Weibel sentía ruido de helicóptero titirataba intensamente.

El agente (NN) dijo que los tiraron al mar a la cuadra de San Antonio. A raíz de que explicó que el detenido calvo con el brazo quebrado y a quien decían "el viejo Fuentes" despertó cuando iban a lanzarlo al mar, deseo aclarar que los detenidos iban drogados. (NN) comentó que uno de los agentes del Ejército a sangre fría le pegó un fierrazo en la cabeza al detenido que tenía la fractura en el brazo y lo lanzó abajo, por este motivo sé que los lanzaron al mar.

Después de este hecho liberaron a varias personas entre ellos el Fanta chico y su novia, Ricardo Weibel y otros que no recuerdo.

Bezoa y el Fanta grande cumplían ya en estos instantes tareas de informantes. Esto lo supe porque los sacaban de las celdas a un lugar, les retiraban las vendas y las esposas y tenían un trato muy preferencial; aclara que al hacer los interrogatorios, el Fanta grande escribía las declaraciones; detrás del interrogado que estaba vendado, Bezoa afirmaba o negaba con señas según lo que hablaba el detenido. Según creo el Fanta chico nunca colaboró.

A Ricardo Weibel lo fueron a detener pocos días después por segunda vez, el agente (NN) fue a dejarlo y a buscarlo nuevamente a la casa, diciéndole a la esposa que sería un interrogatorio de pocos días y que no tendría problemas lo llevaron a Colina nuevamente. En este recinto, él sospechó que lo iban a matar, porque no lo interrogaban, no lo vendaban y lo dejaban circular. Efectivamente, pocos días, más de una semana, durante los cuales vio actuar a Carol Flores como un agente cualquiera y a Bezoa y el Fanta colaborar y servirse con nosotros café y otros alimentos, etc. (reitero que Bezoa y el Fanta estaban siempre como detenidos colaborando, mientras que el Carol Flores era un agente más).

En esta oportunidad aparece un vehículo, que era una citroneta Furgón. Allí echan a varios detenidos entre los cuales está el Quila Leo y Ricardo Weibel. Iba también un detenido flaco, de unos 28 años a 30 años, que ya había intentado suicidarse en su celda cortándose las venas con un pasador metálico del pantalón que afiló en el cemento hasta convertirlo en un arma cortante; en esa ocasión lo condujeron al Hospital de la FACH, donde se recuperó y ahora igual lo llevaban para matarlo.

En el vehículo colocaron chuzos, palas y un bidón grande con combustible. Como agentes en esta operación participaban Bratti, Flores, (NN) y otros agentes de las otras instituciones, que iban en otro vehículo. Volvieron el mismo día, después de unas 4 horas, sin los detenidos. Estoy absolutamente seguro, porque me lo dijo uno de los agentes, que fueron asesinados en los terrenos militares de Peldehue; además deseo resaltar que, como yo no participé en el operativo, antes de irse me pasaron los carnets de identidad de los detenidos, sus cédulas de conducir, relojes, anteojos, billeteras (la de Weibel tenía muchas fotos); yo debí quemar y enterrar esas cosas.

No recuerdo más hechos y datos importantes por ahora que ocurrieran en Colina en relación a los detenidos. Una circunstancia de excepción y que conmovió a todos fue cuando caen detenidos Guillermo Bratti y Carol Flores y (NN) (que venía también de la AGA y era un Patria y Libertad); según (NN) los detuvieron porque habían pasado información al Partido Comunista y al MIR, pero esa explicación no nos satisfizo ya que era normal que quien caía en desgracia era despreciado para que lo odiaran; estos agentes detenidos quedaron vendados y en celdas. Otra versión que conocimos

de su detención, era que habían entregado información, que poseíamos, a la DINA, la que efectuó operaciones perjudicando a nuestra agrupación; la DINA, según ellos, les había ofrecido más dinero, vehículo y casa. Esto lo declaró Bratti y yo lo escuché en una cinta grabada de su interrogatorio años después. A ellos los alejaron de nosotros y en ese momento se decidió que Bratti fuera dado de bajo y los otros marginados de la institución.

En el verano de 1976 terminamos de operar en el recinto de Colina, lo que ocurrió seguramente a principios del mes de marzo; nos trasladamos a un recinto que le decían "la Firma", que queda ubicado casi frente donde está el SIAT. Y era un edificio del Diario El Clarín, ubicado en la calle Dieciocho de Santiago. Hoy ocupa ese lugar el DICOMCAR, y allí trabaja "el Lolo", que ya he dicho que es un capitán de Carabineros de apellido (NN), y en ese lugar se han efectuado los interrogatorios a la gente detenida en Pudahuel en las últimas semanas. Esto lo conozco porque, para un operativo en que se detuvo a alrededor de 200 personas en una noche, el "Lolo" pidió apoyo a mis servicios y allí me pude enterar de que aquel recinto que yo conocí como "la Firma" es usado por DICOMCAR.

Volviendo al relato del año 1976, puedo señalar que recién llegado a este recinto en marzo del 76, se montó un operativo para detener a José Weibel Navarrete, hermano del anterior, lo que fue ejecutado por un grupo de Patria y Libertad que operaba con (NN). Nosotros apoyamos a este grupo de la siguiente manera: a mí me correspondió ir con otros agentes en el bus en que viajaba el "Checho Weibel" con su señora e hijo; yo iba sentado atrás. Y no teníamos claro cómo íbamos a bajar al hombre. En un instante se produjo un lanzazo efectivo (no fue inventado). Un chico de unos 14 o 15 años le robó a una señora la cartera. En ese minuto uno de los agentes de la Marina señaló a Weibel diciéndole "ése lo hizo" y le pidió al chofer que parara la micro para bajarlo; se le subió inmediatamente a un vehículo y yo me retiré en otro vehículo, terminando el operativo, todos nos fuimos a "la Firma". Apenas llegamos lo interrogaron, pero no muy largo. Días después - a raíz de una inspección que se creía que iba a ocurrir por parte de un grupo de derechos humanos - se trasladó a Weibel, a el Fanta, a Bezoa, a una casa de tres pisos que queda en calle Bellavista, casi frente a las canchas de tenis (aún existe) y que era la casa donde dormíamos los solteros.

Allí estuvieron los detenidos por espacio de una semana. Una noche que yo estaba de franco, sacaron a Weibel y lo hicieron desaparecer. Estoy seguro que lo mataron, porque (NN) señaló que había sido tirado en el interior del Cajón del Maipo, lo cual tenía un significado inequívoco para mí, por lo que voy a relatar. Antes quiero decir que Bezoa y el Fanta fueron dejados en libertad en esa época.

Paso a relatar ahora la experiencia mía en relación al Cajón del Maipo. Pocas semanas después de lo ocurrido con Weibel se armó un operativo en el cual debí participar. Me pasó a buscar (NN) a la casa de Bellavista y me dijo que debía acompañarlo. Iba en su auto Torino. Me causó extrañeza el hecho que de la tropa iba yo solo. Fuimos al recinto "la Firma", donde estaba "el Lolo", (NN), (NN) y otros agentes de Patria y Libertad. Había una mesa con cosas, como para un cóctel. Me serví, aun

cuando no entendía nada de lo que pasaba; al terminar le dijeron al centinela que trajera el paquete (se trataba de un detenido). Para mi sorpresa trajeron a Bratti esposado, vendado y drogado. Entonces le empiezan a decir que había metido las patas por traicionar la causa y otras cosas parecidas. Lo metieron en el portamaletas de un auto y partimos en dos vehículos. Yo iba en el que conducía (NN), enfilaro hacia el Cajón del Maipo. Al momento de salir me dieron una pastilla, la que también tomaron algunos agentes. (NN) hizo el trayecto con mucha seguridad, y pasado un puente por donde atravesia el río de izquierda a derecha dobló a la izquierda por un camino que queda en la ladera oriente en ese sector, se detuvo en un lugar que quedaba como 7 kms. adentro y a unos 40 metros de unos acantilados. Bajaron a Bratti, vendado, y (NN) lo colocó cerca de una piedra y le dijo: "¿Cómo querís morir?", además quiso hacer un juego macabro con él, ya que le decía "si querís, arrancai, y te persigo". Estaba medio curado. Bratti le dijo "sácame las esposas y la venda". Yo se las tuve que sacar, e inmediatamente me mandó al vehículo a buscar cordeles y alambres, cuando llegué al auto y comenzaba a sacar las cosas de la maleta, sentí una ráfaga de metralla con silenciador. Al regresar al lugar vi que (NN) lo remataba. No vi disparar al resto. Me pidieron que lo amarrara por los pies y en las manos, pero no recuerdo si estaban a la espalda o adelante. Se le puso piedras de lastre, me señalaron que lo empujara por el acantilado, pero como había unos arbustos había que sacar el cuerpo hacia el vacío, alguien me sujetó de la mano y quedé colgando, llegando a pensar en algún momento que también me iban a matar, pero al final él cayó al agua y todos regresamos.

