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# **THE PRESENT SITUATION OF HUMAN RIGHTS IN CHILE**

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## INTRODUCTION

One of the most unfair, costly and well organized international campaigns has been unleashed on a small and remote, yet dignified and cultured nation.

Just as it has done in the past through the various phases of its history, Chile—a country situated on the verge of the world—, continues to exhibit the merits of its people as represented by its binding devotion to justice, its deeply enrooted feeling of liberty, its permanent rejection of oppression, its inmost generosity, its democratic conviction and its respect for the dignity of the individual.

Hence the reason for Chile's passionate participation in the various international forums where the various texts related to human rights which the world today is endeavouring to enforce and observe were discussed and approved.

Our own organizations have a difficult task in this field, inasmuch as the respect for the fundamental rights and freedoms of the individual does not arise instantly, but rather reflects the outcome of the nature and the end purpose of the human being. The precise extent of the obligation we hold insofar as respecting the rights of others, may only be conceived from a deep conviction attained after a lengthy formative period.

The world is a witness to the fact that Chile, even before it gained access to independent life, was already concerned with these aspects which were to imprint, following the birth of its universities and the enormous impulse given to education, that distinctive signet on the Chilean nation that converted it into one of the most steadfast and respected democracies in this far corner of the Universe.

In September 1970, a socialist candidate mainly supported by the Socialist and Communist parties—both exhibiting a pronounced marxist-leninist ideology and in close connection with and subordination to Moscow—, obtained a scant 36 percent of the votes cast in the presidential election.

Under the Chilean legislation, Congress was required to decide the election by electing one of the two candidates having obtained the highest relative majorities. The marxist candidate was chosen because he had secured the highest relative number of votes and mainly because he had undertaken to respect the Chilean system, to which effect Allende subscribed a Charter on Constitutional Guarantees for the upholding of the fundamental rights and freedoms of its inhabitants.

Soon after taking office, the President declared that he had no intentions of carrying out his promise, which had been just a tactical move to seize power.

The real intentions of this government and of the political parties that supported it did not take long to unfold. They first sowed division and then hatred among Chileans. The marxists usurped farms, industries, factories, dwellings and goods. They allowed vandalism, they did not respect the decisions of the Judiciary, they legislated by availing themselves of flaws in the law and through means prohibited by the courts; they promoted anarchy, disrupted the economy, armed their followers and pretended to infiltrate the Armed Forces; they complacently watched over one hundred political murders, expelled those who were not their unconditional followers from the Public Administration; they illegally interned firearms into the country, which they passed to Soviet and Cuban anarchists and Uruguayan and Brazilian extremists.

In other words, they put an end to democracy, they trampled on Chilean dignity,



subordinated themselves to the dictates of the Soviet Union and Cuba and breached legality, while preparing for civil war.

The mass protest of the people in 1972, when the country was almost totally paralyzed, was not sufficient for them. Neither did they listen to protests raised by the National Congress, the office of the Comptroller General of the Republic, the Supreme Court, the Catholic Church and practically all professional and labour organizations. Aware of their responsibility, the Armed Forces were faced with the obligation of having to take over the hard responsibility of government, in order to restore the values for which Chileans had always fought and shall continue to fight.

The hard blow dealt on Moscow brought about its reaction through a costly campaign in which it has used its satellites and Western political parties devoted to its cause. The most unlikely stories were then woven. Accusations of mass murder and of torture as described in its own manuals, were circulated.

The persistent publication and broadcast of false news, collected and reproduced by other media, the work of various committed groups, the publication of books, the making of films, have distorted Chilean reality to such an extent that serious countries and groups, on the one hand, and respectable organizations on the other, finally, began to doubt the true image of Chile and many of them became convinced they faced a nation that had not even the slightest respect for human dignity.

The order to "lie, lie that something may remain" has been carried out and continues under a strategy intended to upturn the Government by isolating it politically and economically.

The present administration recovered the values and traditions of the Chilean nation and it has re-united Chileans with the enormous and disinterested help of the entire population, returning to its citizens the dignity, tranquility and security which every human being rightfully deserves.

Chile has returned to the legal status it always exhibited and which was broken during those three sadly remembered years. Chile is certain that honest and serious nations and peoples will understand its process and that they will never wish to experience, in their own lands, what Chileans were required to endure in their country.

This paper is intended to show only some aspects that prove the falsehood of the accusations raised and the baseness of the international campaign being unleashed against Chile. It is impossible to reveal everything because of its volume and nature. In spite of this, Chile has submitted to the Secretary General of the United Nations a supplement to the statements contained herein.

It must be pointed out, finally, that the Secretary General of the United Nations has been provided with several appendices containing thousands of documents which substantiate the contents of this work, and which demonstrates the enormous contribution which this country continues to make in benefit of the respect for individual dignity at a difficult period.



## PART ONE

### GENERAL SITUATION

## THE ACTIVITY OF CHILE IN THE INTERNATIONAL FIELD

Through the years, the international policy of Chile has basically and continually displayed its concern of observing human rights. During the last decades, this may be distinctly appreciated by summarizing Chilean participation in the main events connected with this subject. Before directly approaching this topic, however, one must recall that eminent Chilean internationalist and former member of the Court of The Hague, Mr. Alejandro Alvarez (1868-1960), as representing a forerunner on the international protection of human rights. One of the most significant testimonies of this was, no doubt, the draft resolution on the international recognition of the Rights of the Individual, submitted by Mr. Alvarez to the inter-American Institute of International Law in 1917, which undoubtedly influenced the subsequent acceptance and juridical consecration of these Rights.

The first activity displayed by the Commission on the Rights of Man, established by the Economic Council of the United Nations in February 1946, was to prepare the project on the Universal Declaration of such prerogatives. The Ambassadors of this country, Messrs. Nieto del Rio, Santa Cruz and Cruz Coke, carried out an outstanding participation in this important task.

Chile also participated in the approval of the *American Declaration on the Essential Rights and Duties of Man*, of May 2, 1948, which preceded the Universal Declaration of the United Nations Organization by several months.

At the Third General Assembly of the United Nations, held in Paris between September and December 1948, the Chilean delegation categorically denounced, even before the indicated declaration had been approved, the violation of basic human rights by the Soviet Union, reflected by its denial in allowing Soviet women married to foreign citizens, to leave Soviet territory together with their husbands.

In December of that year, at the Assembly that discussed what was to become the Universal Declaration on Human Rights, the Chilean representative stated: "As of this day onwards, all human beings shall know that the patrimony represented by their individual essential rights has a specific and well defined significance. They shall know with certainty—without possible equivocation—what is involved by the dignity and the rights which they possess, in equality, as of their birth". He pointed out, later on, that the Third Period of Sessions would go down in history as the session of the Rights of Man, to conclude by saying: "Mr. President, the Delegation of Chile, that has cooperated in all phases of the Declaration of the Rights of Man, that has participated in all the debates of the Drafting Committee, of the Human Rights Commission, of the Economic and Social Council and in those of the General Assembly, trustfully believes that such declaration shall be approved, observed and applied. The Declaration on the Rights of Man which we are about to approve, turns the hope of freedom into legal provisions that no one may infringe without ostracizing himself from the international community".

Since the enactment of the Universal Declaration, Chile has played an outstanding role in the various and different questions that have arisen in the world organization, its committees and specialized agencies, insofar as safeguarding the observance of human rights in the various regions of the world, as for instance, when the subject of



"apartheid" arose in the Seventh General Assembly, in 1952. Chilean delegates, likewise, have permanently and efficiently cooperated with humanitarian, cultural and economic international organizations, such as the United Nations Food and Agriculture Organization (FAO), the United Nations International Children's Emergency Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Economic Commission for Latin America (CEPAL), and others.

The president of the Chilean delegation to the x General Assembly, Mr. José Maza Fernández, was unanimously elected President of the General Assembly of the United Nations for the period of sessions held from September 20 through December 10, 1955. Mr. Maza expressed the following, among other concepts, in his acceptance speech:

"It has been stated that anguish in our time originates in that peace should be the daughter of terror; the product of collective dread in the face of the danger of nuclear weapons. This may be so, but the peace we wish is much more than a simple state contrary to war. As we are told by the Charter, we are striving for peace on the basis of mutual trust among the countries; of respect for human rights; on an improvement of the standard of living and on the acknowledgement of the right of the people to self determination."

Parallel to their work in the United Nations, the Chilean delegates are throughly active in the Organization of American States. The Fifth Meeting of Consultation, held in Santiago in 1959, decided to establish the Inter-American Commission on Human Rights, which was presided for many years by Chilean Ambassador Mr. Manuel Bianchi Gudian, who is a member of that organ at the present. Among the tasks carried out by this commission and in which the Chilean delegate played a mayor role, we may recall its outstanding role in re-establishing juridical order and human rights in the Dominican Republic, on the occasion of developments in that country during the 1960-1966 period. Ambassador Bianchi left an interesting and substantiated document as proof of this work there -his book, "Misión Cumplida" (Editorial Andrés Bello, Santiago de Chile, 1967).

During the course of the general debate in the xv General Assembly of the United Nations, held in 1960, the head of the Chilean delegation indicated:

"At this solemn occasion, Chile wishes to renew its steadfast support to the principles contained in the Charter of San Francisco and in the Declaration on Human Rights, which all of us have undertaken to respect and obey and which shall, through your active cooperation, reflect in better days for mankind."

Special significance was acknowledged to the permanent and valuable cooperation provided by the Chilean delegates, through many years, in the preparation of the International Pacts on Economic, Social and Cultural Rights and on Civil and Political Rights that were unanimously approved by the General Assembly of the United Nations, in December 1966.

