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HISTORICAL FILE

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To: All Sections (att. Campaign Coordinators)
Chile Coordination Groups and Chile Action
Network Coordinators
Press Officers

SPECIAL ACTION ON TORTURE IN CHILE:

SUMMARY OF REPORT

PREFACE

Chile: Evidence of torture, presents the findings of an Amnesty International delegation which visited Chile from 23 April to 15 May 1982 to examine people who said they had been tortured while in custody of the Chilean security forces between March 1980 and April 1982.

The delegation - two Danish doctors, Marianne Wallach and Ole Vedel Rasmussen, and a member of the organization's International Secretariat interviewed and carried out detailed medical examinations of 19 former detainees and collected written testimonies and evidence of torture from others who complained of having been tortured or from their relatives and lawyers.

The report reviews current and past allegations of torture in Chile, the role of the state security police, the Central Nacional de Informaciones (CNI), and describes secret CNI premises in central Santiago and the procedures followed there.

In addition, the current legal and judicial background is summarized.

The bulk of the report consists of the medical delegation's findings: and an analysis of them. It ends with Amnesty International's conclusions and recommendations.

TORTURE IN CHILE

Allegations of torture inflicted by members of the Chilean security forces were made by 18 of the 19 former detainees examined in Chile by Amnesty International doctors in mid-1982. Most of the examinations - lasting for between four and six hours each - took place within six months of the alleged torture.

Seventeen of the former detainees said they had been slapped, punched, kicked or beaten with a blunt instrument and 14 said they were electrically tortured.

A 19-year-old trainee social worker said she was punched, kicked and electrically tortured; raped four times and threatened with further sexual debasement; and forced to lie beside a decomposing corpse. She has been receiving psychiatric treatment since her release (Case No. 4)

- A 24-year-old carpenter arrested in March 1982 said that for six days he underwent interrogation and torture sessions lasting between four and six hours each and that on the following 10 days he was beaten up in his cell on average 10 times a day (Case No. 3)
- A 33-year-old human rights worker being treated for epilepsy said that he was electrically tortured after being tied naked to a metal bed and that a doctor examined him in between torture sessions (Case No. 8)

The majority of the former detainees alleged that they had been in contact with someone they took to be a doctor while being held in a torture centre and that they had been medically examined just before torture and again afterwards. Six said that while in such a centre they were given non-therapeutic medicine - medicine given for a purpose other than to treat illness; five said that medicine has been injected intravenously. Four said that a man they had taken to be a doctor had assisted during their interrogations. (The President of the Colegio Médico de Chile, Dr Juan Luis González, told Amnesty International's delegation that his association was aware that doctors had been accused of taking part in torture and had condemned such participation - but it had not been possible to identify the doctors allegedly involved.)

The former detainees said that the tortures inflicted on them had included some going under such names as el quirófano (the operating theatre), la parrilla (the grill), la bañera (the bath), pau de arara (parrot perch) and el teléfono (the telephone).

Most said they had been the victims also of psychological methods of torture, including prolonged blindfolding, sleep deprivation, mock executions, and threats to their lives and those of their families.

Thirteen of the former detainees said they had been tortured in a secret centre in Santiago used by Chile's secret police, the Central Nacional de Informaciones (CNI). All of them said they had been arrested without warrant.

The people who made these allegations came from a variety of backgrounds and included a school teacher, an unskilled worker, a telephone operator and a farmer, in addition to those mentioned above; their ages ranged from 17 to 47.

Their allegations are not isolated examples of such complaints against members of the country's security forces.

Torture of political detainees has been reported regularly since the present military government under General Augusto Pinochet Ugarte seized power in September 1973.

Continuing allegations of torture have been recorded year by year in Amnesty International's annual report.

In 1982 Amnesty International received copies of more than 60 detailed testimonies from people who said they had been tortured while in the custody of the security forces; all the testimonies had been filed in the Chilean courts. In the same year a total of 95 such

testimonies by political detainees alleging torture are said to have been submitted to the Chilean courts.