A Carol Flores sé que lo mataron también, pero no puedo recordarme si fue días antes o días después que a Bratti. (NN) hizo una alusión que era el mismo lugar o sector.

Después de esto seguimos trabajando en "la Firma", apareciendo Bezoa y el Fanta como colaboradores del Servicio.

Se inició una represión contra más militantes del PC. Fue detenido "José" quien después entregó el punto donde se iba a reunir con Contreras Maluje; también es detenido el "Macaco" que era el encargado de finanzas del Partido Comunista, de la Juventud (el "Macaco" tenía un departamento chico en el centro); fue detenido alguien a quien le decían "el Vicario" y otro que componía relojes; eran unas ocho o nueve personas.

Cuando "José" señaló que tenía que reunirse en una casa en el sector de la Gran Avenida, con Contreras Maluje, se montó la operación siendo detenido Contreras Maluje después que salió "José". Contreras Maluje estaba acompañado de dos niñas y, al vernos, huyó varias cuadras por lo que debimos seguirlo y reducirlo entre diez, ya que era muy fornido, se le subió a una camioneta Kleinbus Volkswagen, que era de la Marina. El chofer estaba tan nervioso que, en el trayecto por Gran Avenida, atropelló a un peatón.

Llegamos a "la Firma", donde interrogaron a Contreras Maluje en relación a "José", con el objeto de encubrirlo y para que no se diera cuenta que por él había sido detenido. Contreras Maluje no decía nada. En un momento, cuando le aplicaban electricidad, lo levantaron y le hicieron sacarse la venda, viendo sentados al frente de él, mirándolo, a sus compañeros detenidos. En la pared de esa sala había un organigrama de la Juventud, donde los nombres de los detenidos estaban marcados con rojo. No recuerdo que estuvieran más detenidos que el "José", el "Vicario", el "Macaco", el "relojero" y otros a quienes no identifico.

Contreras inventó un punto para el día siguiente, en el sector de calle Nataniel. Se montó el operativo y Contreras caminó por Nataniel en dirección a Avda. Matta (en ese entonces el tránsito venía hacia el norte). En un momento, se escuchó por radio en mi vehículo que yo andaba nos fuimos al sector pensando en el accidente, llegamos casi junto al vehículo en que iba (NN) y un jeep de Carabineros que casualmente pasó por ahí. Nos dimos cuenta que Contreras se había tirado a las ruedas de la micro, y tratando de incorporarse gritaba: "Soy comunista y no es ningún pecado, avisén a la Farmacia Maluje de Concepción". Gritaba su nombre y el cargo en el Partido. Le pedía ayuda a Carabineros para que por favor no le dejaran en nuestras manos, diciéndoles "Son de la DINA, mostrando a (NN) les decía: "Ese es el jefe", "miren como me torturaron" y mostraba sus muñecas amarrotadas por las esposas. Se juntó mucha gente; Carabineros se paralogizó, no pidió ninguna identificación, fue muy difícil subirlo al auto, ya que se resistió y sólo con la ayuda de unos detectives que pasaron en una patrullera, se le incorporó al vehículo Fiat 125 color celeste, con patente de la Dirección de Inteligencia de la institución, todas las cuales se encontraban a nombre del Representante Legal del Director general Ruiz.

Volvimos con él al recinto "la Firma" donde los jefes lo golpearon mucho en una celda, a pesar de que iba herido, con el brazo fracturado, la cabeza rota y sangraba por la boca. Los jefes le decían: "Te pusiste la soga al cuello", después de esto quedó solo, botado y sin atención médica. "José" al ver esto, estuvo muy deprimido durante mucho tiempo, pues se sentía culpable; ese día yo me fui de franco quedando un equipo de guardia; al entrar el día siguiente, me contaron que en la tarde lo habían llevado a un lugar de la cuesta Barriga que yo conocía.

Para terminar, paso a explicar cómo conocí ese lugar.

A unos diez días que esto ocurriera - lo de Contreras Maluje - me mandaron con un marino en una Renoleta a hacer una fosa grande en un lugar que yo no conocía. Subimos por la cuesta Barriga un trecho y nos internamos a pie por una quebrada pequeña, unos 70 metros o más; allí, con dos agentes de la Marina, "el Alex" y "el Chico", estuvimos trabajando unas tres horas haciendo una fosa para dos personas. Ese día me pude dar cuenta de que había allí otros cadáveres ocultados, ya que sin querer me paré sobre una fosa y un marino me lo representó; creo que habían por lo menos unos 6 cadáveres.

Al día siguiente, volví al lugar en una Renoleta con varios agentes que también iban en otro vehículo. Llevamos 2 detenidos, iban vendados y sólo recuerdo a uno, al cual tuve que ayudar a subir por la quebrada. Caminaban semiconscientes porque los drogaban. Al que recuerdo me había dicho que era profesor, era alto, delgado, ojos claros, pelo casi rubio, vestía una parka o un cortavientos. Me costó mucho subirlo. Se dio cuenta que lo iban a matar, ya que en voz baja me dijo que él no había hecho nada malo. Del otro detenido, no tengo memoria. Cuando ya estaban en el lugar del martirio, (NN) me mandó hacia abajo, hacia la carretera para ver que no ingresaran por la huella otros vehículos o personas que anduvieran cazando; estando abajo, sentía como (NN) se burlaba de ellos mientras les disparaba ráfagas con silenciador (el sonido es seco y corto). Después bajaron con (NN) y (NN) que era un tipo sádico, todavía se burlaba.

Estoy seguro que en ese lugar hay más cadáveres de los que yo tengo noticias y tampoco puedo asegurar que, cuando se decía que alguna persona salía en libertad, realmente así ocurría.

Cuando ocurrió el escandalo de Contreras Maluje hubo una orden de la superioridad de replegarnos de inmediato a la institución y volvimos a hacer labor institucional. [4]

Por ahora, es esto lo que puedo declarar en relación al caso de los Detenidos-Desaparecidos. No volvimos a actuar directamente en la subversión hasta mucho después, y sólo como apoyo a la C.N.I. (por ejemplo, en los enfrentamientos más o menos irreales de Fuente Ovejuna y Janequeo en el año 83).

Leída que fue por el compareciente, la ratifica firmando.

Santiago, 28 de agosto de 1984.

[1] Las siguientes notas están tomadas textualmente de una segunda y larga declaración jurada que el mismo ex-agente hizo ante la Vicaría de la Solidaridad, para ampliar y completar su relato anterior. "Entre los detenidos, que recuerdo hubo en AGA, puedo mencionar al ex-Capitán Ferrada y al cabo Figueroa, ambos de la FACH; a Victor Toro, "el Reta", "el Palao" Moreno, "el loco Mario", que ahí intentó suicidarse, a Villavela, a uno que le decían "el Kila" (ex-Quilapayún); al diputado o senador Montes con su esposa y dos hijas. El señor Montes siempre estuvo en el pasillo del segundo piso de la AGA. El segundo piso de la Academia tenía dos o tres salas grandes, las que fueron acondicionadas como departamentos. En esos departamentos habían algunos presos de cierta confianza de la jefatura".