At the session of the General Assembly held on September 28, 1961, in his address, the Chilean Foreign Minister announced that his country would support "the prompt approval of the pacts on human rights, including those of a social and economic nature, negotiations which have already extended for more than twelve years".

During the xxi period of sessions of the General Assembly, held in 1966, the Third Committee was essentially concerned with these pacts, intended to make the provisions of the Universal Declaration juridically compulsory and to establish legal procedures with a view of securing the observance thereof. The Report of the Ministry of Foreign Affairs of 1966, bears witness to the effect that "according with our invariable line of action and the instructions of the Government, the delegates of Chile tenaciously endeavoured to obtain that these measures become operative, that is to say, that they effectively secure the observance of the acknowledged rights". (Op. cit., Santiago, 1966, pages 113-114.)

The Report of the Ministry of Foreign Affairs shows the repeated efforts displayed by the Chilean delegation in reaffirming the effectivity of both pacts, in view of the fact that certain countries sought to weaken them. In connection with the Pact on Civil and Political Rights, for instance, some delegations -amongst which Chile had an outstanding participation- endeavoured to maintain the effectiveness of the contemplated measures in order to ensure their efficacy. "This was not the criterion of the majority -the Report indicates-, mainly formed by the Socialist countries and the Afro-Asian nations which, with some exceptions, preferred to adopt a text which might gain universal support, even if it meant reducing its implementation measures to the extent that no violation could be punished." (Op. cit., pages 117-118). In December 1966, the General Assembly gave its approval to the International Pacts on Civil and Political Rights and on Economic, Social and Cultural Rights.



Finally, on November 11, 1969, the San Jose de Costa Rica Conference approved the American Agreement on Human Rights Known as the Pact of San Jose de Costa Rica. It represents the most important step taken by this hemisphere, under the inspiration to a great extent of the European Convention safeguarding the basic rights and freedoms of man, to establish a jurisdictional system with a view of effectively protecting such prerogatives on a supranational level. Through the years and at various meetings and committees, the Chilean delegates and jurists have had relevant participation in this important initiative, which took several years before being approved. This confirms once more the permanent and traditional international policy of Chile insofar as promoting and defending the basic rights of the human being.

### THE ACTIVITY OF THE CHILE IN THE DOMESTIC FIELD

#### PARAGRAPH ONE

##### HUMAN RIGHTS UNDER THE PREVIOUS ADMINISTRATION

Up to the present time, those who have taken it upon themselves to study the situation of human rights in Chile during the present government, have stated over and over that they are confined from advancing considerations on the internal politics of the country as well as from passing judgement on the legality or illegality, justice or injustice of the previous regime.

Consequently, they analyze what has been happening in the country since the overthrow of the previous government, without ever considering the past and, therefore, overlooking the causes which brought about the events they are so intent in analyzing.

However, it is evident to anyone wishing to review this situation in good faith that the emergency which affected and still is affecting Chile, together with the continuation thereof and the consequences derived from it—which have necessarily originated certain restrictions on human rights—, immediately, directly and unavoidably depend on the nature and seriousness of the causes that developed it.

This is the reason that moves us to briefly discuss the situation of human rights under the previous administration, as an essential element for the fair analysis of what has been happening in Chile since the present government took office.

##### THE RIGHT TO WORK

The American Declaration on the Rights and Duties of Man, signed in Bogotá, consecrates the right of the individual to work under dignified conditions and to follow his vocation and receive remuneration in relation to his capacity and skill.

During the government of the ill-termed Unidad Popular, the right to work so conceived did not go beyond representing a mere figure of speech devoid of any content whatsoever, from the moment that membership in one of the parties in government became the essential requirement to obtain employment and to continue and advance therein. As a result, both in the public as well as in the private sectors, to the extent that the latter passed into state control, executives who did not meet this requirements—and practically none did—were systematically replaced by individuals devoid of the capacity which these positions demanded, but who gave the government the assurance of doctrinal fidelity. In a smaller scale, the same situation became apparent in the case of employees and workers. Consequently, during the three years of that government, Chile endured the unemployment of countless technicians and professionals who had held the highest responsible positions in the public and private sectors. Many of them were required to emigrate from the country during that period.

Simultaneously, the evident preference for those exhibiting membership in one of the parties in government, in regard to the assignment of responsible positions, to promotions



and allocation of higher remunerations, extended to all levels of public and private activities. Countless cases could be told of honest and capable workers who lost their positions by refusing to sign up with political parties of the extreme left.

The indicated situation that originally arose only in the public sector, for obvious reasons, extended gradually to the private sector as well, to the extent that this latter legally or illegally fell into the control of the State. One may recall the treatment received by the supervisors of the large copper mining industry, by the workers of the state-controlled textile industry Sumar, by the coal workers, by those of the *Compañía Manufacturera de Papeles y Cartones* and by the many others who pretended, in one way or another, to preserve the social benefits gained through years of democratic life.

In this respect, it is likewise necessary to recall the treatment received by the small tradesmen, the small and medium-size industrialists and transport workers, which represented an independent sector of labour which the government intended to eliminate under the excuse of wishing to suppress middlemen.

The growing unemployment resulting from a regressive social and economic policy, was disguised by opening the doors of the public administration and of state-controlled enterprises to whatever member of the government parties wished to join them. Originally, this procedure was used as a device to deceive real unemployment rates and subsequently, as a means of producing an artificial majority of workers who would voice their opinion in favour of the government policies. A sequel of this procedure was the economic breakdown of companies due to excess of personnel and the discouragement of their workers, who feared losing their legitimate expectations of improvement.

## THE RIGHT OF SELF-ORGANIZATION

The previous government recognized the legal status of the *Central Unica de Trabajadores*, CUT (Single Workers Association), thereby extending to it the monopoly of labour representation.

From that moment onwards and through the use of the strategy it so deftly masters, the Communist Party, with the assistance of other extreme left wing parties, gained control of the National Board and of the Provincial Councils of the CUT, thereby taking into its hands the monopoly of labour union organization in Chile.

It is necessary to recall the election for the Santiago provincial board, whose returns were grossly fabricated as duly reported by independent workers and the trade union department of the Christian Democrat party. To this effect and without any justifiable reason, the results of that election were withheld for months with the evident purpose of committing electoral fraud. Similar procedures were used in most of the elections held within the CUT. Union board elections were carried out under an atmosphere of terror, in order to impede voting by independent employees or labourers or by those not belonging to the political parties supporting the government.

These facts were repeatedly reported to the country by the leaders of the democratic parties, their trade union departments and by independent workers. The President of the Republic himself complained about this kind of activity, although he refrained from using any one of the many tools which the law provides to the government in order to secure the observance of legal requirements in this respect.

## THE RIGHT TO EDUCATION

As of November 1971 onwards, Congress denounced to the country repeatedly that the administration was violating the constitutional guarantees in the field of education, under the pretext of holding meetings throughout the country to discuss the future structure for education.

It was officially disclosed that the National Congress on Education, held from December 13 through 16, 1971 under government sponsorship, met solely for the purpose of "becoming aware of our educational reality, as an expression of imperialistic and oligarchic domination". The reaction of students, teachers and non-academic personnel on the growing government intervention to put an end to educational freedom in Chile and to convert education into a tool for International Marxism, was suppressed with the customary violence used by extremist parties and groups, although in many instances it was actually the very authorities that used the public force for such purposes.

In this connection, one must recall the forcible take-over of the University of Chile, carried out by armed individuals under government protection who prevented the opera-



tion of its regular organizations. Never before –and this is the most serious part of all– had a government remained so hypocritically aloof in the presence of armed groups of their own parties invading university quarters to strike students.

On another occasion, under the complacency of the government, terrorist groups forced themselves into a public girls school in the Providencia area of Santiago, where they committed all kinds of misdeeds in order to impose the marxists educational policy of the government.

Moreover, an agreement was subscribed between Chile and Cuba on the mutual exchange of school textbooks and even today there are large stocks in the country of books brought in from Cuba, with the sole purpose of indoctrinating Chilean youth with marxist ideas. Happily, the previous administration had no time to distribute these texts.

The entire scientifically conceived process to terminate forever with the right to a free, pluralistic and serious education in Chile, saw its climax with the bill on a national unified schooling system known as "Escuela Nacional Unificada, ENU", which the government pretended to enact but decided to postpone for a more propitious occasion, in view of the widespread reaction against it.

This project was officially announced on January 30, 1973, over radio and television network, by the Minister of Education, Mr. Jorge Tapia.

The government itself, through a pamphlet published by the Ministry of Education, disclosed the real intentions of this Escuela Nacional Unificada ENU, admitting that its primary objective was to "convert each Chilean into an actor of his own destiny, a basic element in the social changes that strengthen the socialist system of life...". The government had no scruples in declaring that the final purpose of such a project was to create 'the new man', representing a concept which is too well known the world over and therefore requires no further discussion, except to recall that it was duly explained at the xxiv Congress of the Soviet Communist Party held in Moscow.

Fortunately, the reaction of all organized sectors in the country against this project, headed by the Catholic Church and including even the very Armed Forces, proved to be so unanimous and strong that, it moved the government to announce the 'postponement'; of the debate, though with the express indication that such a decision did not imply its abandonment.

## THE RIGHT TO HEALTH

The previous government prepared a project directed to establish a single health service for all the inhabitants of the country, which it endeavoured to impose by using all political resources and all kinds of mechanisms.

This project implied the consolidation of the National Health Service with the National Medical Service for Employees and other similar institutions and, in actual fact, the first step towards putting an end to free medical practice.