The role of the CNI

Of all the Chilean security service branches alleged to have been guilty of ill-treating or torturing prisoners, the most frequently cited has been the CNI. In 15 of the 19 cases examined by Amnesty International's 1982 delegation to Chile, the authorities had acknowledged that the arrests and detentions had been by the CNI. In two cases the people were arrested and detained by carabineros (uniformed police); these were also acknowledged. In the two other cases former detainees were unable to identify the branch of the security forces allegedly involved nor have the authorities acknowledged that they were ever detained. However, the detention and interrogation procedures in these cases were consistent with those used by the CNI in others.

The CNI was created by Decree Law 1878 of 1977, its declared task being that of "collecting and processing all the information at a national level that the Supreme Government needs to form policies, plans, programs; the adoption of the necessary measures to safeguard national security and the normal development of national activities and the maintenance of established institutions ... The CNI will be linked to the Supreme Government in carrying out its specific missions through the Minister of the Interior..."

Since its creation the CNI has carried out hundreds of arrests in which articles of the Chilean Constitution and Code of Penal Procedure have been violated. Many such breaches of the law have been reported to the judicial authorities but only rarely have prosecutions ensued.

Irregularities about which Amnesty International is concerned include:

- The persistent CNI practice of arresting people outside the terms of reference laid down by Chilean law.
- In none of the 19 cases examined by Amnesty International's 1982 delegation had a warrant of arrest been presented at the time of arrest, as required by Article 19, 7(c), of the Constitution and Articles 280, 281 and 284 of the Code of Penal Procedure. In the 15 cases where arrest and detention were later acknowledged by the authorities, the CNI obtained arrest-warrants signed by the Minister of the Interior only after making the arrests.
- The interrogation of political suspects by the CNI. This appears to contravene Article 90 of the Constitution, which states: "The forces of order and public security are integrated only by Carabineros and Investigaciones; they form the public forces and exist to enforce the law, to guarantee public order and interior public security."

The holding of detainees in secret centres. This is alleged to have happened in the 15 cases in which CNI involvement was acknowledged and in the two in which it appears to have been very likely. This is a direct violation of Article 19, 7(d), of the Constitution, which states that "no one can be arrested, detained, put in preventive custody or imprisoned anywhere other than in his own home, or a public place specifically designated for this purpose".

CNI premises

Since 1973 the security forces are known to have used a number of secret detention centres in which to interrogate and torture political detainees. In recent years of the CNI's centres has been at 1470 Calle Borgoño in central Santiago.

Amnesty International has obtained detailed descriptions of parts of this building: 14 of the people examined by its 1982 delegation are believed to have been detained and interrogated there and the evidence they gave is consistent with numerous other accounts by ex-detainees of life in this building collected over the past two years, both by Amnesty International and independent lawyers.

According to the majority of these accounts, detainees spend almost all their time underground in a basement of the building which contains a "reception room", a "medical room" (for medical examinations); a room where detainees are photographed and finger-printed; interrogation rooms; individual cells and a bathroom with a shower. Upstairs, in another part of the building, there is said to be a room containing tape and video recording equipment and cameras; makeshift sound-proofing is said to have been installed.

LEGAL AND JUDICIAL BACKGROUND

A state of siege was in force in Chile from 11 September 1973 until March 1978 giving the military junta broad powers of detention which could not be challenged by the courts. Since 1978 a state of emergency has been in force; this is similar to a state of siege but less restrictive.

A new Constitution was promulgated on 11 March 1981. Although it will not fully come into force until 1997, the President is granted extraordinary powers in the interim. Among the Constitution's 29 interim measures is Interim Provision 24, under which empowers the President to order individuals to be detained in certain instances for up to 20 days. These orders are issued in decrees signed by the President. A first decree may order individuals to be held for five days and a subsequent decree may order them to be held for a further 15 days "If terrorist acts with serious consequences occur".

None of the detainees interviewed by Amnesty International's delegates who had been held by the CNI for over five days was charged with terrorist offences.

The 20-day period for which detainees may be held by the authorities before they are brought before a judge, provided for in

Interim Provision 24, is particularly relevant since it is then, with the detainee held incommunicado by the security forces (often in secret places), that torture takes place.

During this period the detainees are totally isolated from the outside world. They do not know whether their families have been officially told of their detention, nor do they know if or when they are to be released or brought before a judge.

Torture is prohibited in Chile, both by domestic legislation and by international law.

On 10 February 1972 Chile ratified the International Covenant on Civil and Political Rights, Article 7 of which states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Torture is prohibited under Chile's Constitution, its Penal Code and its Code of Military Justice which applies to the armed forces.