[2] "Entre los trabajos que recuerdo haber realizado, como prestando protección a los allanamientos, está el efectuado a un parvulario en el sector de Plaza Egaña, donde descubrimos un laboratorio fotográfico del MIR. Recuerdo también el de La Reina Alta, para sector de Peñalolén, con unos miristas. Después supe que éste había sido un simulacro para proteger a un informante de la organización, que vivía en la AGA y a quien le decían "Barba" o señor Velasco. Debo agregar que tiempo después y siendo yo su vigilante lo secuestró la DINA cuando transitábamos por Alameda a unos metros de la calle Nataniel, exactamente donde ahora está la salida del Metro, estación Moneda. Allí nos encañonaron unos agentes de la DINA y se lo llevaron.

También recuerdo que me tocó operar en la Avenida Kennedy, donde se iba a detener al "coño Molina" del MIR; en esa oportunidad el mirista se dio cuenta de nuestra trampa y escapó seguido por uno de nuestros vehículos. Se le dio alcance en una luz roja y allí fue rafagueado por (NN) cuando Molina intentó sacar un arma para defenderse, el mirista murió casi instantáneamente. Cuando estábamos tratando de manejar esta situación apareció un Peugeot de color rojo que no quiso obedecer nuestra orden de alto, y tirando el auto sobre uno de nuestros agentes se dio a la fuga, siendo seguido por una camioneta C-10 donde yo iba junto a dos agentes y un oficial. El fugitivo tomó por Kennedy hacia el centro y nosotros abrimos fuego sobre el vehículo faltando aproximadamente dos cuadras para llegar al paso bajo nivel que está al terminar el Club de Golf; como le reventáramos un neumático, ese auto se estrelló contra un poste y se volcó y además uno de los impactos le dio en la espalda al sujeto causándole la muerte. Al revisar sus pertenencias nos dimos cuenta que se trataba de un teniente de Ejército y que el auto había pertenecido al hijo del general Pinochet. Supimos después que desde ese entonces el oficial sufría delirio de persecución y había hecho la maniobra contra nosotros por ese motivo".

[3] "Deseo agregar también que tanto los lugares denominados Nido 20 y Nido 18 como en el lugar de Colina al cual me referí en la declaración anterior, iba con cierta regularidad cada vez que era requerido un médico llamado (NN) "hijo", el que hoy es cardiólogo en el hospital de la FACH y en ese entonces era médico interno. Este médico atendió a una persona que detuvimos el año 76 de apellido Guerrero, el que fue herido por casualidad al momento de detenerlo, por un agente que era marino y fue llevado para recuperarse al hospital de Carabineros. (...)

El médico que mencioné también enyesó al "viejo Fuentes Rodríguez", cuando, al intentar suicidarse, se quebró el brazo en el Nido 18. También trataba médicaamente dándole pastillas al Quila Leo, ya que era ulceroso. También ponía inyecciones a los detenidos cuando éstos eran drogados".

[4] "Sin embargo, el año pasado (1983), después de ocurrida la muerte de Carol Urzúa y como dos días antes del 7 de septiembre, supimos a través de (NN) que la C.N.I. pedía a nuestro grupo la apoyáramos para capturar, en un día que nos señalarían, al grupo subversivo que había matado a Carol Urzúa. El día 7 en la mañana nos reunieron a un pequeño grupo y en una camioneta llegamos a Borgoño, lugar donde la C.N.I. tiene un recinto. Sólo (NN) se bajó a hablar con los oficiales de la C.N.I. y nosotros tuvimos una larga espera de horas dentro de la camioneta, que quedó ubicada en el patio de ese recinto. Poco después del mediodía, se nos dijo que nos ubicáramos en el sector de Plaza Egaña y hacia allá partimos. Por radio, ya que estábamos conectados en la misma frecuencia, empezamos a oír algunos antecedentes aislados de lo que estaba pasando. Estando detenidos en el patio de Borgoño, escuchamos que habían empezado a seguir al No 1 (que era Palma) y a quien supimos posteriormente, que interceptaron por Avda. Kennedy en un auto. También supimos que detuvieron en un paradero a otro del grupo de los tres que están en el Consejo de Guerra y que cerca de donde está ubicado el centro de detención conocido como Capuchinos, detuvieron al tercero. Cuando ya había oscurecido, se nos señaló por radio que nos moviéramos hacia el sector de la calle Arrieta, al Oriente de la circunvalación Américo Vespucio antes de llegar a una subestación eléctrica, porque se nos dijo que allí debíamos esperar órdenes para liquidar un objetivo, esto quería decir matar a una persona que vivía en ese sector; incluso me recuerdo que nosotros cometimos un error, puesto que nos paramos en un pasaje, cuyo nombre no recuerdo, y nos retaron diciéndonos que nos moviéramos, porque estábamos precisamente frente a la casa de nuestro objetivo y todavía no había llegado el resto de las fuerzas y se estaba evaluando las condiciones del lugar. En definitiva, decidieron no proceder en esa casa, puesto que había mucha gente en las casas vecinas

(creo que había una fiesta) y la operación podría tener un costo demasiado alto en vidas.

Entonces se nos ordenó irnos hacia Avda. Colón, donde hay un supermercado que está en la esquina sur-oriente, en relación a una rotunda donde también desemboca la calle Tomás Moro. Allí estuvimos un rato, mientras se daban las instrucciones para actuar en una casa de calle Fuente Ovejuna, donde se había detectado que había tres personas. A ese estacionamiento llegó un Jeep de la C.N.I. (tienen dos de ese tipo), que tiene el techo corredizo y en el cual se instala una ametralladora Punto 50, sobre un sistema hidráulico que permite subirla sobre el nivel del techo y operarla por dos hombres, uno que dispara y otro que va pasando la cinta de municiones.

Después de un momento, nos dirigimos todos frente a la casa de Fuente Ovejuna. Exactamente sobre la parte delantera, había un pasaje y allí se instaló el Jeep; yo recuerdo que quedé detrás de un poste y, en definitiva, todo el resto del personal tenía absolutamente rodeada la casa. Se preguntó por el oficial al mando: "¿Lista la base de fuego?", y, ante la respuesta afirmativa se dio la orden de hacer fuego, accionándose el techo del Jeep, saliendo la ametralladora y empezó a disparar por espacio de un minuto, yo creo. Debo dejar constancia que esa arma dispara 1.000 tiros por minuto. Terminada esta operación, en que sólo participó la base de fuego, volvió el silencio y por alto parlante se le pidió a las personas adentro que se rindieran. Desde la casa se dijo "nos vamos a rendir". Entonces salió uno de los moradores, con las manos en alto, puestas en la nuca; me recuerdo que era de tez blanca y delgado. Cuando se aproximaba a la reja del antejardín, se adelantaron 2 agentes de la C.N.I. y lo rafaguearon a casi un metro de distancia; doblándose hacia adelante, cayó al suelo.

En ese instante la mujer, desde dentro, tiró una ráfaga hacia afuera. Esto provocó una nueva orden de disparar, lo que hicimos todos, junto a la base de fuego. No sé cuánto duró eso, pero obviamente no deben haber sido más de tres o cuatro minutos. Fue en este momento en que se lanzó una bengala dentro de la casa, la que provocó el incendio. A mí me tocó arrastrar hacia la calle, posteriormente, al primero que murió y a la mujer después.

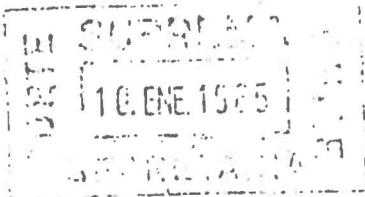
Penetramos en la casa y en el pasillo se encontraba tirada la mujer, la cual también ayudé a arrastrar hacia la calle y en otro lugar que no recuerdo, estaba (NN). Unos cinco minutos después, se acercó la Brigada de Homicidios, para hacerse cargo de la parte legal.