Just as so many other absolutely demagogical projects, this one had no technical basis whatsoever and it only pursued the evident purpose of controlling the operation of two of the largest health organizations in Chile, through the government parties.

Both the project itself, as well as the means which the government used in endeavouring to implant it, not only caused a deep division among doctors, paramedical and administrative personnel, but it likewise originated such bewilderment in the services to be consolidated, that it resulted in a serious impairment of medical service to people, a fact that was even acknowledged by the very government.

In fact, the government intended to have this plan imposed by indirect ways, a situation that caused such an enormous deficiency in the budget of the services that it lead to repeated walk-outs and a short supply of material means for the care of the sick, resulting in an extremely critical situation.

All this took place during the first months in 1972, when the Minister of Health made known to public opinion the decision of the government to secure a prompt establishment of a Single Health Service.

In December of that same year, the Medical Association of Chile pointed out that "it renounced all responsibility on the deterioration of medical attention to the beneficiaries of the National Medical Service for Employees, as likewise on the impact involved by the transfer of workers to the evermore deficient attention provided by the establishments, under the National Health Service". The Medical Association finally stated that "the entire situation is the result of the governmental effort to arrive at a Single Health Service".

## THE RIGHT TO FAMILY LIFE

For the first time in the history of Chile, during the three years of the Unidad Popular government, family life appeared deeply influenced by political division based on class struggle.

The extremes to which the politics of the country arrived during that period made an impact in each Chilean home, bringing about the division of the family. If one considers that the situation in work and education also impacted strongly on family life, inasmuch as the worker or student members of the family found themselves entangled in the general politics of the country as promoted by Marxism, we shall then have a full picture of the factors that brought unrest from the streets to the homes during that time. Even the common fact of children informing on their parents, which prevails in the Communist nations, began to be seriously promoted in Chile.

This picture barely reflects the anguish present in every family, uncertain about the future. Thousands and thousands of mothers spent the greater part of the day or night standing in lines waiting to purchase essential goods. Only those families that accepted to belong to Supply and Price Boards —JAP—, formed by the government in each neighborhood to control the supply of essentials —a usual procedure in the Socialist countries— were spared the shortage of foodstuffs.

## ECONOMIC RIGHTS

### A. Private Property

Concurrent with marxist doctrine, from its very start, the Government of Salvador Allende announced its decided purpose of putting an end to the private ownership of Chilean production media. To this end, every conceivable procedure was used, from deceit of the law and coerced purchase through pressure of public service visits of inspection —Internal Revenue, for instance—, to material takeover by force that even included bodily harm to the owners.

The thousands of enterprises, establishments and agricultural properties that were expropriated, requisitioned and taken over, provide the best proof of the level reached in Chile insofar as property rights, during that phase of marxist ideology observance.

The Supreme Court of Justice, the National Congress, the Comptroller General of the Republic, all the democratic political parties, trade unions and other such institutions left an official record of the violations committed on large, medium and small property by the government.

Court decisions ordering restitution of illicitly expropriated or-taken-over property, just as the rulings passed by the Comptroller General of the Republic, went unheeded by the government, which denied the use of the police to enforce those decisions.

### B. Precarious Economic Situation

The economic policy which the Government of the Unidad Popular carried out, had the clear purpose of destroying the economy of the country, in the hope that once this goal had been attained, a marxist economy on the basis of the dictatorship of the proletariat could be established and which everyone was to accept in the face of existing chaos. One may add that the Allende Government fell when it had carried out the destructive part of this policy and was preparing to establish the dictatorship of the proletariat which was to build a socialist economy on the spoils of the then destroyed capitalism.

The statistical figures in Chile during such years are only too eloquent to demonstrate the truth of this assertion. It is sufficient to this end, to bear in mind that international reserves of foreign currency that reached US 332.700.000 in December 1970, by September 1973 represented a negative balance of US 421.700.000.

The deficit in the balance of payments reached astronomical figures due to the economic destruction of the country, which consequently made it necessary to import hundreds of millions of dollars in foodstuffs which were produced in Chile before.

Arbitrarily controlled inflation during the first period of the government intended to impart a sensation of stability and economic prosperity in the eve of the coming congress-



sional elections, ran away to the extent of reaching levels unheard of through world history, in 1973.

The runaway inflation experienced in 1973, was even higher than was indicated by the official indices, therefore delaying the process of normalization.

The fiscal deficit brought about by uncontrolled public expenditure was covered by the issue of money in a most irresponsible manner, thereby originating the consequences which the world has been able to subsequently appreciate.

With some insignificant exceptions, the production of all essential goods registered enormous losses and it may be sustained generally, that in 1973 Chilean agriculture was providing only half of the food products it supplied in 1970.

The analysis of any of the indices used to gauge the degree of development reflected in the economy of a given country, technically leads us to conclude that the Unidad Popular Government by September 1973, had reached or was about to reach the first part of its program to assume total control in Chile, that is to say, to achieve the complete destruction on the national economy.

## FREEDOM OF ASSOCIATION

In connection with labour, the government of that time endeavoured and was about to obtain full control of the trade union movement in Chile.

In the other fields of association, the intentions of the marxist government emerged in a different manner. The government, in fact, put an end to the right of self-association when it gained control of the operation and management of business corporations and various other institutions and foundations through illicit means. The Superintendency of Corporations, the Superintendency of Banks and the Ministry of Justice, utilizing the control vested on them by law insofar as the different forms of self-association, in one way or another not only hindered its practice, but also permitted, against the will of its members, that such associations be managed by government appointed interventors, devoid of any representation and who actually ran these associations against the best interests of their associates. Through these artificial means, the government appointed interventors managed the social and corporative funds, their personnel and, generally, all their operations without exhibiting any other title than that of a precarious appointment by the political power, in violation of the law and the courts.

## THE RIGHT TO MEET PEACEFULLY

The streets of Santiago and the rest of the country found themselves invaded by hordes under the control of foreign terrorists indoctrinated in urban guerrilla fighting that prevented groups not partial to the government from meeting peacefully.

In this connection it is essential to recall the movements of protest of the Chilean women, who were violently dispersed by irresponsible hordes before the passivity of the public force that received direct orders from the Ministry of the Interior. On numerous occasions, moreover, the government obstructed the holding of acts by the opposition through the use of the police.

## THE RIGHT TO PRIVACY

During that time, Chilean homes and places of work stopped being private quarters which could only be entered into against the will of their owners by court orders. The bank accounts of citizens, whose privacy is guaranteed by law, in the same way as tax returns, were reported. Outstanding in this respect, was the publication in the communist daily "Puro Chile" of the tax returns of opposition leaders, that were naturally adulterated by showing non-existent property and income to damage their reputation.

Under pretext of tax, foreign exchange and customs investigations, the pertinent officials searched the offices of lawyers without being in possession of a court order, with the purpose of appropriating any documents on their clients that could be used for political ends. Repeated statements issued by the courts and professional associations were ignored by the government.

The private lives of the citizens of this country were made public whenever the government wished to disqualify someone intending on criticizing its policy.



## THE RIGHT TO SECURITY

Political crimes were unknown to Chile, yet the long list of those committed during the three years of the Salvador Allende Government—which has been made public repeatedly—shows that political murder was established as a system organized from the top, with the intention of intimidating people who still exhibited some independence. A former Vice President of the Republic, young and outstanding officers of the Army, a naval aide to the President of the Republic, farmers, workers and others were treacherously murdered with the confirmed participation of foreign terrorists brought into the country for precisely that purpose.

Some of those individuals arrested for political crimes, received pardons from the President of the Republic and, as could be presumed, returned to their doings and repeated the same crimes for which they had already been arrested or sentenced, without ever receiving punishment.

While this occurred, in violation of the Constitution and the law, many thousands of Chilean citizens were denied exit from the country and those who were able to do so, had to endure vexatious administrative procedures.

All this was orchestrated within an atmosphere directed to end all opposition.

## DESTRUCTION OF INSTITUTIONAL LIFE

In this connection, it is essential to recall certain statements made by the President of the Republic, that alone provide sufficient and eloquent proof of his purposes to destroy legality in Chile by concentrating the aggregate of all power in the Executive leading to the dictatorship of the proletariat which represented the confessed goal of the marxist government.

Shortly after having taken office, the President of the Republic stated that he was president of only a part of the Chilean citizens.

A short time later, the President himself admitted to French writer Régis Debray—who took it upon himself to spread it the world over—that he had never intended to observe the guarantees which he had reached with the National Congress, shortly before taking office, inasmuch as "that had been a strategical move simply intended to enable his access to power".

There is no doubt, therefore, that President Allende never thought of respecting the juridical institutional system of Chile. Moreover, within the Allende scale of values, this meant that the institutional life of the country as consecrated in the Constitution and standing legislation, had a lower priority than his loyalty to International Marxism.

## INDEPENDENCE OF THE JUDICIARY

The most revealing demonstration of the arbitrary treatment which the Judiciary had to endure during that government, is contained in the communication addressed to the President of the Republic on May 7, 1973, by the President of the Supreme Court and all its Ministers, which in fact represented the loss of the independence of the Judiciary. (See appendix.)

## THE ACTIVITY OF CONGRESS

The relations between the Legislative and the Executive powers were no better than those which prevailed between the latter and the Judiciary.

Except for very rare instances, during its three years in office, the Government of the United Popular never appealed to Congress to obtain legal authorization of the policy it was conducting. Congress was dispensed with and indirect and illicit means were chosen to develop that policy without the participation thereof.

The best testimony of this assertion is the agreement adopted on August 22, 1973, by the Chamber of Deputies, accusing the Executive of usurping its legislative function. This agreement was taken with the vote of all democratic parties represent in Congress (See appendix).