Articles 317 of the Code of Penal Procedure is particularly relevant since it has been referred to in the vast majority of recursos de amparo (similar to petitions for habeas corpus) submitted on behalf of people arrested by security forces. It states:

"Any person who knows that someone is detained in a place not designated for use as a detention centre or prison is obliged by law to report the fact to any of the functionaries listed in Article 83, who in turn should immediately report it to whichever court they deem competent."

"On receipt of such notification, or report, from whatever source, a judge will immediately go to the place where the detained or abducted person is and bring about the person's freedom. If a legal motive were given for the detention, the judge will order that the person be brought before him, and will investigate whether the measure taken does, in fact, fall into the category of the special cases authorized by the Constitution or by laws."

Nearly 200 formal complaints of torture, plus evidence, have been lodged with the courts since the 1981 Constitution came into effect. In a few cases a court has ordered the CNI to produce the detainee before it, on the grounds of the executive's delay in producing the decree required under Interim Provision No. 24 (it has to be signed by the President). In these cases, once the court has been informed that the decree does exist, it has promptly rejected the recurso de amparo and reversed its own ruling that the detainee should be produced in court.

In spite of constitutional provisions for recurso de amparo, the courts in Chile do not exercise effective control over the arrest of people or the treatment of those arrested who are under interrogation.

Recursos de amparo were filed in at least 12 of the cases examined in this report - but in no single case did the judiciary do anything to protect the detainee against torture or other cruel, inhuman or degrading treatment.

Fourteen of the 19 people examined by Amnesty International's delegation have filed complaints of torture. No progress had been reported in the investigations at the time of writing.

MEDICAL ANALYSIS

Amnesty International's medical delegates examined 19 ex-detainees between two days and 25 $\frac{1}{2}$ months after their release: 15 men and four women; the eldest was 50, the youngest 17.

The subjects who claimed to have been tortured were asked to describe how it had been inflicted, their state of health beforehand and any symptoms they attributed to the alleged torture. After the interview, the medical delegates gave each person a thorough clinical examination, which included a neurological examination and a psychiatric evaluation.

Where possible, documentation was collected from local doctors who had examined the subjects after their release. Between four and six hours were spent on each person's interview and physical examination.

Forms of torture

According to the accounts given by the former detainees:

All 19 were held incommunicado for between one and 24 days (average 10 days): they were isolated from their fellow detainees, families and lawyers.

Eighteen were tortured on a number of days ranging from one to 19 (average six).

Seventeen were slapped, punched, kicked or beaten with a blunt instrument.

Two were subjected to telefono (blows on both ears simultaneously).

Electricity was used to torture 14 of the subjects; it was applied, through either fixed or movable electrodes, to some part of the body in all 14 cases; specifically to the face in eight cases, and in seven cases to the genitals. Four of victims were tied to a parrilla (a special metal bed used for electric torture). Seven of them were naked during the electric torture. In seven cases, the electric torture sessions lasted between one and two hours.

One subject was burned with a lighter.

One was suspended on the pau de arara (parrot perch) - the victim is trussed into a crouching position, with arms hugging the legs; a pole is passed through the narrow gap between the bent knees and the elbows and placed between two trestles or desks, with the result that the prisoner hangs head down. Electric current is then applied to sensitive parts of the body.

Three were driven to physical exhaustion by being forced either to maintain one position for a long time, or to do prolonged spells of exercises.

Two were nearly asphyxiated: one had a cloth held over his nose and mouth; the other was subjected to a torture known as la bañera (holding the victim's head under water).

Seventeen were threatened: they were told that they themselves would be killed, further tortured or made to "disappear" or that their families would be arrested or maimed; one was warned that his baby would "disappear".

Four were forced to undergo mock executions: a pistol was pointed at each, usually at the head, and the trigger pulled; only when the weapon failed to fire did they discover that it was not loaded.

Two women were sexually humiliated by having their bodies fondled by guards.

One woman was raped by four male torturers in succession.

Six of the subjects were forced to take non-therapeutic medicine: medicine which was not given to treat illness; in these cases it was presumed to have been used to make the prisoner lose self-control and cooperate with the interrogators.

Attempts were made to hypnotize three prisoners.