Nosotros recibimos la orden de dirigirnos hacia el sector poniente de la ciudad a la calle Janequeo, que quedaba cerca de la Plaza Garín, la que nos costó mucho ubicar. Cuando ya estuvimos cerca de nuestro objetivo, nos dijeron que nos agacháramos pues venía corriendo una de las personas que debía ser eliminada y que pasó por el costado de nuestra camioneta. Cuando llegó a un sector donde hay una pared, fue rafagueado por unos agentes de la C.N.I. e inmediatamente la base de fuego, que también estaba en el lugar, empezó a disparar sobre una casa junto a otros agentes.

Ahora me vienen a la memoria detalles de esta acción. Se dijo que uno de los agentes de la C.N.I. había sido herido. Lo cierto es que no lo fue por "José", sino que él trató de meter una granada "Cardoen" por la ventana. Para eso, cruzó corriendo por el costado de una ventana y la lanzó, con tan mala suerte que la granada rebotó en los barrotes de la ventana y volvió a la vereda. Explotó y las esquirlas le hirieron las nalgas y parte trasera de las piernas. En el tórax no le pasó nada, porque iba con chaleco antibala. También recuerdo que apenas cayó asesinado el que iba corriendo por la calle, se acercó un agente de la C.N.I. que tenía una mano con guante, y le pasó por la mano un arma y la dejó botada cerca de ella pero iba desarmado.

Me impresionó mucho esa vez la rapidez que tuvo el C.N.I. en ese detalle, para cubrirse de esa muerte.

En un minuto se hizo la calma, entramos a la casa y en el patio trasero encontramos muerto a "José". La gente del vecindario nos gritaba que allí había un niño, el cual al principio pensamos estaba tirado sobre una cama, pero se trataba de una almohada ensangrentada. Despúes supimos que el niño había saltado por el patio y había ido a dar donde una señora, pero no nos preocupamos más de él. Despúes de ocurridos estos hechos volvimos a la Central de Operaciones en Borgoño y allí fuimos liberados, dirigiéndonos hacia nuestra oficina y a la base. Quiero dejar expresamente claro que la intención y la orden en ambos hechos que he relatado, era simplemente liquidar a los moradores, puesto que ya se sabía que los autores directos de la muerte de Carol Urzúa estaban detenidos y podían ser mostrados en la prensa".



Santiago, 10 de Enero de 1985

Señores:
Excmos. Ministros
de la Corte Suprema
Presente

Excmos. Ministros:

Los familiares de los detenidos desaparecidos en el país, bajo el impacto de la publicación en un diario de Venezuela, del testimonio de un agente de seguridad, esperábamos ansiosos vuestra resolución a la petición de Ministro en Visita hecha por el Vicario de la Solidaridad del Arzobispado de Santiago, el 31 de Diciembre de 1984, para iniciar una investigación seria de los testimonios entregados por el agente, a ese organismo.

La esperanza radicaba en que por fin el muro de silencio impuesto por el gobierno frente a los desaparecimientos de personas, secuestradas se rompía. Estábamos - y estamos - ante pistas concretas, concluyentes y más precisas para reiniciar investigaciones archivadas a la espera precisamente de antecedentes como éstos.

La resolución de la Corte Suprema, no pudo haber sido más lapidaria para nuestras esperanzas.

No entendemos, ni vamos a entender jamás esta ni anteriores resoluciones de los Tribunales sobre los casos de nuestros familiares.

Por una extraña razón, los peores criminales de esta década en Chile, actuaron impunemente, fueron absueltos antes de ser inculpados y se pasean tranquilamente en el país, algunos hacen carrera, otros son prósperos hombres.

Por esta misma extraña razón nosotros, y nuestros familiares - sus víctimas - han sufrido la peor campaña de desprecio y silenciamiento para nuestras demandas.

A mantener la impunidad de los criminales, a hacer más ilusorio el recurso a la justicia para los ofendidos por el crimen, ayuda por cierto una resolución como la que recayera en la petición del Vicario, don Santiago Tapia.

Si no es alarmante una cadena de secuestros seguida de desaparecimiento; si no es un crimen de la peor especie la sistemática aplicación de un método perverso de tortura interminable; si estos hechos no merecen Ministro en Vista, nada tiene sentido para nosotros en términos de aspirar a la justicia.

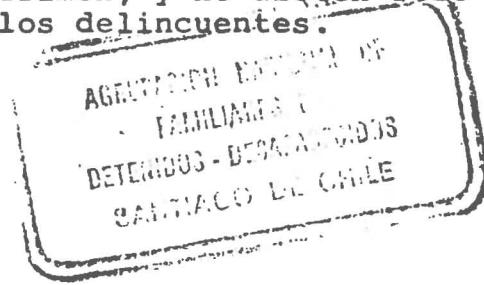
Delitos de mucho menos gravedad, como estafas y otros, han merecido un Juez de Excepción. ¿Y el exterminio oculto de gente indefensa, no lo merece?

Es muy cierto que hablamos desde la perspectiva de los ofendidos. Pero siempre hemos creído que entre los ofendidos por el crimen organizado y los Tribunales, debía haber un mínimo de interés común: La verdad judicialmente establecida y el castigo para los responsables.

Hoy sabemos - con dolor - que después de 10 años, no podemos esperar de los Tribunales nos ayuden a esa mínima aspiración de todo hombre.

Por el bien de Chile, del prestigio de la justicia, y de quienes viven y trabajan honestamente en el país, esperamos de Uds. y de todos los Tribunales, que se pongan de lado de los ofendidos con el crimen, y no dicten resoluciones que sólo dejan contentos a los delincuentes.

Atentamente.



AGRUPACION DE FAMILIARES DE DETENIDOS-DESAPARECIDOS

TO: Their Excellencies
Judges of the Supreme Court

Santiago, 10 January 1985

Your Excellencies:

We, the relatives of the "disappeared" prisoners of this country, awaited with some anxiety your resolution on the petition which was presented to you requesting the appointment of a Special Investigating Judge by the head of the Vicaría de la Solidaridad of the Archbispopric of Santiago, after the testimony of a security agent was published in a Venezuelan newspaper. This petition was presented on 31 December 1984, and requested the Supreme Court to carry out a detailed investigation into the statements made by the agent at the Vicaría.

We had hoped that at last a breach had been made in the wall of silence erected by the Government with regard to the disappearance of people who had been abducted. We had, and have before us clear, conclusive and massive evidence which justifies the resumption of investigations which were filed precisely in the hope that such evidence would come to light.

The resolution of the Supreme Court could not have dashed our hopes more completely. We do not understand now, nor do we expect to understand in the future, how this and previous resolutions could have been taken by the Court with regard to our relatives.

For some strange reason, the worst criminals Chile has seen during the last ten years have acted with impunity, been absolved of guilt before being charged, and are going about their business without fear of punishment, some pursuing careers, others prosperous men.

For the same strange reason, we and our relatives, their victims, have been the subject of the worst campaign of vilification, and our demands have been met with silence.

The resolution on the petition presented by the head of the Vicaría, Don Santiago Tapia, maintains the protection of these criminals, and renders any attempt to ensure that justice is done for the victims of their crimes increasingly illusory.

If this series of kidnappings and disappearances, and the systematic application of such perverse and interminable torture, which is the worst kind of crime, do not merit the appointment of a Special Investigating Judge, then we can see no sense in hoping for any justice. Far less serious crimes, such as fraud, merited such action. Does not the clandestine murder of defenceless people deserve the same?

Naturally, we speak from the point of view of the victims. However, we have always considered that, at least between the victims of crimes and the courts, there should be a minimum common interest:

that the truth be established in the Courts, and that the criminals be punished.

We are now aware, with great sadness, that after ten years, we cannot expect the Courts to assist us in obtaining this, the most basic of every man's rights.

