

*(frente a prisa)
1976?*

Possible trials by the Chilean Navy against
Luis Corvalán and other political leaders of the Unidad
Popular.

1.- By the end of last September it was known that there existed three secret inquiries affecting Luis Corvalán and other political leaders of the Unidad Popular.

2.- One of these inquiries would be entitled "Subversion", a crime that has no legal description in Chile. Due to this circumstance, lawyer Luis Ortiz says that it must be in fact an inquiry on "sedition". The prosecutor in these proceedings has been Navy Captain Lautaro Sasso (a layman), who has had as a counsellor lawyer Enrique Le Dentec, also a member of the Navy.

2.1. The political leaders affected by these inquiries would be:

- Luis Corvalán
- José Gademártori
- Samuel Riquelme
- Daniel Vergara
- Sergio Vusković
- Jorge Montes
- Pedro Felipe Ramírez
- Andrés Sepúlveda
- Erich Schnacke
- Alejandro Jiliberto.

2.2. From them:

- Corvalán, Gademártori, Vergara and Montes are in "Tres Alamos" concentration camp.
- Riquelme and Jiliberto have been expelled from Chile, after being held as prisoners for about two years.
- Erich Schnacke is in Santiago's Penitentiary serving a 2 year sentence of imprisonment imposed at the Air Force trial.
- Pedro Felipe Ramírez, Andrés Sepúlveda and Sergio Vusković are in Valparaíso's Public Jail at the disposal

of Prosecutor Lautaro Sasso, even though they were included in the list of political leaders who, in accordance to the Junta's statement, had to be released on September 11, 1975.

2.3. The investigation on "subversion" would have started in October 1974 and, up to now, there would be a record of 8 volumes (at least 2,000 pages). The procedure being used in it until now is the "military procedure for times of war". The Prosecutor Sasso closed the inquiry at the end of September of this year and produced a report which was sent to Admiral Horacio Justiniano, Commander in Chief of the First Naval Zone and Governor of Valparaiso. In this report, which reaches about 140 pages and has 160 clauses, the prosecutor is presumed to have asked for very high penalties. It is said, for instance, that the penalty demanded for Luis Corvalán would be "two life imprisonments" plus a total of 78 years of prison.

2.4. In accordance to the military procedure for times of war, it is up to Admiral Justiniano, because of his functions, to resolve whether a Martial Court shall be or shan't be summoned. To make such a decision he has no time limit set by the Military Code. The first news stated that he would decide around October 10 th. Neither does the law settle the time which may run in between the Decree summoning the Martial Court and the date in which this Court must actually start proceedings. In the case of the Air Force Trial the Decree summoning the Martial Court was notified to the accused on February 9, 1974 and the Court began its proceedings in April of the same year. (It is during this period when the written defenses for the accused must be presented).

2.5. The most categorical acknowledgement of the existence of this trial was made by Miguel Schweitzer, the Junta's Minister of Justice, who admitted some days ago in New York and in front of a group of journalists that there was a trial against Corvalán.

2.6. Some of the alleged accused would have been interrogated by Prosecutor Sasso during the inquiry. A version of these interrogatories could be known in a few days.

3. Another of the inquiries also started by the Navy is in charge of Prosecutor Badiola. This one is presumed to be about "illegal entrance of arms" and would affect about 20 leaders of the Unidad Popular, among them:

- Alfredo Joignant or Alejandro Jiliberto
- Anibal Palma
- Osvaldo Puccio
- Samuel Riquelme
- Daniel Vergara.

3.1. Joignant and Vergara, as it has been already said of the latter, are in "Tres Alamos" and Anibal Palma is staying in the Annex of Santiago's Jail. Concerning Osvaldo Puccio, he was expelled from Chile, as well as Samuel Riquelme and Alejandro Jiliberto.

3.2. There are no more informations about this trial.

4. The last inquiry is presumed to be on "Delivering of Strategic Information" and the crime would be that of "treason". It is being kept in deep secret and nothing else is known about it.

Possible actions in front of the beginning by the Navy
of a trial against two leaders of the Unidad Popular.

In accordance with the information given in a separate document there exists the possibility of Navy Judge Admiral Horacio Justiniano, summoning a Martial Court in order to submit to trial the leaders of the Unidad Popular who are currently at the disposal of the Navy Justice. In view of this alternative it is necessary to initiate abroad a very urgent action tending to obtain two main objectives:

- a) Helping the defense which will take place in Chile; and
- b) Starting an international campaign of public opinion in order to denounce this new maneuvering of the Junta in violation of human rights.

In order to accomplish the said objectives, it is essential to devise a way which renders the best of seriousness to the analysis of the situation of the accused, with the goal of creating a great internal and external pressure which would prevent the Junta to adopt extreme measures against them, and furthermore would constitute another factor to help on their release.

First of all, it is necessary to say that, in our opinion, it wouldn't be convenient to carry through a countertrial on the traditional terms in which this is understood. This idea of a countertrial presents serious objections in this case: 1) The sort of accusation that it could be presumed the defendants would be charged with, makes it impossible to go into a proceeding with the aim of refuting the charges by proving their innocence. We are not in front of a concrete charge (as it was in the case of Dimitrov, for instance), which would give the opportunity of simply demonstrating the falsity of the facts. This trial goes much further because of the wideness and arbitrariness of the charges which will most surely be formulated. If that is the case, the defense should have a different approach.

2) The constitution of a sort of "Tribunal" with a "jury" and defense lawyers will be certainly looked upon, in the context in which the work is nowadays being done, as something artificial, whose result is more than foreseeable.

The spectacularity may turn into a factor against us, through the smart manipulation of the mass media the Junta and its external allies control.

With this background, our opinion is that the proper way to confront the trial would be the following:

The International Commission should call a hearing with some of its members and special guests. The latter would have to be jurists of a high reputation.

In this hearing, a report on the characteristics of the inquiry and the accusations being made would be distributed. At the same time, the personality of those accused would be made known. Afterwards, an analysis discussion would be opened on the basis of the report. This discussion should be very carefully prepared, so that at its end a document on the subjects which have been dealt with, subscribed by the participants, could be issued. This document would represent the conclusions reached by all of them. It is also possible to think about adding as annexes veritable "reports on law" on specific points.

The objective of the discussion and of the conclusions should aim at three fundamental points:

- a) Disqualification of the trial with regard to its origin and the authorities who started it.
- b) Disqualification of the procedures employed, which prevent all possibility of defense. (It must be remembered that the investigatory period began almost two years ago, having the accused lacked juridical assistance all along and having many of them been subjected to all kinds of constraint).
- c) Disqualification of the charges with regard to their substance, remarking besides the juridical vices which surely will come up. (retroactivity of the penal law, use of procedures and penalties intended for times of war, etc.).

With this approach the above-mentioned objectives could be achieved. As for the interior, the reports on law from famous jurists obtained as a conclusion of the hearing could be made known. They could become a support for the defense. With regard to foreign countries, the iniquity of the trial and its incompatibility with justice in any State where the rule of law prevails could be thus demonstrated.