Besides this declaration of Congress, the Christian Democrat, Social Democrat, Radical Democrats and National parties left a clear record of the causes that lead to the events of September 11, 1973.

At this stage, it is necessary to recall the words of the president of the Christian Democrat Party, who stated that "Chile had been on the verge of another 'Prague coup' which would have been tremendously bloody. The Armed Forces only anticipated themselves to that impending risk.

## THE COMPTROLLER GENERAL OF THE REPUBLIC

Without fear of error, it may be sustained that the Comptroller General's office lost all reason of existence during that government.

The protests raised by the Comptroller to secure observance of the resolutions passed under the Constitutional and standing legislation, were of no avail, although they had the support of both the Legislative and judicial powers.

Thousands and thousands of decisions on the illegality of supreme decrees and administrative rulings only became mere words on paper. Through the abuse of the insistence decrees, the government was able to impose its illicit decisions directed to implant the dictatorship of the proletariat in Chile, while undermining and or abolishing all those established institutions of the country that in one way or another were or are apposed to those of a marxist state.

Therefore, a President of the Republic, elected under a specific system, who solemnly and voluntarily undertook to observe a series of guarantees to safeguard the democratic institutional system of the country and who swore to respect and enforce the Constitution and the law of Chile, without dissimulation and dispensing with the appropriate legal mechanisms for the purpose, endeavoured during his mandate, to establish the dictatorship of the proletariat on the basis of institutions adequate to marxist ideology totally opposed with the national polity.

## PARAGRAPH TWO

September 11, 1973

1. According to the brief description provided in the foregoing Paragraph, the condition of human rights had reached a critical situation during the so-called Unidad Popular Administration. Such situation, however, was but one of the many signs of the process of systematic and integral destruction of the national entity that, by the freely determined act the people of Chile, brought about the military pronouncement of September 11, 1973.

2. In order to adequately face an extremely serious situation, the present Government was required to adopt measures restraining constitutional guarantees. In connection with such measures, however, one must readily point out the following: (a) that Chilean legislation had contemplated these measures for many years before the military pronouncement, and (b) that such measures correspond to the kind of those generally accepted in exceptional situations endangering the existence of a nation, despite the fact of confining these basic rights (International Pact on Civil and Political Rights and Declaration of Costa Rica on Human Rights).

3. During the period that immediately followed the military pronouncement of September 11, 1973, the following measures were taken, insofar as human rights are concerned:

a. Establishment of the state of siege in the degree of "state of war", throughout the territory of the Republic, enabling the application of the Code of Military Justice, in view of the circumstances affecting the country;

b. Establishment of the state of emergency;

4. Consequently and under the indicated measures, the present Government was invested with those special powers contemplated in the Political Constitution in connection with the state of siege (Art. 72 N.º 17) and in the Law on the Security of the State (Title VII



of Law 12.927), for "state of emergency" cases. Obviously, such powers affect certain constitutional guarantees and provide the authorities with effective tools to face situations of internal or external commotion. These shall be discussed later on when reviewing the standing legislation.

5. Under the authority vested in them by the Law on the Security of the State, the Heads of Zones under the state of emergency suspended or confined certain rights or guarantees, as for instance, freedom of speech and freedom of assembly without prior authorization. Naturally, the intensity of these limitations was gradually eased, considering the circumstances prevailing in each zone of the country, to the extent that today, for instance, freedom of speech is not restricted, except insofar as it may affect the political recess. Any other limitation exceeding the indicated circumstances required or desired by the Government have been corrected as soon as perceived.

6. Although the powers under the state of siege system, as contemplated in the Political Constitution in force since 1925, represent a limitation on individual rights, the present inhabitants of the country and history have and will admit how prudently and wisely this legal weapon has been used. Just two examples to the effect:

a. Out of the 10.000.000 inhabitants of the country, only 500 individuals remain under arrest at this time, under the state of siege;

b. Notwithstanding the permanent terroristic activity and the seriousness of the acts committed or intended, the last death sentence pronounced by a military court, after due process under the guarantees established by law, dates back to January 1974.

7. Marxist aggression against Chile has persistently insisted in magnifying those limitations on individual rights required by the prevailing circumstances and vouched for by the law. More often than not, our reality has been grossly perverted. On the other hand, past and present occurrences in Chile have never been approached truthfully and honestly. Had this been the case, one would have necessarily concluded that the wide range of individual rights or guarantees contained in our Political Constitution, had perhaps never before been respected as much as they are respected and revived today: be they property rights or freedom of thought or of religion; be they equality of taxation or inviolability of homes, mail, or whatever. Under cover of the measures adopted by the present Government, these basic rights are being enjoyed by the ten million Chileans.

It becomes impossible to resist the legitimate temptation of comparing the situation of human rights under the previous administration, when they were trampled on time and again, with the atmosphere of respect, tranquility, security and true integration prevailing today in Chile, despite the harsh economic conditions which the country is required to face.

### PARAGRAPH THREE

#### LEGISLATION IN 1974 AND 1975

Several legal texts have been enacted after September 11, 1973, intended:

a. To regulated the provisions governing the various emergency systems contemplated in the national legislation, such as the case of Executive Decree N.º 640, published in the Official Gazette of September 10, 1974;

b. To regulate provisions governing the juridical protection of the procedural rights of individuals that have been arrested for offenses against national security, as contained in Executive Decree N.º 1.009, published in the Official Gazette of May 8, 1975;

c. To prepare a current organic text on Law N.º 12.997, on the Security of the State, as provided by Executive Decree N.º 890, issued by the Ministry of the Interior, and published in the Official Gazette of August 26, 1975, and





d. To change the degree of the state of siege, in accordance with the gradual improvement of the internal security in the country, declaring it under the degree of Internal Security, thereby lowering applicable penalties, as provided in Executive Decree N.º 1.181, published in the Official Gazette of September 11, 1975.

The mere listing of legislation enacted is sound evidence of the serious concern of the present Government of placing itself continually under more restricting rules on the authority with which it is invested by the law of the country covering emergency situations.

THE INTERNATIONAL CAMPAIGN  
AND THE WORKING CLASS

PARAGRAPH ONE

THE INTERNATIONAL CAMPAIGN

PART TWO

THE PRESENT SITUATION OF HUMAN  
RIGHTS IN CHILE

Upon the basis of the information received from the Communist Party of Chile and the Christian Front, it is concluded that the only possible way to remain in power in Chile the next campaign will be to carry out a forth-right and self-directed mass strike campaign, including the workers and students, in order to bring about a change in the government. The threat to be used is the danger of a coup d'etat perpetrated by reactionary elements, and the strike will be organized by "masses".

The appendix which has been mentioned, gives an account of the strike and the conditions and means illustrating the preparatory campaign for the international Soviet-communist movement against Chile.

THE OPENING OF THE CAMPAIGN

A very long time has passed since the beginning of another such a fair international publicity campaign as the first Chile. It is necessary to take today. An available means have been used and the experience gained from recent past campaigns against other nations has been wisely employed. To this end, the Soviet Union has been the greatest knowledge gained in Chile, drawing a large part of its strength in order to bring about the Chilean Revolution.

It is the purpose of this campaign to bring about the success of the campaign, which is the purpose of the first Chile. It is the purpose of the first Chile to bring about the success of the campaign, which is the purpose of the first Chile. It is the purpose of the first Chile to bring about the success of the campaign, which is the purpose of the first Chile.

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## THE INTERNATIONAL CAMPAIGN AND THE WORKING GROUP

### PARAGRAPH ONE

#### THE INTERNATIONAL CAMPAIGN AGAINST CHILE

##### I. THE MOUNTING OF THE CAMPAIGN

As is shown by the document attached in the form of an appendix (see appendix), the campaign began to be mounted even before the present Government took office.

Upon the failure of the dialogue between the parties of the Unidad Popular on the one hand and the Christian Democracy on the other, the Communist Party of Chile must have realized that the only possible way to remain in power under the new conditions, was to carry out a 'coup d'etat' —a self-inflicted 'coup'. It became necessary, therefore, to prepare and condition international public opinion, to the effect of justifying the communist 'coup' ahead of time. The theme to be used was to be the same as used in Chile, the danger of a 'coup d'etat' perpetrated by "reactionary elements" and of civil war unleashed by "fascists".

The appendix which has been mentioned gives an account of each one of the steps taken in this connection and clearly illustrates the preparatory campaign for the international Soviet-communist movement against Chile.

##### II. THE OPENING OF THE CAMPAIGN

A very long time has passed since the initiation of another such unfair international publicity campaign as the one Chile is required to face today. All available media has been used and the experience gained from recently past campaigns against other nations has been wisely employed. To this end, the Soviet Union resorted to the practical knowledge it gained in Vietnam, diverting a large part of its elements in order to project them towards Chile.

World public opinion must be aware that the source of this campaign, after its preparatory phase, is to be found in meetings held in Europe as of September 1973 itself. For instance, on September 29, 1973, Soviet and Chilean leaders and members of different western communist parties met in Helsinki to prepare what was to become as of that very day, the campaign to be unleashed against our country.

At the inaugural session of this meeting, former Chilean Communist Senator Volodia Teitelboim, a member of the Central Committee of the Communist Party, stated:

"The people are resisting the authors of the coup through a heroic and unmatched struggle that, in spite of the many alternatives it may reflect, shall continue until final victory is attained." This struggle has already engaged —as shown by this meeting— and shall evermore require the understanding and solidarity of people all over the world."



At this same meeting, the following was also stated:

"It is of the utmost importance to organize as soon as possible the frequent and hasty visits of political missions, as well as of labour, youth and other organizations in order to bear pressure on fascism."