For the good of Chile, for the reputation of justice, and for the sakes of those who live and work honestly in this country, we appeal to Your Excellencies and to all the Courts, that you come to the assistance of the victims of these crimes, and desist from taking resolutions which only serve to make the criminals happy.

Yours faithfully,

GROUP OF RELATIVES OF DISAPPEARED DETAINEES.

APPENDIX III

PONE EN CONOCIMIENTO DEL PLENO DE LA EXCMA. CORTE SUPREMA LOS ANTECEDENTES QUE INDICA.

EXCMA. CORTE SUPREMA

JUAN DE CASTRO REYES, Vicario de la Solidaridad del Arzobispado de Santiago..... respetuosamente digo:

En diversas ocasiones, la Vicaría de la Solidaridad del Arzobispado de Santiago, Arzobispados y Obispados de distintas regiones del país, y el Comité Permanente de la Conferencia Episcopal de Chile, han solicitado el esclarecimiento de las dolorosas situaciones de personas desaparecidas después de su arresto.

Muchas de esas peticiones fueron formuladas a los tribunales de justicia, y, finalmente, en el mes de marzo de 1979, la Excma. Corte Suprema acogió una solicitud formulada en noviembre de 1978 por todos los Vicarios del Arzobispado de Santiago, disponiendo la designación de Ministros en Visita para efectuar los procesos correspondientes.

A pesar del largo tiempo transcurrido desde el inicio de las referidas investigaciones y de los medios de prueba aportados por los interesados a los jueces, ningún caso de los indagados ha sido esclarecido. Un alto número de investigaciones han concluído por sobreseimiento, o bien por declaratoria de incompetencia de los jueces civiles, enviando los antecedentes a la justicia militar, cuyas gestiones no han significado, hasta ahora, un ulterior progreso.

En todo caso, los antecedentes acumulados en los distintos expedientes, han ratificado de manera clara, que entre los años 1973 y 1977 un número importante de ciudadanos chilenos - fue arrestado por organismos militares, policiales y de la Dirección de Inteligencia Nacional (DINA), especialmente este último. Con posterioridad a su detención no se ha sabido más de ellos.

La desaparición forzosa de ciudadanos ~~ha sido condenada a~~ todo nivel por la Iglesia Católica. En enero de 1978 el Papa Paulo VI

..... dijo: "Cómo no sentirse trubados cuando se sabe que muchas familias angustiadas hacen en vano súplicas por sus seres queridos y que incluso sus peticiones de información se acumulan sin recibir respuesta"?

Igualmente, el Santo Padre, Juan Pablo II, en noviembre de 1979 dijo:

".... Roguemos para que el Señor conforte a cuantos no tienen ya la esperanza de volver a abrazar a sus seres queridos. Compartamos plenamente su dolor y no perdamos la confianza de que problemas tan dolorosos sean esclarecidos para bien, no sólo de los familiares interesados, sino también para el bien y la paz interna de esas comunidades, tan queridas para nosotros".

El Comité Permanente de la Conferencia Episcopal de Chile se ha referido reiteradamente al tema: en marzo de 1977 en el documento llamado "Nuestra Convivencia Nacional", pide "al Sr. Presidente de la República que disponga que el Gobierno preste a los Tribunales de Justicia toda la cooperación necesaria para que se esclarezca de una vez y para siempre el destino de cada uno de los detenidos desaparecidos desde el 11 de septiembre hasta la fecha". En junio de 1978 señala que "las manifestaciones que desde hace dos semanas convueven a la opinión pública nacional y mundial testimonian que dicho esclarecimiento sigue siendo un imperativo moral". Una vez más, en noviembre de 1978, se pronuncia sobre el asunto, aseverando que "las personas llamadas detenidos-desaparecidos, que alcanzan a varios centenares, por los antecedentes reunidos y presentados al gobierno, y salvo algunas posibles excepciones, deben, a nuestro parecer, darse por detenidas por los servicios de seguridad del gobierno".

A partir de entonces, los tribunales han investigado cientos de casos, en la forma señalada por la Excma. Corte Supre-

En el acápite Séptimo de aquella petición de Ministro en Visita formulada a S.S.E., se sostuvo que "las pruebas acumuladas sobre las detenciones conforman una base sólida para completar una investigación criminal que esclarezca la suerte de estas personas". Así es como se individualizaron aprehensores, recintos de detención, vehículos utilizados en los arrestos, - responsables de recintos de detención; antecedentes todos que permitían la solución de casos determinados allí señalados.

Entre los elementos referidos, se sostuvo: "sería posible interrogar a Marcia Alejandra Merino Vega, funcionaria de la DINA, acerca de la situación de Muriel Dockendorff Navarrete, de Luis Fuentes Riquelme, de Jorge Muller Silva, de María Angélica Andreoli Bravo".

Cinco años más tarde, el 16 de Junio de 1983, fue detenida Marcia Alejandra Merino Vega, en forma casual, al concurrir a Investigaciones a denunciar un robo ocurrido en su domicilio. La detención se verificó a raíz de registrar una orden de aprehensión, del 29 de septiembre de 1978, por el delito de secuestro en la persona de María Angélica Andreoli Bravo, emanada del 11º Juzgado del Crimen de Santiago.

Al ser interrogada por el Juez del crimen, la detenida declaró: "conozco el motivo de mi detención; efectivamente, mientras me encontraba detenida por Dina en el mes de agosto del '74, por la constante presión y apremios físicos a que fui sometida por el personal de esa institución tuve que nombrar a mis ex compañeros y compañeras de partido y luego bajo amenazas de muerte tuve que acompañar a ese personal bajo intimidación a sus respectivos domicilios, ya señalados por mí, hasta que ellos realizaban la detención. Fue así como un día en la noche, no puedo precisar la hora, porque uno perdía la noción del tiempo en donde se encontraba, me sacaron del lugar y me vendaron los ojos y cuando llegamos al domicilio de María Angélica Andreoli Bravo, que era el domicilio de mi esposo, yo no sabía dónde estaba ni qué pasaba".

lica Andreoli Bravo, en Bilbao hacia ~~atribuía; no recuerdo~~ el número exacto pero sí sabía llegar, me sacaron la venda de mis ojos y me hicieron golpear la puerta de su casa, mientras la camioneta en que había sido conducida quedaba al lado y a la vuelta de la esquina. Bajo amenaza de pistola de dos acompañantes que estaban de pie detrás mío, tuve que golpear la puerta de su casa, es decir toqué el timbre del antejardín y salió a abrir una mujer que supuse era una hermana de María Angélica a quien le pregunté por ella, diciéndole que la buscaba Alejandra; la fue a buscar, de inmediato apareció María Angélica en ropa de casa con blue jeans y chaleca e inmediatamente mis acompañantes la detuvieron, la hicieron subir en la parte de atrás de la camioneta y partimos a nuestro lugar de detención - que en ese momento correspondía al domicilio de Londres Nº 38, lo que en ese tiempo no sabía y vine a saber después. Nunca más la volví a ver, pero escuché su voz, calculo que durante unos 20 días y luego ya no volví a escucharla. Incluso mientras escuchaba su voz traté de acercarme a ella para decirle que había sido amenazada y por temor a morir la había denunciado y pedirle que me perdonara, pero no pude acercarme a ella. Luego en Septiembre de 1974 fui trasladada a otro lugar que - después supe correspondía a una casa ubicada en José Domingo Cañas más arriba de Salvador. Obtuve mi libertad el 25 de mayo de 1975 y salí de Villa Grimaldi ubicada en José Arrieta arriba, en Peñalolén. Durante mi detención que ocurrió en Curicó en Mayo del 74 en donde prestaba servicios a mi partido MIR, fui procesada por el Fiscal Lautaro Bachef quien me dejó en libertad el 1º de Agosto del 74, pero a la salida del Buen Pastor de esa ciudad inmediatamente fui detenida por personal de DINA y traída a Santiago. Digo a S.S. que en ese tiempo mi formación era de ideas de izquierda y pertenecía al MIR, al cual ingresé en 1967 mientras estudiaba Antropología en la Universidad de Concepción..... Mientras me encontraba detenida supe que el lugar pertenecía a la DINA. todas estas personas pertene

