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ABOLITION OF TORTURE - CHILE (June 1985)

In early 1985 thousands of appeals from various countries were sent to the Chilean authorities calling for an impartial investigation into the alleged torture of Ignacio Vidaurrázaga Manríquez, who was arrested by the Chilean secret police in August 1984. Amnesty International has received no response to its appeals, and to Amnesty International's knowledge the official complaint which he submitted of torture is still in the hands of the courts.

Two students reportedly died in February 1985 as a result of the torture or other ill-treatment to which they were subjected while in custody. To Amnesty International's knowledge there have been no developments in the legal actions taken by their families before the courts to find and punish those responsible. The information received by Amnesty International is as follows:

21-year-old student Patricio MANZANO, who suffered from heart problems, reportedly died on 9 February 1985 on his way to hospital from a Santiago police station. He had been arrested by uniformed police in San Felipe on 8 February with other students participating in voluntary community work which had been banned by the government under the state of siege provisions. Taken to a police station, they were reportedly made to do strenuous exercises and lie in the hot sun (approximately 34 degrees C) for several hours. Patricio was forced to take part even though he informed a doctor at the police station of his condition. After being transferred to a Santiago police station he became ill. Police reportedly refused to allow medical students who were reviving him with artificial respiration and heart massage to accompany him in the ambulance to hospital and he is said to have died on the way.

Carlos GODOY Etchegoyen, a 23-year-old student, was reportedly arrested with 12 others on 21 February 1985 and taken to a police station in Quintero. Most of the group have said that they were tortured while held there and said they heard the screams of Carlos Godoy while he was being tortured. He is reported to have died on 22 February. He is the son of political prisoner Sergio Godoy Fritis, whose case was featured in the Amnesty International Report Chile: Evidence of Torture (1983).

On 14 March 1985 the United Nations Commission on Human Rights adopted a resolution, number 1985/47, on the question of human rights in Chile. The resolution, inter alia, called urgently on the Chilean authorities to halt "the practice of torture and other forms of cruel, inhuman and degrading treatment which have in some cases resulted in unexplained deaths".

Resolution 1985/47 on the question of human rights in Chile, adopted at the 57th meeting of the United Nations Commission on Human Rights on 14 March 1985

1985/47. Question of human rights in Chile \*

The Commission on Human Rights,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Noting the obligation of the Chilean authorities to respect and protect human rights in accordance with the international instruments to which Chile is a party,

Recalling its successive resolutions on the situation of human rights in Chile and in particular its resolution 11 (XXXV) of 6 March 1979, by which it appointed a special rapporteur on the situation of those rights, and its resolution 1984/63 of 15 March 1984, in which it agreed to extend the mandate of the Special Rapporteur for one more year,

Recalling also, among other resolutions, General Assembly resolution 39/121 of 14 December 1984 in which the Assembly expressed its indignation at the persistence of and increase in serious and systematic violations of human rights in Chile, and invited the Commission on Human Rights to take the most appropriate steps for the effective restoration of human rights and fundamental freedoms in that country, including the extension of the mandate of the Special Rapporteur for one more year,

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\* adopted at the 57th meeting, on 14 March 1985, by a roll-call vote of 32 to 1, with 8 abstentions.

Having examined the Special Rapporteur's report, \* according to which the situation of human rights in Chile has continued to worsen, with evidence of an increase in serious violations, inter alia, of the right to life and physical and moral integrity and the right to freedom of expression, information, assembly and association, a situation aggravated by the prolongation of states of siege and emergency and by the adoption of legislative and administrative measures and the pronouncement of judicial sentences, with adverse consequences for human rights and fundamental freedoms,

Observing with growing alarm the procedures leading to the death penalty practised by the military judges, the reinstallation of mass detention centres and the systematic repression by the authorities, especially against workers, country folk, students and indigenous minorities,

Deploing once again the fact that the repeated appeals of the General Assembly and the Commission on Human Rights for the re-establishment of human rights and fundamental freedoms have been ignored up to now by the Chilean authorities, which continue to refuse to co-operate with the Commission on Human Rights and its Special Rapporteur,

1. Commends the Special Rapporteur for his report on the situation of human rights in Chile, prepared in accordance with its resolution 1984/63;
2. Once again expresses its dismay at the suppression in Chile of the traditional democratic legal order and its institutions and their replacement by a Constitution which does not reflect the will of the people freely expressed and whose provisions considerably reduce the enjoyment and exercise of human rights and fundamental freedoms through the institutionalization and consolidation of states of emergency and the extension of the jurisdiction of the military tribunals, all of which amounts to an integrated system negating civil and political rights and freedoms;
3. Expresses its indignation at the persistence of and increase in serious and systematic violations of human rights in Chile, as described in the report of the Special Rapporteur, and in particular at the violent suppression of popular protest in the face of the refusal by the authorities to restore the democratic order, which has led to mass arrests and large numbers of dead and injured;
4. Denounces once again the fact that the repressive and arbitrary activities of the police and security agencies, in particular of the National Information Agency (CNI), have gone administratively and judicially unpunished;
5. Reiterates its profound concern about the ineffectiveness of the remedies of habeas corpus or of amparo and of protection, owing to the fact that the judiciary does not exercise its powers of investigation, monitoring and supervision in this respect and performs its functions under severe restrictions which undermine its independence;
6. Once again calls urgently on the Chilean authorities to restore and respect human rights in accordance with the obligations they have assumed under various international instruments and to re-establish the principle of legality, democratic institutions and the effective enjoyment and exercise of civil and political rights and fundamental freedoms, and in particular:

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\* A/39/631, annex.

(a) To put an end to the régime of exception and especially the practice of declaring states of emergency, under which serious and continuing violations of human rights are committed;

(b) To investigate and clarify without delay the fate of persons who were arrested for political reasons and later disappeared, to assist and inform their families of the results of such investigation and to bring to trial and punish those responsible for their disappearance;

(c) To put an immediate end to intimidation and persecution, as well as to arbitrary and unlawful arrests and imprisonment in secret places, and to respect the right to life and to physical and moral integrity, halting the practice of torture and other forms of cruel, inhuman and degrading treatment which have in some cases resulted in unexplained deaths;

(d) To respect the right of Chilean nationals to live in and freely enter and leave their country, without restrictions or conditions of any kind, and to cease the practices of relegación (assignment to forced residence) and forced exile;

(e) To restore the full enjoyment and exercise of labour rights, in particular the right to organize trade unions, the right to collective bargaining and the right to strike;

(f) To respect and, where necessary, restore economic, social and cultural rights, in particular the rights intended to preserve the cultural identity and improve the economic and social status of the indigenous populations, including the right to their land;

7. Once again exhorts the Chilean authorities to co-operate with the Special Rapporteur and to submit their comments on his report to the Commission on Human Rights at its forty-second session;

8. Decides to extend the mandate of the Special Rapporteur for a year and to request him to report on the situation of human rights in Chile to the General Assembly at its fortieth session and to the Commission on Human Rights at its forty-second session;

9. Recommends to the Economic and Social Council that it make appropriate arrangements to ensure that the necessary financial resources and sufficient staff are provided to implement this resolution;

10. Decides to consider at its forty-second session, as a matter of high priority, the question of human rights in Chile.