Upon insisting on the need of urgently preparing campaigns to provide political, moral and material assistance to the people of Chile in their resistance, he stated:

"It is our wish that material contributions be turned over in Europe to the organization that is responsible here for resistance in Chile, so that this body may send such contributions to that country at the most convenient moment."

Chile thus became the vanguard in the struggle for Marxism and the Chilean problem, the priority concern of the Communist world.

### III. THE PURPOSE OF THE CAMPAIGN

According to the discussions of the Helsinki Conference, the final objective in the international field was to isolate the Government of Chile, economically, politically and morally, to the effect of compelling the Government to yield power. In the internal field, the intention was to organize and to finance resistance.

### IV. THE STRATEGY

In conformity with the decisions taken in Helsinki and which were subsequently reiterated at the World Congress of the Forces for Peace—with the participation of the Secretary General of the Soviet Communist Party, Leonid Brezhnev—, held in Moscow in October 1973, the following strategy was developed to meet the indicated objectives:

- a. To establish national committees of solidarity with Chile in every country;
- b. To carry out a wide campaign of information and accusation through conferences, debates and other public acts and by the intensive use of mass communication media;
- c. To establish an international court formed by jurists partial to the Soviet cause and others who would be invited to participate, intended to try crimes committed by the Government;
- d. To prepare a Black Book of documents and facts on events in Chile after September 1973;
- e. To submit messages, statements and resolutions to the United Nations, its specialized organizations and other inter-governmental bodies, as well as to governments, directed to concern themselves with the Chilean cause and to incite them in participating in everything connected with the problems raised by them;
- f. To carry out campaigns before the various governments to obtain the adoption of economic measures against the Government of Chile;
- g. To promote a vast campaign directed to secure material assistance for the resistance movements operating in Chile, and
- h. To engage the interest of juridical, humanistic, religious and other organization by sending delegations to visit Chile.

### V. DEVELOPMENT OF THE PLAN

Beginning with the Helsinki Conference and followed by the World Congress of the Forces for Peace, held in Moscow in October 1973, the outlined strategy began to be fully applied. Committees on solidarity with the people of Chile were therefore organized in practically all the countries of the western world, with the decided material and moral support of national groups following the Soviet cause, and of Chileans in exile.

#### 1. Committees on solidarity with the people of Chile

The main purpose of these committees is to attract the permanent attention of public opinion in their respective countries to the Chilean case. To this end, they publish bulletins that magnify and disseminate false information and collect funds intended to finance the campaign and, whenever possible, send them to Chile to promote internal unrest.

An example of this activity was the Pan-European Conference on Solidarity with Chile, held in Paris, in July 1974, organized by the French National Committee on Solidarity



with Chile. In it former Chilean Marxist Socialist Senator Carlos Altamirano had an outstanding participation.

## 2. Intensive use of mass communication media

Radio Moscow emerges as the organizing center for information through its program called "Chile, listen" that is broadcasted in several languages over various wave lengths at different times. This radio station provides the guidelines to be observed by various communication media controlled by the Soviet Union, such as Radio New Havana, Radio Sweden, Radio Korea, Radio Berlin, Radio Peace and Progress in the Soviet Union, Radio Magellan, among others.

Day after day these radios appeal to subversion, invent stories and report false news that, on being collected by other communication media, enables the dissemination of a widely distorted image of Chilean current events.

By way of example one may recall that on March 25, 1975, the Berlin International Radio announced the following piece of information during its program, Chile Today: "According to information brought out of the country and published in Buenos Aires, the communist youths of Chile have called upon the formation of a powerful youth movement that will contribute in overthrowing the dictatorship. The document prepared by the young Chilean Communists points out their refusal to be indoctrinated by the Junta. It is necessary that it be attacked from all angles and denied action to the effect of isolating it even more."

On June 24, 1975, this radio station pointed out in its program: "The organizations are hard at work to extend this 'anti-fascists' front and to reach agreements with other world organizations in cooperating to overthrow the Junta in one way or another."

On May 8, 1975, the indicated radio station reported: "The Socialist Party of Chile considers the organization of the struggle to overthrow the fascist dictatorship as its primary task. To meet this target, there is a need to create an anti-fascist front and a union of socialists and communists. This can be concluded from a report on the plenary session of the Central Committee of the Chilean Socialist Party held in Santa María, close to the Cuban capital."

On May 9, 1975, this radio station reported. "It is necessary to isolate the Junta by all possible juridical, political and economic means."

On July 14, Radio Berlin claimed: "Jaime Gazmuri has stated that the progressive parties of the country are now working undercover."

A commentary by Maria Eugenia Castro radioed over that same broadcasting station, indicated: "The Junta is condemned. History has condemned it. It was Lisbon and then Athens yesterday; Phnom Penh and Saigon today and which shall it be tomorrow, Santiago or Madrid...?"

In turn, on October 31, 1974, during its program entitled "Chile, listen", Radio Moscow commented: "Not a single one of the fallen has died in vain; 100 new fighters shall emerge for every one that has died". On November 6, 1974, this station quoted a speech by the Soviet leader and Minister for Foreign Affairs recalling the fiftieth Anniversary of the Soviet Revolution, in which he referred to Chile: "One may be certain that the free-loving people of Chile have not had their last word. With that people stand the solidarity, fraternity and support of the Soviet people".

On December 3, 1974, Radio Moscow quoted a speech by Hernan del Canto, a once Chilean leftist leader and former Minister of Allende, delivered at the Third Conference of Soviet Friendship Societies: "The fight against Pinochet's fascist regime is lead from within the country. A distinctive feature of our struggle -stated Hernan del Canto subsequently- is the gigantic solidarity provided by the socialist countries led by the Soviet Union, the Democratic Republic of Germany and Cuba."

On February 20, 1975, the same broadcasting station indicated: "The meeting, moreover, made an important decision, inasmuch as the Communist Party of the Soviet Union, its government and its people will strengthen their disinterested solidarity with the struggle of our people, with the struggle of our party inside Chile and with the struggle of socialists who live to free their country". Later on this radio pointed out: "The meeting established mechanisms, with regards to morally and materially supporting the struggle of our party and the struggle of the Chilean people. The Soviet comrades insisted that we shall always have their support".

On February 18, 1975, Radio Moscow stated, while referring to Clodomiro Almeyda: "He also mentions in his speech, the prompt reconstitution of the movement; in clandestinity".

On August 15, 1975, Radio Moscow quotes Alvaro Cunhal as saying: "We the Portuguese Communists are fully and actively committed towards the people of Chile, towards communists..."

### 3. Publication of books and leaflets

As indicated, this campaign started with the publication of the Black Book, printed in Germany in February 1974 by the Pahl-Rugenstein Verlag publishing house of Cologne. The campaign has been followed up with a series of periodical publications, such as the following:

#### a. Bulletins published in America

##### 1. BOLETIN INFORMATIVO

Published by the Chilean Committee on Solidarity with Anti-fascist Resistance in Havana, Cuba. This publication carries the support of the Prensa Latina news agency; it appears every 15 days and it represents the organ which published information by Chileans against the Government.

##### 2. CHILE INFORMATIVO

Published in Buenos Aires, Argentina. It is jointly controlled by the MIR, MAPU and the Socialist Party. It was required to go underground as of the end of 1974, due to the strong pressure of the Triple A (AAA).

##### 3. CHILE EN LA RESISTENCIA

Published monthly by the Chilean Committee on Anti-fascist Resistance in Venezuela.

Address: Calle Paris, Edificio Elsenar, Las Mercedes, Caracas, Venezuela.

##### 4. CASA DE CHILE

Represents an 'open-house' located in Mexico City, where Chilean resistance activities are coordinated. This establishment is under the management of former Minister of Economy Pedro Vuskovic.

Address: Avda. Universidad 1134, Mexico 12, DF. (Also produces publications).

#### b. Bulletins published in Europe

##### 1. DEMOCRATIC CHILE

Published by the Coordinating Committee of the European Leftist Movement, in Spanish, English and French. This publication does not appear regularly due to internal problems of the Committee.

Address: Via di Torre Argentina 21, Rome, Italy.

##### 2. CHILE COMBATIENTE (formerly, SI COMPAÑERO)

Published every two months for circulation among Chilean refugees in West Berlin.

Address: c/o FDCL, 1 - Berlin 12, Savignplatz 5, German Federal Republic.

##### 3. CHILE AMERICA

Published by the Center of Studies and Documents, with the participation of leaders of the Izquierda Cristiana, MAPU-Obrero Campesino and a fraction of the Christian Democratic parties.

Printed in Spanish, English and Italian.

Address: Viale Tratevere 221 5, 00153, Rome, Italy.



#### 4. QUADERNI DI CHILE AMERICA

Published by the same Center of Studies and Documents. It first appeared in April 1975 in Italian. It has the same address as Chile- America.

Telephone: 5809663.

(Responsible Editor: Giovanni Spinelli).

#### 5. RESISTENCE

Publication sponsored by the Bureau d'Information de la Resistance Antifasciste Chilienne. Printed in French as of early 1975.

Address: 13 rue Rabah Noel, Algiers, Algeria.

(Represents, moreover, the central postal headquarters for Chilean resistance in Europe).

#### 6. CHILE ANTIFASCISTA

Published monthly for circulation among Chileans in the Democratic Republic of Germany.

Address: Berlin-Karlshorst, Eginhardstr. 5, D.D.R.

#### 7. BOLETIN INFORMATIVO AND VENCEREMOS

Information bulletins published by the Socialist Party.

Operating in East Berlin and Paris.