Partial sleep deprivation was used against six of the subjects, who were allowed less than three hours' sleep during a 48-hour period.

Seventeen were blindfolded whenever they were outside their cells.

Other forms of torture included: being forced to stay in a hot, damp room; quirófano (operating theatre), in which the prisoner is made to lie on a table for long periods with the upper half of the body unsupported, making it a great strain to keep the whole body horizontal; having hair pulled out; being dragged over stony ground; being put in a room with rats or a growling dog.

The period in the torture centre

Most of those examined said they had also been under continuous psychological pressure during their detention at the alleged torture centres. They said they existed in total uncertainty as to what would happen to them, whether they were in the torture room or in their own isolation cells - in continuous fear of further interrogation and torture, or "disappearance" and possible death. In addition, they said, they were given no information at all about their families.

Medical documentation by local doctors

Medical documentation by local doctors was available in seven cases. They carried out their examinations between two days and six weeks after the subjects' release. One medical certificate was from the Institute of Forensic Medicine in Santiago, dated two days after the detainee's release. In all cases the clinical findings are consistent with the torture alleged and the symptoms described.

Summary

In all 18 of the cases, the alleged torture, covered a broad spectrum of physical and mental attacks: the most frequently used methods were said to be blows to the entire body, including the head and genitals, and electric torture all over the body. Many of the subjects were also apparently threatened with harm to themselves or their families. The general impression is that the alleged torturers alternated between physical and mental torture according to a calculated plan of action. According to the accounts, all detainees were held incommunicado and most were blind-folded when not in their cells. Many of them said that, apart from the torture inflicted on them during interrogation, the very fact of being in the "torture" centre created an enormous psychological pressure: both because they did not know what would happen to them and their families, and because they felt totally powerless in the face of their alleged torturers.

All of those who said they had been tortured at the CNI centre in Santiago gave almost identical descriptions of their processing there: registration, medical examination and torture; and of conditions in the cells. These allegations suggest that the torture process was highly systematic.

Medical findings

Eighteen of the people examined reported early symptoms as a consequence of the alleged torture. The present symptoms found in those examined were numerous.

Most of the present symptoms were psychological.

Five of those examined had consulted psychiatrists or psychologists after their release from prison; three were still receiving psychiatric treatment.

In all cases described there was complete consistency between the descriptions of the tortures alleged and the succeeding symptoms, and the clinical findings.

The clinical examination conducted by Amnesty International's medical delegates showed changes which could be related to the alleged torture in 13 out of the 18 cases examined.

Six cases showed skin changes which were considered to be consistent with the alleged influence. Three showed marks consistent with the allegations of electric torture; one showed marks consistent with the allegations of physical violence. Another case showed marks consistent with the allegation that the subject had been tied down and the last case showed marks consistent with allegations of physical violence, electric torture and intravenous injection.

Two of those examined had damage to the teeth which was not incompatible with the torture alleged, especially when their poor dental condition was taken into consideration.

One person manifested neurological abnormalities. He experienced an exacerbation of his epilepsy, as well as new focal symptoms, including hemiparesis and hypoaesthesia.

Nine people were found to be mentally affected by their experiences. Most of them suffered from depression and anxiety attacks.

Seven of those examined said they had had to give up their work or studies after being released from detention.

Fourteen of the people interviewed and examined by Amnesty International's delegates described contact with a person at the alleged torture centre who they thought was a doctor. The alleged contacts with the doctors were of three types:

1. Medical examination

(a) before torture - that is, a physical examination on arrival at the centre. Twelve people said they were examined at this stage.

(b) after torture - that is, a physical examination after the alleged torture was completed. Ten people said they were examined at this stage.

2. Direct medical involvement in the alleged torture - that is, someone who appeared to the detainees to be a doctor was said to have assisted CNI agents either during or just before the alleged torture. Six people said they had been given non-therapeutic medicine to make them lose their self-control and cooperate with their interrogators. Three said attempts had been made to hypnotize them. The attempts allegedly took place at the CNI centre in Santiago.

3. Medical treatment - that is, therapeutic help at the request of the detainee, or when the detainee was seriously ill. Six people said they had been treated; two of them owing to a serious respiratory difficulty caused by alleged electric torture.

In three cases, Amnesty International's medical delegates consider that there were strong grounds for believing that the individual either was a doctor or had had a thorough medical training.