necían al grupo que comandaba y son las personas que detuvieron a María Angélica Andreoli Bravo, quien era Secretaria de la Comisión Política del MIR. Apenas me trajeron de Curicó y llegué a Londres 38, inmediatamente comenzaron a flagelarme, y me obligaron a desnudarme, me aplicaron corriente eléctrica en los senos y en los genitales, también me amarraban desnuda a la parrilla de un catre y me aplicaban corriente. Esto ocurrió los tres primeros días y sus noches, casi a intervalos de poco tiempo y siempre manteniéndome con la vista vendada. Siempre tenía uno o dos guardias de presencia que me impedían hacer cualquier movimiento. Además el ambiente era terrorífico y me intimidaban con matarme en casa de flagelación por lo que no pude resistir y tuve que nombrar a varios compañeros y así me vi en la desesperación y nombré a María Angélica Andreoli Bravo. Cuando recuperé mi libertad fui notificada el 7 de mayo de 1975 por el General Contreras... Me dijo que se me dejaba en libertad por la gran colaboración que había mantenido con ellos y me ofreció su protección si posteriormente era molestada por mis ex compañeros, ya que días antes en el Diario La Tercera había salido publicado que el MIR me había sentenciado a muerte. Una vez libre, perdí el contacto con el MIR y me mantuve en contacto con ellos... En este caso me referí a DINA o CNI. Incluso la DINA, luego de dejarme libre me ayudó económica y continuamente me buscaba para analizar publicaciones de prensa de izquierda y todo lo que era análisis político. Este contacto con la CNI últimamente lo mantuve hasta el año 1980 fecha en la que definitivamente corté la comunicación con ellos y cambié de domicilio. Como antes de 1980 a mi casa llegaban citaciones para que me presentara ante el Ministro Sr. Jordán, les consulté a ellos, los del CNI, sobre la conveniencia de presentarme a declarar ante su presencia, pero me aconsejaron que no lo hiciera por la amenaza pendiente que había sobre mi vida de parte de la izquierda.

En virtud que la causa que originó la orden de aprehensión estaba comprendida en la visita del Ministro Servando Jordán, el juez del crimen puso a la detenida a su disposición. Encontrándose el Ministro Sr. Jordán con licencia, lo subrogó el Ministro Sr. José Cánovas, quien certificó que la causa relativa a María Angélica Andreoli Bravo había sido remitida por incompetencia al Segundo Juzgado Militar y, sin tomar declaración a la detenida, la puso a disposición del referido tribunal. Cabe recordar que a Marcia Alejandra Merino Vega se le ha imputado participación en otros arrestos, que forman parte de la investigación del Ministro SR. Jordán.

La detenida fue puesta a disposición de la Segunda Fiscalía Militar de Santiago, donde se le tomó declaración, en la que ratificó con algunas modificaciones lo expuesto anteriormente ante el Juez del Crimen. Estas se refieren a que la mención de sus contactos con la CNI fue sólo hasta 1978 y no 1980 y a que cuando fue liberada el 7 de Mayo de 1975 y conducida a un recinto de ese organismo en Marcoleta al llegar a Viña Mackenna fue notificada por un funcionario y no por el General Contreras como decía en su anterior declaración. El Fiscal Militar pidió a la I. Corte Marcial que se le remitiese el expediente en el que se encuentran acumulados los antecedentes relativos a María Angélica Andreoli Bravo, que se encontraba en trámite de consulta del sobreseimiento, haciendo presente que tenía a su disposición a una persona detenida. La I. Corte Marcial, presidida por el Ministro Sr. Cánovas, denegó esta solicitud.

Los abogados de los familiares de María Angélica Andreoli Bravo se entrevistaron con el Ministro Sr. Cánovas, a quien le solicitaron que interrogase nuevamente a la detenida en la Visita Extraordinaria. Simultáneamente, miembros de la Agrupación de Familiares de Detenidos Desaparecidos plantearon al Sr. Presidente de la Excma. Corte Suprema, su preocupación y temor que las diligencias judiciales no se llevaran adelante adecuadamente. Consta en el expediente de la 2a. Fiscalía Militar, que se recibió allí una llamada telefónica del Presidente de la Corte Marcial

señor Cánovas, el día 22 de junio a las 18:15 horas, quien ordenó, en su calidad de Ministro en Visita subrogante en causas por desaparecidos, poner a su disposición, en calidad de detenida, a Marcia A. Merino Vega, al día siguiente, "por expresas instrucciones del Sr. Presidente de la Corte Suprema".

El mismo día que recibió tal solicitud el Fiscal Militar, fundado en que no se le han remitido de la I. Corte Marcial los antecedentes requeridos, dio orden de libertad de Marcia Alejandra Merino Vega, dejándola citada, bajo apercibimiento de arresto, al día siguiente ante el Ministro Sr. Cánovas.

Al día siguiente, Marcia Alejandra Merino Vega no se presentó ante el Ministro Sr. Cánovas, y hasta el día de hoy no lo ha hecho.

De lo expuesto, a simple vista, llama a la atención que una orden de arresto no se haya diligenciado en cinco años por parte del Servicio de Investigaciones, el que simplemente enviaba citaciones a la persona buscada.

Lo mismo ocurre con el hecho de que el Ministro Sr. Cánovas no haya interrogado a la detenida en relación a otras causas que han sido parte de la Visita. También llama la atención que la I. Corte Marcial, presidida por el mismo Ministro que envió a la detenida a los tribunales militares, se haya negado a remitir los antecedentes que requería el Fiscal Militar.

Igual reacción produce el hecho que el Fiscal Militar no haya gestionado ante el Segundo Juzgado Militar la remisión de los antecedentes de la I. Corte Marcial y que haya dejado en libertad a una persona respecto de la cual un Ministro de la Corte de Apelaciones le ha ordenado ponerla a su disposición en calidad de detenida, "por expresas instrucciones del Sr. Presidente de la Corte Suprema". Parece poco atinado, a lo menos, dejar en libertad y citada para el día siguiente a una persona respecto de la cual había orden de aprehensión pendiente desde hacía cinco años, y que ha reconocido ante el Juez haber recibido citaciones para presentarse ante el Ministro en Visita en su casa, y no haberlas cumplido.

Al mirar lo sucedido, sorprende además que el Ministro Sr. Cánovas no haya despachado un oficio al Fiscal Militar ordenando que la detenida fuera puesta a su disposición en tal calidad.

La misma actitud produce al apresuramiento del Fiscal Militar para poner a la detenida en libertad cuando aún le restaban 24 horas del plazo que disponía para mantener el arresto.

No me mueve ninguna animosidad especial en relación a doña Marcia Alejandra Merino Vega, cuya situación de colaboración con la DINA deriva, según ella misma lo testimonia, de la presión moral y psicológica y de la aplicación de torturas. Comprendo que la suya también es una situación afflictiva y forzada. Sin embargo, se trata de una persona que ha tenido participación en los hechos que nos preocupan, y que la justicia debe esclarecer.

Este conjunto de factores podrían llevar a dudar del Poder Judicial, y en mi modesta opinión, deben remediar y superarse, por el bien mismo de los Tribunales de Justicia que han de constituir un ente que garantice los derechos de las personas, y en aras de la justicia y paz sociales.

A lo anteriormente señalado respecto de doña Marcia Alejandra Merino Vega, deben agregarse otros elementos que permiten avanzar en la investigación y que a cualquier persona ilustrada le asombraría que los tribunales no los considerasen y los explorasen. Cuando el Ministro Sr. Jordán requirió el extracto de filiación de la persona mencionada, la Oficina Central de Identificación le informó que ello no era posible "por no encontrarse esa persona registrada en el archivo índice de esa oficina". Lo lógico sería preguntarse por los resultados de la investigación que debió ordenarse para averiguar tal irregularidad respecto de quien, a pesar de lo informado, registraba la cédula de identidad número 5.756.720 del Gabinete de Santiago.