#### 8. CORREO DE LA RESISTENCIA

Published by the MIR in both Spanish and French and printed in Paris.

#### 9. M.A.P.U.

Instruction bulletins distributed by the MAPU to its affiliates in Central Europe.

Published in Paris, France.

#### 10. CHILE SOLIDARITAT

Published by the Koordination der Chile - Komitees in the German Federal Republic.

Address: Werner Ley, 5 Koln 1, Hohensollernring 27, German Federal Republic.

#### 11. CHILE INFORMATIONEN

Monthly publication containing information and articles on Chile and international topics. Specifically, it is directed to Chileans in the German Federal Republic and broad.

This bulletin is issued by a committee known as CHILE-HILFRE fur Politische Verfolgte (Chile - Assistance to political refugees).

Address: 53 Bonn Bundeshaus, German Federal Republic.

#### 12. A.S.K. - INFORMATIONEN

Published by the Committee on Anti-imperialist Solidarity (Antiimperialistischen Solidaritats-komitee) every month. (It includes mainly articles on Chile.)

Address: 6 Frankfurt, Eichwaldstr. 32, German Federal Republic.

#### 13. THE CHILE MONITOR

Bulletin containing information and commentaries on present-day Chile. Published by the Chile Solidarity Campaign.

Address: 129 Seven Sisters Road, London, N.º 7, Great Britain.

#### 14. CHILE FIGHTS

Likewise a publication of the Chile Solidarity Campaign. Published monthly as the former and registering the same address.

## 15. CHILE NEWSLETTER

Published by an organization known as the Non Intervention in Chile (NICH).  
Address: P.O. Box 800, Berkeley, California 94701, United States of America.

## 16. CULTRUN

Also appearing under the name of Chile Latein-Amerika Bulletin as of December 1974 in the German-speaking region of Switzerland.

Address: Frank Guggenheim Seestr. 231 CH 8820 Wädenswil, Switzerland.

## 17. CHILE: NEWS FROM THE RESISTANCE

A MIR bulletin abroad.

(Bulletin of the Revolutionary, circulated in Britain without specifying an address).

## 18. INCA BULLETIN

Published monthly in Dutch by the Chile-Komitee Nederland and containing information and commentaries on Chile.

Address: Minahassastraat 1, postbus 4098, Amsterdam, Holland.

## 19. CHILE BULLETINEN

Published monthly in Swedish by the Chile-Kommitten.

Address: Gamla Brogatan 29, Str. 11120, Stockholm, Sweden.

## 20. CHILE ZEITUNG

Published by the Chile-Vienna Committee (Wiener Chile-Komitees).

Address: Wolfgang Eigner, A. 1200 Wien, Klosternenburgerstr. 99, Austria.

## 21. CHILE HOY

Published by the Edinburgh Chile Solidarity Committee.

Address: 16 Potterow, Edinburgh EH 89 B.L.

Telephone: 6671001 ext. 4322 or 031556 6598.

The first number of this publication appeared on April 1, 1975, with 20 pages.

There are other kinds of publications exploited by the propaganda originating in the Soviet Union and consisting of false stories and personal accounts of presumed events. All of these have been rejected by public opinion, inasmuch as the imagination they reflect leaves no doubt whatsoever as to their intended purpose.

## VI. PROGRESS OF THE CAMPAIGN IN OTHER SECTORS

### 1. In the free press.

As stated in various instances, false news or accounts of imagined events are collected by other media and agencies, many of which exhibit a strict professional attitude and therefore are reproduced over and over to the extent of implying the existence of a generalized or actual problem.

A vivid example of this is provided by the case of the presumed missing persons that, by the figures given by different media, allowed the interested parties to add them up the extent of reaching numbers that made an impact on world public opinion.

Only a few days ago, the International Red Cross was required to deny publicly news published in the world press to the effect that 40,000 individuals under arrest remained in Chile. According to the International Red Cross, whose representatives visited the different detention sites, the truth is that only around 4,000 people remain in this condition.



Examples such as these have been and continue to be repeated constantly with the biased intention of those conducting the campaign, in order to continue distorting Chilean events.

## 2. In non-governmental international organizations

Another media used by Soviet communism is represented by some non-governmental international organizations, in which they disseminate false information and facts under instructions from Moscow. As indicated previously, the Helsinki Conference stated that it would make use of the non-governmental international organizations as one of the vehicles it would employ to implement its plan of action.

Another clear example of this is the one provided by the International Confederation of Free Trade Unions, an organization that is controlled by Soviet communism. This institution recommended to all its affiliate bodies to participate in acts of solidarity with the people of Chile during the past month of September.

Another example may be provided by the document entitled "Gospel and Peace", recently issued by the Chilean Episcopacy and that appears fully distorted by the comments broadcast by Radio Moscow. The same identically distorted document appeared in the magazine "Croissance des Jeunes Nations", in September 1975. The same has been done with the last homily delivered by the Chilean Cardinal on September 18, 1975.

## 3. At international forums

There are indications that the communist movement uses any international forum that appears to be non-partisan, to obtain that the attending Soviet or Socialist satellite country representatives recommend a vote of condemnation on Chile. The Conference of Non-Aligned Nations held in Lima in August 1975, the UNESCO meeting in Paris in September 1975 and the Fifth Congress on Crime Prevention sponsored by the UN in Geneva in September 1975, provide an example of this. It is necessary to point out, moreover, that any resolution passed at these international meetings is immediately communicated to the General Secretariat and to all the specialized commissions of the United Nations. For instance, the International Youth Meeting in Solidarity with Chile, held in Mexico with the participation of the leaders of the Institutional Revolutionary Party of that country, Gladys Marin, Beatriz Allende and the President of the World Federation of Democratic Youth, adopted a decision to demand a new resolution against the government from the United Nations and to promote concrete boycott and commercial isolations measures.

Finally, to the effect of demonstrating that the orders originate from international Communism, we transcribe some of the decisions adopted at the meeting of Coordination between of the Chilean Communist Party Abroad and the Foreign Directorate of the Socialist Party of Chile, held in Berlin, Democratic Republic of Germany, from November 26 to the 27th, 1974.

## PROGRAM FOR THE YEAR 1975

At this meeting the working plan for 1975 was adopted in the following terms:

## PROGRAM FOR 1975

- To make 1975 a year of economic isolation, without neglect to other diplomatic and solidarity measures.

- To have the UN Resolution closely evaluated in every country. It must be disseminated through all possible media and its contents must be consolidated through rejection of diplomatic relations, suppression of credits, boycott of supplies and so forth

- To concentrate on the Church and provide immediate support to the Cardinal.

- To constantly send delegations to Chile, as one of the best ways to fight the Junta. To promote visits by delegations of congress women, young congressmen, jurists, members of the International Socialist Youths Organization, etc.

## SPECIFIC WORK

### Work in syndicates

- To ratify the work to be carried out by the committee appointed to travel through eight Socialist countries in Europe at the beginning of December.
- To complete the appointment of representatives of the Chilean labour organization at the various countries. The Netherlands, Venezuela and Portugal, are pending the appointments.
- To work on the International Labour Organization agreements to the effect that the committee which shall be visiting Chile provide a report that reflects actual events and therefore reflect a support to the boycott.
- To endeavour to obtain condemnation of the Junta from the regional meeting of the ILO to be held in Mexico.

### Suggestions on economic boycott

- To appoint a committee of economists to assist the Central Workers Union in determining the most efficient economic boycott measures.
- The renegotiation of the external debt. The Paris Club meets in December and January. Member countries must be influenced to refrain from attending meetings and to oppose the renegotiations. Immediate steps are necessary to approach ministers, congressmen, and heads of Social Democrat Parties of the Paris Club member nations.
- Copper. To boycott the commercial process of copper; to secure delays in unloading shipments, transport, payment, in fact all that may represent the establishment of an atmosphere of uncertainty with regard to Chilean copper. Activity must be preferably focussed on the German Federal Republic, Britain, France, Italy, Sweden, Holland, Belgium and Finland.

### Immediate tasks

- To obtain from the Rome office that it send a representative or a committee to establish contact with and prepare a plan of action with the World Council of Churches, directed particularly to organizing material assistance to the families of the detainees.
- To establish a committee of congressmen with the purpose of working with the World Inter-Parliamentary Congress resolution that contemplates sending a committee to Chile to obtain depositions from Chilean congressmen. This committee must permanently provide information to congressmen and concern itself with the inter-parliamentary meeting to be held in Latin America.

All through 1975, world public opinion has been able to clearly witness the fulfilment of this program. The world at large is unaware of the existence of this plan. It has only been able to realize that the purposes contemplated have been attained. However, in spite of every effort carried out, it has proved impossible to convince public opinion on the deliberate and preconceived nature of these measures.

## PARAGRAPH TWO

### THE REASONS THAT MOVED THE GOVERNMENT OF CHILE TO LEAVE WITHOUT EFFECT THE VISIT OF AN AD HOC WORKING GROUP OF THE UN COMMISSION ON HUMAN RIGHTS UNTIL A MORE PROPITIOUS OCCASION

As public opinion and the members of the Working Group themselves are aware, the Government of Chile provided all the necessary cooperation it required to carry out its assignment. As a matter of fact, a permanent committee was working until July 4 itself to facilitate the duties of the former during its permanence in Chile.

Regrettably, extremely difficult problems connected with internal security compelled the Government of Chile—much to its regret—to leave without effect the visit of this Working Group until a more propitious occasion.



#### a. International Lack of Understanding

World public opinion is aware that while the visit of this Working Group was being prepared, different organizations continued to condemn Chile on alleged violations of human rights, as were the cases of the resolutions adopted by the International Women's Conference, and by the ILO and other identical attitudes adopted by different organizations.

