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C H I L E

Developments in the Cases of 18 Peasants Arrested and Murdered in the Mulchén Area in 1973

Amnesty International is concerned that judicial proceedings against nine civilians, military and police personnel alleged to be responsible for the arrest and murder of 18 peasants have been dropped and that the defendants have been made the subject of an amnesty without full adjudication of their guilt or innocence under the law.

The 18, who were all arrested on 5, 6, and 7 October 1973, were: Daniel ALBORNOZ González, Miguel del Carmen ALBORNOZ Acuña, Alejandro ALBORNOZ González, José Guillermo ALBORNOZ González, Luis Alberto GODOY Sandoval, Florencio RUBILAR Gutiérrez, Liborio RUBILAR Gutiérrez, José Lorenzo RUBILAR Gutiérrez, Felidor ALBORNOZ González, Alberto ALBORNOZ González, Juan de Dios ROA Riquelme, Gerónimo SANDOVAL Medina, Fernando GUTIERREZ, Celsio VIVANCO Carrasco, Raimundo VIDAL Aedo, Juan BREVIS Brevis, José Florencio YAÑEZ Durán, Domingo SEPULVEDA Castillo.

In 1979, the Departamento de Servicio Social of the Concepción Archbishopric took legal steps before the courts after it had learned that the remains of some of the men had been found on the farms where they had been arrested.

A civilian investigating judge was appointed to investigate the cases. He reached the view that on 5, 6, and 7 October 1973, a group made up of members of the armed forces, uniformed police and civilians had unlawfully arrested, killed and buried the 18 individuals concerned. In his summing up, the judge stated that "according to declarations by witnesses, the armed group was in possession of a previously drawn up list of individuals who were to be arrested and killed without any confrontation taking place and without having concrete proof of (the people being) left-wing extremists." The judge went on to name nine civilians and several uniformed policemen for whom there were grounds to suspect that they were involved in some or all of the murders. Although the other members of the armed group were not individually identified, the investigating judge reached the view that they belonged to the Los Angeles No. 17 Mountain Infantry Regiment and to the 2^a Comisaría (2nd Police Station) in Mulchén. (VIII Region).

Because of the involvement of military personnel, the investigating judge declared himself incompetent to proceed further with the investigations and the case was referred to the 3rd Military Court in Concepción.

In February 1983, however, the 3rd Military Court closed the case without apparently carrying out further investigations to identify the other members of the armed group, and without charging or committing for trial any of those said to be responsible. Instead, the court
amnestied the nine civilians and "military and police personnel" under the 1978 Amnesty Law which was applied to all those sentenced by military tribunals under the state of siege for certain crimes committed between 1973 and 1978.

An appeal against the decision has been submitted to the Military Appeals Court (Corte Marcial) by the lawyer acting on behalf of the victims. The verdict of the 3rd Military Court was contradictory in that the case was closed on the grounds that there was insufficient evidence to convict anyone for the murders. Yet at the same time, without bringing charges against them, it applied the law of amnesty to those who had been named by the investigating judge of the Concepción Appeals Court as being allegedly responsible for those same murders.

Amnesty International has information on about 150 cases of individuals who are believed

to have been arrested and "disappeared" in the VIII Region (Bío-Bío) between 1973 and 1977, and whose whereabouts the Chilean Government has consistently failed to clarify, in spite, in many cases, of strong evidence of the involvement of military and security forces in their arrest and "disappearance".

For further information on these cases, see AMR 22|49|81: Disappeared Prisoners.