Los caminos de investigación a partir de los antecedentes

tes entregados por doña Marcia Alejandra Merino Vega, eran múltiples. Por de pronto ellos se confrontan con lo declarado ante el Ministro Sr. Jordán por quien fuera el Director de la DINA, Manuel Contreras, en el sentido de que "le suena como informante de la DINA y que él la ha visto". En el mismo sentido declaró José Manzo Durán, Jefe del Campamento Cuatro Alamos, quien sostuvo que ella pertenecía a una de las unidades de la DINA.

Resulta difícil comprender las razones que pudo haber tenido un Ministro en Visita y que pudo haber tenido un Fiscal Militar, para, enfrentados a la disposición de importantes antecedentes investigatorios, no haber realizado las diligencias que como administradores de justicia les correspondía.

Lo sucedido recientemente es una muestra patética de lo ocurrido a lo largo de varios años en las investigaciones judiciales de los casos de detenidos desaparecidos. Resultará difícil, por estas situaciones, argumentar en el futuro que los Tribunales de Justicia han investigado acuciosamente los hechos y que han dado fiel cumplimiento a su misión.

El transcurso del tiempo, por sí solo, no me parece el medio más sano y adecuado para superar este dramático episodio de la vida nacional. Creo que sólo el esclarecimiento de la verdad, en cada caso que sea posible, permitirá cicatrizar esta herida de nuestro cuerpo social.

Los Obispos de Chile dijeron, en "Nuestra Convivencia Nacional" en 1977, que, mientras no se esclarezca el destino de los detenidos-desaparecidos, "no habrá tranquilidad para sus familias, ni verdadera paz en el país, ni quedará limpia la imagen de Chile en el exterior".

En la obtención de estos altos objetivos patrióticos el papel de los Tribunales de Justicia es primordial.

Es con el ánimo de colaborar con ese Excmo. Tribunal en esta importante tarea al servicio de la verdad y la justicia que me he permitido poner en su conocimiento los antecedentes expuestos para los fines que el Pleno estime más convenientes.

Dios guarde a V.S.E.



Santiago, 6 de Julio de 1983.

SUBMISSION BRINGING TO THE ATTENTION OF THE SUPREME
COURT IN FULL SITTING THE FACTS INDICATED THEREIN

"TO THE SUPREME COURT:

I, Juan de Castro Reyes of the Vicaría de la Solidaridad of the Arch-bishopric of Santiago, ... , hereby respectfully declare:

On a number of occasions the Vicaría de la Solidaridad, ... , the Arch-bishops and Bishops of various regions of the country, and the Standing Committee of the Chilean Bishops' Conference, have requested that the distressing situation of persons having disappeared after arrest be clarified.

Many of these petitions were submitted to the courts of justice and finally, in March 1979, the Supreme Court accepted a petition submitted in November 1978 by all the Vicars of the Archbishopric of Santiago and directed that Investigating Judges be appointed to implement the appropriate proceedings.

Despite the considerable period which has elapsed since the said investigations were initiated, and despite the evidence submitted to the judges by those involved, none of the cases investigated has been clarified. A large number of investigations have ended in the dismissal of proceedings or in a declaration of incompetence by the civil judges, who have forwarded the legal dossiers to the military courts. The steps taken by the latter have not, so far, resulted in further progress.

In all events, the evidence amassed in the various dossiers has clearly confirmed that between the years 1973 and 1977 a substantial number of Chilean citizens were arrested by military and police organisations and in particular by the DINA*. Following their detention no more has been heard of them.

The enforced disappearance of citizens has been condemned by the Catholic Church at all levels. In January 1978 Pope Paul VI, ... , said "How can we not be disturbed when we know that many anguished families plead in vain for their loved ones, and that even their repeated requests for information go unanswered?" Similarly, in November 1979 the Holy Father John Paul II, ... , said "... Let us pray that the Lord may comfort those who no longer have any hope of seeing or holding their loved ones. Let us share their grief in full and not lose our confidence that these problems, which are so painful, may be resolved for the good not only of the relatives concerned but for the peace and good of those communities which we love so well."

The Standing Committee of the Chilean Bishops' Conference has also referred repeatedly to the subject" In March 1977, in the document entitled "Our National Life Together", the Standing Committee asked the President of the Republic "to instruct the Government to afford to the Courts of Justice all the cooperation necessary in order that the fate of each of the detainees who have disappeared since 11 September to the present day may be clarified once and for all." In June 1978 the Standing Committee pointed out that

* Dirección de Inteligencia Nacional (National Intelligence Directorate)

"the demonstrations which for the past two weeks have moved both Chilean and world public opinion, bear witness to the fact that such clarification continues to be a moral imperative." Once again, in November 1978, the Committee made a statement on the subject, asserting "In our opinion, those persons described as disappeared prisoners who, according to the evidence collected and submitted to the government number some several hundreds, must, with only a few possible exceptions, be recognised as having been detained by the government's security forces."

From that time onwards the courts have investigated hundreds of cases, as directed by the Supreme Court. However, to date there have been no concrete results.

.....

In paragraph 7 of that request for the appointment of an Investigating Judge, which was submitted to this Court, the view was expressed that "the evidence which has been compiled in relation to the detentions provides a sound basis for the completion of a criminal investigation to clarify the fate of these persons". In this respect, details were given of persons who carried out the arrests, the vehicles used in the arrests, places of detention, and those in charge of them; all of these would have enabled specific cases described in the petition to be resolved.

Included in the information provided was the statement that "Marcía Alejandra Merino Vega, an employee of the DINA, could be questioned regarding the situation of Muriel Dockendorff Navarrete, Luis Fuentes Riquelme, Jorge Muller Silva and María Angélica Andreoli Bravo".

Five years later, on June 16, 1983, Marcía Alejandra Merino Vega was detained when she happened to go to Investigaciones to report a burglary in her home. Her detention took place when it was found that a warrant for her arrest had been issued by the 11th Criminal Court of Santiago on 29 September 1978 for the abduction of María Angélica Andreoli Bravo.

Upon interrogation by the Judge of the Criminal Court, the detainee made the following statement:

"I know the reason for my detention. In August 1974, whilst I was detained by the DINA and as a result of the constant pressure and torture to which I was subjected by members of DINA, I was forced to name my ex-party colleagues; then, under threats of death and intimidation, I had to accompany them to my ex-colleagues' homes (pointed out to them by me) until they made the arrests. It was in this way that one night - I cannot tell you the precise time because - where I was one lost all sense of time - they took me out and blindfolded me. When we reached the home of María Angélica Andreoli Bravo, on the upper part of Bilbao Street - I do not remember the exact number but I did know

how to get there - they took the blindfold from my eyes and made me knock at the door of her house, while the van in which I had been driven there remained close by, around the corner. With two men standing behind me and threatening me with guns, I had to knock at the door; a woman, whom I took to be a sister of María Angélica, came out. I asked for her, saying that Alejandra wanted to see her and straight away María Angélica appeared, wearing casual clothes - jeans and a waistcoat. Immediately the men with me arrested her and made her get into the back of the van; we then left for our place of detention, which at that time was at Londres No 38. I did not know this at the time but found it out later. I never saw her again, although I did hear her voice - for some 20 days according to my calculations - and then I did not hear her again. While I could hear her voice I tried to get near to her to tell her that I had been threatened and that it was from fear of being killed that I had denounced her; I also wanted to ask her forgiveness. However, I was not able to approach her."

"During my detention in Curicó in May 1974, where I had been serving with my party, the MIR*, I was tried by Examining Magistrate Lautaro Bachef, who had me released on 1 August 1974. However on leaving Buen Pastor prison in Curicó, I was immediately detained by members of the DINA and taken to Santiago. I should tell you that at that time I held left-wing views and was a member of the MIR, which I had joined in 1967 while studying Anthropology at the University of Concepción..... While in detention I found out that the place where I was being held belonged to the DINA..... These people belonged to the group commanded by and were the ones who detained María Angélica Andreoli Bravo, the Secretary of the Political Committee of the MIR."