#### b. Internal Subversion

Once the attempts of the Soviet Union met with failure at the Commission on Human Rights first and at the Economic and Social Council later, insofar as condemning Chile without prior investigation, that country concentrated its efforts, through elaborate plans for internal agitation, to create in Chile a fictitious atmosphere of internal unrest, with the sole purpose of influencing the members of the Working Group.

In this connection, it is worthwhile to point out the following plans which were to be carried out during the visit of the Group and which were detected in the country:

1. Hunger strikes at the detention camps in an effort to draw the attention of the Working Group, create problems for the authorities and alert their supporters. Once this plan came into operation, hunger strikes were started in some places as shown by an International Red Cross report.

2. Public marches from outlying areas headed by women and children directed to produce a sensation of discontent and to originate problems of internal security.

3. Guerrilla activities in various provinces thereby giving the appearance of internal unrest in the country.

4. Preparation of different acts of sabotage in plants and industries and in other labour centers, thus contributing to increase the assumed degree of discontent intended to be shown to the Group.

5. Preparation of mass asylum in various embassies.

6. Plans to kidnap representative figures of the past regime with the intention of blaming the authorities and intelligence service for such acts.

7. Intensification of writs of relief on the part of the Committees for Peace, with a view of showing the Group the lack of effectiveness of this remedy and stress the existing number of missing persons. At this stage, it is necessary to point out that the publications which subsequently appeared in various media of Argentina and Brazil, correspond exactly to the names of the people whose relief was requested.

8. Intensification of mass distribution of leaflets of a subversive nature in Santiago.

9. Preparation of serious incidents in connection with individuals who were to seek asylum at the Hungarian Embassy, which is under the responsibility of Austria. In this connection, it is interesting to point out that this Embassy was selected inasmuch as one of the members of the Group was Mr. Ermadora of Austria.

Besides the foregoing, one must recall that this plan was started off with the following main events:

1. Thwarting of a subversive and terrorist plan in Copiapo, detected in June and which ended with the arrest of several implicated parties.

2. Thwarting of a subversive plan in Talca, in June 1975, resulting in the arrest of 35 people.

3. On July 1st., 21 individuals belonging to the Communist Party attempted to seek asylum at the Embassy of Honduras in Santiago. They informed the Honduran representative that they were seeking asylum inasmuch as they understood that a Working Group was arriving in Santiago on the second of that month; moreover, they requested the diplomat to invite the Group over to the Embassy in order that its members could hear their claims. Informed of the correct date of the visit of the Working Group and persuaded by the explanations of the Honduran representative, these people abandoned the diplomatic site.

4. Planting of bombs in the works of the Santiago underground railway which is under construction at present.

#### c. The Government decides to leave the visit without effect

In the presence of problems connected with internal security and being aware that the basic duty of a government is to secure peace, safety and tranquility for its people, the

Government decided to leave the visit of the Working Group without effect until a more propitious occasion.

d. Chile sends a special mission to the Chairman of the Working Group to explain its reasons.

As public opinion is aware, and considering that the circumstances that moved the President of the Republic to take such a decision were connected with national security—which is a highly delicate matter—a delegation was sent to Lima in order to explain to the Chairman of the Working Group some of these aspects and to express to him that the Government would be pleased to receive him personally to explain all matters related with the problem.

Unfortunately, Mr. Allana decided not to travel to Chile to receive this direct information.



### THE PRESENT SITUATION OF HUMAN RIGHTS IN CHILE

#### PARAGRAPH ONE

#### LEGAL AND CONSTITUTIONAL PROVISIONS IN FORCE

##### A. THE STATE OF SIEGE

##### CONCEPT

State of Siege is understood to mean the juridical situation prevailing at one or several points of the territory of the Republic as a result of restrictions imposed on personal freedom.

Number 17 of article 72 of the Constitution contemplates this exceptional remedy in extraordinary circumstances, to enable the authorities to protect themselves against the dangers threatening the external or internal security of the State.

Escriche provides the following definition in his Rationalized Dictionary of Legislation and Jurisprudence, Paris 1876, page 659:

"The state of siege is the exceptional situation of a city, fortress or settlement placed under siege by an enemy intent in fighting and capturing it. In peacetime, all civil magistrates and authorities fully and freely exercise their prerogatives under the law, without any interference from the military authority; in wartime and particular under the state of siege, however, the military authority is required to extend its prerogatives with detriment to the civil authorities."

##### I. THE CONSTITUTION OF 1925

##### 1. Declaration and Foundation

The state of siege may be declared on two grounds: external attack or internal commotion (Art. 72, N.º 17).

In the first case, the President of the Republic represents the competent authority to declare it. In the latter, it is the responsibility of the National Congress, but it may be likewise established by the President of the Republic for a limited period, when Congress is in recess.

"External attack" is presumed to exist when any point of the territory is invaded by foreign hostile forces, or when admissible threat of invasion is evident.

"Internal commotion" is understood to cover any political agitation, sedition, meetings or strikes endangering institutions of threatening the stability of the established authorities.

The Constitution does not confine the duration of the state of siege, regardless of whether it may have been enacted by Congress or by the President of the Republic.

In the event of internal commotion, when the state of siege is declared by the President of the Republic, such declaration takes the form of an executive decree, signed by the Minister of the Interior and indicating the period of its effectiveness and the sustaining arguments. The executive decree must be visaed by the Comptroller General of the Republic and published in the Official Gazette and, once Congress meets, it shall be understood to represent a bill.

## 2. THE EFFECTS OF THE STATE OF SIEGE

### a. Authority of the President of the Republic

The basic feature of the state of siege is that, during its application, any person may be kept under arrest throughout the time of the emergency, without the need of a court order or proceedings against the party involved.

The arrests reflect a preventive measure dictated by the President of the Republic in accordance with his exclusive authority, based on reasons of public order, the purpose being to avoid freedom of action by individuals who may attempt against the established authority during a perilous situation. Consequently, arrests do not affect people whose conduct has been considered delinquent, nor does the measure applied to them represent a penalty.

The authority vested in the President of the Republic is confined to the following:

1. To transfer individuals from one department (county) to another, and
2. To place them under house arrest or at locations other than jails or establishments used as places of detention or imprisonment for ordinary convicts.

Transfers and arrests cease as soon as the state of siege is lifted.

### b. Authority of the Military Courts

Upon enactment of the state of siege, the point or points of the territory affected thereby immediately fall under military jurisdiction in wartime. On appointment of the Army General who is to operate against the internal or external enemy, the competence of military courts in peacetime ceases.

This is one of the main effects of the state of siege, a system which has governed practically 49 years of the institutional life of the country, inasmuch as article 72, N.º 17, of the Constitution has been substantially the same since September 18, 1925 and articles 72 and 73 of the Military Code of Justice have been in force since 1926.

The judiciary maintains its jurisdiction over the civil population and it does not interfere with military jurisdiction, which is entrusted with the trial of military offenses performed by either servicemen or civilians and of some offenses against the internal security of the State.

## II. THE PRESENT SITUATION CONSIDERING THE NEW PROVISIONS ENACTED SUBSEQUENT TO SEPTEMBER 11, 1973

### DIFFERENT DEGREES IN THE STATE OF SIEGE AND ITS EFFECTS

Article 72, N.º 17 of the Constitution does not operate at the present time. It has been replaced by N.º 14 of article 10 of Executive Decree N.º 527, dated June 26, 1974.

This provision is similar to the one it replaced, except that it provides that the enactment of the state of siege due to internal commotion be established by means of an executive decree, which is only justifiable under the present circumstances, inasmuch as the National Congress has been dissolved.

Executive Decree N.º 640, dated September 10, 1974, established several degrees of the state of siege, namely: a) State of siege on account of a situation of internal or external war; b) State of siege in the degree of internal defense; c) State of siege in the degree of internal security, and d) State of siege in the degree of simple internal commotion.

In the event of letters a) and b), courts in wartime become operative under the procedure and penalty for such time; in letters c) and d), with some exceptions, military courts in peacetime operate under the procedure and penalty of such time increased by one or two degrees.



Interpretative Executive Decree N.º 13, dated September 20, 1973, provided that cases opened prior to September 11, 1973 be followed up to full completion by the military courts in peacetime.

It must be pointed out, moreover, that in connection with the presidential authority in the event of external attack, article 5 of Executive Decree N.º 640 added a new circumstance, which provides that: "The state of siege shall be declared: a) In the event of danger of external attack or invasion, regardless of whether such threat originates from foreigners or Chilean nationals".

### III. SCOPE AND IMPORTANCE OF EXECUTIVE DECREE 1181, DATED SEPTEMBER 11, 1975, ESTABLISHING REDUCED DEGREES IN THE STATE OF SIEGE

During the period that preceeded the indicated executive decree, the country was under a state of siege in the degree of internal defense. At the present time, it is under that of internal security.

Let us briefly discuss the differences between one and the other:

1. *The state of siege in the degree of internal defense* implies the operation of military courts in wartime and the application of the procedure and penalty particularly provided for wartime (Article 7 of Executive Decree 640, as amended by Executive Decree 1,009).

The military courts are exclusively competent to consider cases of military offenses and common offenses carried out by servicemen; of offenses against the internal security of the State, as contemplated in the last paragraph of article 26 of Law N.º 12,927 (as amended by Executive Decree 5 and 559) and, of offenses contemplated in articles 2 and 3 of Executive Decree 1,009, which penalizes those individuals carrying or transmitting orders, instructions, information or communications intended for the commitment of an offense against the security of the State, and those others that shelter, hide or assist the escape of a person known to be evading the authorities which seek him for State security reasons.