Case No. 8, who developed one-sided paralysis, was seen by a person whose examination appears to have been medically correct, and who used the term "hemiparesis" to describe the condition.

Case No. 10, who has situs inversus viscerum - that is, his inner organs are found on the opposite side of the body compared with the norm (for example, his heart is on the right side) - asked the person doing the examination to describe the implications of the condition, which he did correctly.

Case No. 18, who is himself a doctor, felt certain that the person who examined him was a doctor, partly because of the questions he asked and partly because of his examination technique.

Amnesty International's delegates could not determine the identities of the alleged doctors, or how many of them were involved. However, one person, apparently medically trained, was identified to some extent in several of the descriptions of the Santiago CNI centre.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Amnesty International's delegates who saw all 19 subjects discovered no inconsistency whatever between the complaints made and their own findings.

This assessment came against Amnesty International's experience of continued, specific and often detailed allegations of torture in Chile over the years made by men and women of the most varied backgrounds; allegations whose persistence and consistency - and the government's failure to resolve them - have caused the organization to regard it as beyond reasonable doubt that the use of torture has been a constant feature of the security forces' practice over the past nine years.

Amnesty International therefore concludes:

1. Detainees were tortured while in the custody of the Chilean security forces between March 1980 and April 1982.
Members of the CNI principally, but also of the Carabineros and Investigaciones, were implicated in the abuses, and at least one secret detention centre used by the security forces for the interrogation of political detainees - at 1470 Calle Borgoño, central Santiago - appears to have been specially equipped for the infliction of torture.
2. Emergency legislation (and administrative provisions) now in force in Chile weaken safeguards against torture of arrested people and in some respects positively facilitate their torture. According to Interim Provision No. 24 of the 1981 Constitution, people arrested "where terrorist acts with serious consequences occur" may be held on suspicion for up to 20 days, completely incommunicado.
3. At the same time, arrest, detention and interrogation procedures employed by the CNI and other branches of the Chilean security forces often violate principles embodied in both the Chilean Constitution and the Code of Penal Procedure for safeguarding detainees. Some of the actions by officials of these forces appear to justify prosecution for criminal offences under the Penal Code.
4. The Chilean courts do not take effective action to prevent detainees from being tortured. They commonly fail to respond to recursos de amparo within the 48-hour period stipulated by law. They rarely insist that the security forces produce detainees in court within the 20 days during which such detainees may be held on the orders of the Minister of the Interior. (Amnesty International knows of only one occasion on which the security forces have ever complied with an order to this. The civil courts are not permitted to continue investigating a complaint of torture if it is established that the security forces or police were responsible.
In sum, prisoners are, in effect, entirely at the disposal of the security forces in whose custody they find themselves.
5. Trained medical personnel were present on CNI premises and examined a number of detainees before and after they were tortured;

in certain cases there are grounds for believing that one or more of these people actively participated in torture.

Recommendations

Amnesty International recommendations included the following:

1. The Government of Chile should institute promptly a full, open and independent inquiry into the allegations of torture filed before the courts. The results should be made public. Redress and compensation should be secured for the victims and criminal proceedings should be instituted against public officials found to have tortured them.

2. The government should ensure that the security forces obtain and show proper judicial orders before arresting suspects, as is required by law.

Detainees should be held only in publicly recognized and authorized places of detention.

3. The government should repeal the section of Interim Provision No. 24 which provides for suspects to be held for periods of up to 20 days on the orders of the Minister of the Interior.

4. The government should take effective measures to ensure that prisoners are not held in incommunicado detention, so as to avoid facilitating their ill-treatment; the measures should specifically ensure that all detainees have regular access to a lawyer and family as soon as possible after arrest, and that all detainees be brought before a court within a reasonable period after arrest.

5. The government should take steps so that the courts may fulfil their obligations under Chilean law to ensure that detainees are protected from torture and ill-treatment.

6. The government should order a full, open and impartial inquiry into allegations, including those detailed in this report, about the involvement of medical personnel directly or indirectly in the torture of detainees, especially at 1470 Calle Borgoño. The Colegio Médico de Chile should be invited to sit on such an inquiry. Disciplinary proceedings should be instituted against any medical personnel found to have breached medical ethics in this regard and any criminal act found to have been committed should be referred to the courts.