"No sooner had I been brought from Curicó to Londres No 38 than they began to beat me and made me strip; they applied electric current to my breasts and genitals. They also tied me naked to a metal bedframe and gave me electric shocks. This took place at frequent intervals during the first three days and nights and I was kept blindfolded throughout. I always had one or two guards with me who stopped me making any movement. The atmosphere was terrifying and they intimidated me with threats that I would be beaten to death. I was not able to hold out, and I had to give the names of several colleagues. In this way, in despair, I named María Angélica Andreoli Bravo. When I was to be released I was notified of the fact on 7 May 1975 by General Contreras..... He told me that I was being released because of my extensive collaboration with them. He offered me his protection if later I was ever bothered by my ex-colleagues

* Movimiento de la Izquierda Revolucionaria (Movement of the Revolutionary Left)

(Some days previously the newspaper Diario La Tercera had printed a report that the MIR had sentenced me to death). Once released I lost contact with the MIR but remained in contact with them... .(I refer to the DINA or CNI*). After they had freed me the DINA even gave me financial help and they continually sought my assistance in analysing left-wing press publications and all kinds of political analysis. I maintained this contact with the CNI up to 1980, when I finally cut off all communication with them and changed address. Prior to 1980 summonses to appear before the Investigating Judge, Sr. Jordán, were arriving at my house and I therefore consulted them (the CNI) as to whether I should report to him and make a statement; they advised me not to because of the death threat made by the left-wing which was still hanging over me."

.....

Since the arrest warrant originated from a case which formed part of Investigating Judge Jordán's (criminal court judge) enquiries, the judge before whom the detainee (Marcía Alejandra Merino Vega) was first brought placed her at the disposal of the former. Judge Jordán thus had authority to hear the case. However, he was subrogated by Judge José Cánovas, who certified that the case relating to María Angélica Andreoli Bravo had been referred, for reasons of jurisdiction, to the Second Military Court and, without taking a statement from the detainee, he placed her at the disposal of the said court. It should be borne in mind that Marcía Alejandra Merino Vega is alleged to have participated in other arrests being investigated by Judge Jordán.

The detainee was placed at the disposal of the Office of the Second Military Prosecutor of Santiago, where a statement was taken from her; in this she confirmed, with some modifications, the account she had given to the judge of the Criminal Court. These modifications consist of assertions that her contact with the CNI was maintained only up to 1978 and not 1980 and that when she was released on 7 May 1975 and taken to CNI premises in Marcoleta near Vicuña Mackenna, she was seen by an official, and not by General Contreras as she had maintained in her previous statement.

The Military Prosecutor requested the dossier on the case of María Angélica Andreoli Bravo from the Military Court of Appeal, where deliberations on the closure of the proceedings were in progress. The Military Court of Appeal, Judge Cánovas presiding, refused this request.

The lawyers of the relatives of María Angélica Andreoli Bravo had an interview with Judge Cánovas and asked that the detainee be questioned once again as part of the Special Investigation. At the same time members of the "Agrupacion de Familiares de Detenidos-desaparacidos" (Association of Relatives of Disappeared Prisoners) expressed to the President of the Supreme Court their concern and fear that the judicial proceedings were not making good progress. There is a note on the file held by the

* Central Nacional de Informaciones (Chilean secret police)

Second Military Prosecutor's Office that a telephone call was received there at 18.15 hours on 22 June from the President of the Military Court of Appeal, Sr. Cánovas, who, in his capacity as Substitute Investigating Judge in cases relating to disappeared persons, ordered that the following day Marcía A. Merino Vega be placed at his disposal, as a detainee, "on the express instructions of the President of the Supreme Court".

On the day that the Military Prosecutor received this request he issued an order for the release of Marcía Alejandra Merino Vega on the basis that the Military Court of Appeal had not forwarded the records requested. She was summonsed, on threat of arrest to appear the following day before Judge Cánovas.

Marcía Alejandra Merino Vega did not report to Judge Cánovas the following day, and has not done so to date.

When looking at the facts set out above one is immediately struck by the fact that in five years no warrant of arrest was issued by the Servicio de Investigaciones, who simply sent summonses to the person concerned.

One is also struck by the fact that Judge Cánovas did not question the detainee in relation to other cases under investigation, and by the fact that the Military Court of Appeal, presided over by the same judge who sent the detainee to the military courts, refused to forward the records which the Military Prosecutor had called for.

Similarly striking is the fact that the Military Prosecutor did not take steps before the Second Military Court to obtain the records from the Military Court of Appeal, and that he released a person whom a member of the Military Court of Appeal had ordered to be placed at his disposal as a detainee "on the express instructions of the President of the Supreme Court". It seems less than wise, to say the least, to release a person on the basis that she was summonsed to appear the following day, when an arrest warrant in respect of that person had been in existence for five years and when that person had acknowledged to the judge that she had received summonses at her home to report to the Investigating Judge and had not complied with these summonses.

When considering the course of events, it is also surprising that Judge Cánovas should not have issued an instruction to the Military Prosecutor that the detainee be placed at his disposal as a detainee.

One is further surprised by the haste which the Military Prosecutor displayed in releasing the detainee when 24 hours of the time limit for her detention still remained.

I hold no particular animosity towards Marcía Alejandra Merino Vega whose collaboration with the DINA derived, according to her own testimony, from the moral and psychological pressure and torture to which she was subjected. I understand that hers is also a

distressing situation and one which has been forced on her. However, this is the case of a person who participated in events which are of concern to us and which justice must clarify.

All of these factors could engender doubts concerning the Judiciary and in my humble opinion they should be remedied and overcome, both for the good of the Courts of Justice which must constitute a body that guarantees individual rights, and for the good of social justice and peace.

To the above facts regarding Marcia Alejandra Merino Vega must be added others which may help to advance the investigation and which any enlightened person would find amazing that the courts had not considered and explored. When Judge Jordán sent for the relevant abstract from the Central Office of Identity, he was informed that it was not possible to comply "as the person is not registered in the index file of this Office". It would be natural to wonder what were the results of the investigation which must have been ordered to check on this irregularity concerning a person who, despite the information received, held identity card number 5,756,720 from the Santiago Office.

The avenues of investigation opened up by Marcia Alejandra Merino Vega's evidence were multiple. They would soon have come upon the statement made before Judge Jordán by the ex-director of the DINA, Manuel Contreras, that "she sounded familiar as a DINA informer and he had seen her". José Manzo Durán, officer in command of Cuatro Alamos Camp, made a statement in the same vein, saying that she belonged to one of the units of the DINA.

It is difficult to understand the reasons which an Investigating Judge and a Military Prosecutor could have had, faced as they were with important evidence for their investigations, for not taking the steps which corresponded to their position as administrators of justice.

What has occurred recently is a pathetic example of what has been occurring over the course of several years in the judicial investigations into the cases of disappeared prisoners. It will be difficult, as a result of these events, to argue in the future that the Courts of Justice have investigated the facts diligently and that they have faithfully fulfilled their mission.

It does not seem to me that the passage of time is the healthiest and most appropriate means of overcoming this dramatic episode in our national life. I believe that only clarification of the truth in every case where this is possible will enable this wound in our social body to be healed.

In 1977 the Chilean Bishops said, in 'Our National Life Together' that while the fate of the disappeared prisoners remained unclarified "there will be no peace for their relatives, no real peace in the country, and nor will Chile have an unsullied image abroad".

The role of the Courts of Justice is of fundamental importance in securing these noble and patriotic objectives.

It is with the intention of assisting the Court with this important task in the interests of truth and justice that I have brought to your attention the foregoing facts, for the Court to take whatever action it considers most appropriate.

God keep you.