In all such instances, the cases are carried before special court-martials, formed by six officers and one judge advocate (lawyer).

The decisions of the special court-martials are unappealable. Once sentence is passed, it is communicated to the corresponding general or commanding officer for approval or modification. After this procedure, sentences are unchangeable, except for presidential pardons, as contemplated by the Constitution. Such sentences are obviously unchangeable once the state of siege is lifted.

Only preventive measures —transfers and arrests—, as adopted at the present time under Executive Decrees 228 and 951 by the President of the Republic, the Minister of the Interior or the provincial governors by virtue of the state of siege, cease once it is lifted.

On August 21, 1974, the Supreme Court determined that it lacked jurisdiction to decide on petitions in error against sentences passed by the special court-martials.

The decision approved with only one negative vote, reads in part: "The special court-martials are under military jurisdiction, whose full authority is vested on the Head of the Army or on whom he may delegate his authority. In use of such authority he is exclusively empowered to approve, revoke or modify the decisions taken by those courts and to exercise disciplinary jurisdiction over its members, as explicitly established by article 74 of the pertinent Code of Justice".

The decision points out, moreover, that such a situation has remained unchanged ever since the Constitution of 1833 was enforced and it further recalls that in 1874, in the Presidential Message to Congress covering the bill on Organization and Authority of the Courts, it established that exceptions existed insofar as the principle of disciplinary jurisdiction, as in the case of military justice.

The present composition of the Supreme Court is the same that existed before the present government took over. Out of its 13 members, 2 or 3 ministers have been replaced in strict observance of the law.

2. *The State of Siege in the degree of Internal Security* implies the end of the competence of the military courts in wartime (special court-martials) and the operation of military courts in peacetime, formed by military and naval courts of first instance, by

court-martials of second instance, and by the Supreme Court that entertains appeals for dismissal or reversal, appeals for review and petitions in error.

As provided by article 48 of the Code of Military Justice, the court-martial convenes in Santiago and it is formed by 2 ministers of the Santiago of Court of Appeals and a member of the following services: Army, Air Force and Carabineros (police). The senior minister of the Court of Appeals presides over this body.

Subsequent to the enactment of the previously indicated Code, law 5209, dated in 1933, established a court-martial for the Navy.

Moreover, once the wartime procedure ceases and is replaced by the peacetime procedure, additional procedural guarantees are contemplated. The penalty applied is likewise a peacetime penalty, though increased by one or two degrees; in any event, it is much lower than the one applicable in wartime.

An exception which requires pointing out is the one established by article 8 of Decree 1.009, that substituted article 9 of Executive Decree 640, which states:

"Art. 9. However, in the event of a state of siege in the degree of internal security or in that of simple internal commotion, the military courts in wartime shall, in any event, consider all offenses indicated in articles 4 and 5a, 5b and 6 of letters c, d and e of the State Security Law."

Among these articles, number 4 refers to those individuals rebelling in any way or manner against the established government; number 5, to those attempting against individuals or carrying out kidnappings and, number 6, to those instigating, promoting or encouraging the destruction, disablement or paralyzation of public services or of those services used in industrial, mining, agricultural and other activities, and to those hindering access to bridges, streets, roads and other property of public use, and to those poisoning foodstuffs, water or fluids intended for public use or consumption.

Under the present state of siege system, the foregoing implies that, except for the indicated offenses, all others—those contemplated in the State Internal Security Law itself; those connected with the Control of Firearms, the violations of which represent the vast majority of the cases arraigned before the military courts, and those contained in the Code of Military Justice—fall into peacetime jurisdiction, where the operation of the Military courts is under the executive, corrective and economic supervision of the Supreme Court of Justice.

#### IV. THE AUTHORITY OF ORDINARY COURTS

##### THE RELIEF REMEDY

As is commonly known, this remedy is contemplated to oppose arbitrary detention or imprisonment. The basis thereof originates in the constitutional provisions on the procedural guarantees of personal freedom.

In a state of siege, the relief remedy against detentions ordered by the administrative authority is contrary to law, inasmuch as article 306 of the Code of Criminal Procedure provides the admissibility of the remedy when the order of detention originates from an authority that is not empowered to carry out an arrest, or when it has been issued for cases that are not contemplated by the law or when they infringe upon the pertinent formalities.

Once the state of siege has been declared under the provisions of Executive Decree 527, the President of the Republic is empowered to transfer individuals or to carry out their arrest in the indicated conditions. Of course, his authority may not be exercised except in the manner required by law. For instance, the relief remedy is admissible when the order of detention is issued verbally or over the telephone, instead of in writing and signed by the Minister of the Interior or a provincial governor; when instead of arresting the party in his own home, he is taken to a police headquarters or to a penitentiary.

##### V. THE RELIEF REMEDY AND MISSING PERSONS

All the courts of appeals of the country have received a high number of relief remedies in favour of missing persons who have not been arrested by the authorities, as has been proven.

Under the present legislation, when the whereabouts of an individual are not known and just fear of a presumptive mishap is entertained, the corresponding report is submit-



ted to the judge of the criminal court so that he may order a summary investigation in which the party reporting the case may participate by requesting all the formalities he may deem necessary to establish the actual situation affecting the missing party, under the provisions of Title II, Book II of the Code of Criminal Procedure.

In order to deform reality, however, the habeas corpus remedy has been used in connection with missing persons. This remedy has been obviously rejected, therefore creating a false image of inefficiency of the judicial system and the resulting political projections.

#### VI. EXECUTIVE DECREE N.º 1.009, DATED MAY 8, 1975 ON THE PROTECTION OF THE PROCEDURAL RIGHTS OF INDIVIDUALS DETAINED ON ACCOUNT OF OFFENSES AGAINST NATIONAL SECURITY

Executive Decree N.º 1.009 was enacted in order to ascertain that restriction on personal freedom, as imposed by the state of siege, be observed within a framework of respect for the fundamental rights. This decree consecrates two basic guarantees non-existent before for those individuals arrested by the professional specialized services used by the Executive to exercise the authority vested on it by the Constitution:

1. The relatives of any individual under arrest must be informed of his detention within 48 hours thereof, and

2. Such an individual may not be detained beyond 5 days and within such time he shall be set free or placed at the disposition of the corresponding court or of the Ministry of the Interior.

#### FINAL COMMENTS

The preceding review makes it possible to determine that no substantial differences exist between the state of siege contemplated in the Constitution of 1925 and its present system.

The establishment of the state of siege, has been identical under all governments regulated by the Constitution of 1925 and by the Code of Military Justice. It is basically identical today, inasmuch as it empowers the President of the Republic to transfer and arrest individuals and it immediately brings into operation the military courts in wartime.

The difference rests in the establishment of the various degrees of the state of siege, provided by a constitutional amendment enacted by the present Government, that allows it, at this time to apply a more benevolent system than was possible under the Constitution of 1925.

As has been pointed out, the establishment of a state of siege under article 72, N.º 17 of the Constitution automatically brought into operation the military courts in wartime, by virtue of articles 72, 73 and 418 of the Code of Military Justice.

At this time, it is possible to place the country under a less rigorous state of siege system, under which the military courts operate on a peacetime basis. This reflects the situation today, subsequent to the enactment of Executive Decree 1.181, dated September 11, 1975.

The foregoing implies that in this field the Government has not exercised greater legal authority than that of any other government and that, it has placed itself under rules that reflect an extenuation in the rigor of the state of siege effects. This has been done by the Government in observance of its policy intended to gradually restore tranquility to the Nation.

The other existing differences between the present state of siege conditions and those contemplated by the Constitution of 1925 are the extension of the competence of the military courts in wartime and the procedural guarantees on personal freedom which were non-existent previously, and that are now provided by Executive Decree N.º 1.009.

#### LEGAL PROVISIONS REGULATING THE CONTROL OF FIREARMS

Law N.º 17,798, dated October 21, 1972

This law places all existing firearms in the country under the control of the Ministry of Defense, thereby forcing owners to register them in a special record.

The law prohibits the bearing of firearms which can only be kept in homes or places of work.

The possession of highly destructive weapons and devices, such as machine guns, gases or corrosive and other similar substances, is absolutely prohibited.

The law provides harsh penalties in the event of violations, particularly insofar as participating in the formation or operation of private armed militias.

The military courts have jurisdiction in this field.

The procedure observed is the one corresponding to peacetime, as provided in Book II, Title II of the Code of Military Justice.

It is worth pointing out that this law provides that indictments and resolutions denying release on bail may not be appealed in the case of the offenses it contemplates.

#### EXECUTIVE DECREE N.º 5, DATED SEPTEMBER 12, 1973

This decree amended the law on the control of firearms by establishing penalties in wartime, according to article 418 of the Code of Military Justice, which was interpreted by article 1 of this executive decree for the purpose of the penalty.

Subsequent amendments are devoid of any significance.

Over 80 per cent of the proceedings before the military courts cover matters connected with this law.

#### B. LEGISLATIVE ACTIVITY AFTER SEPTEMBER 11, 1973

##### SOCIAL LEGISLATION

1. In order to put an end to the discrimination existing in the country insofar as family allowances, a *single system of family benefits* was established, intended to determine an equal per-dependent amount for all those entitled to receive it, without making distinctions between employees or labourers, private or public workers, or active or passive sector.

This single system was established under Executive Decree N.º 97, dated October 24, 1973, as improved by Executive Decree N.º 167, which provided standards on the promptness with which this benefit must be paid. The system reached final effect through the enacting of Executive Decree N.º 307, dated February 7, 1974, regulating in detail the Single System of Family Benefits.

2. With the intention of providing an equal treatment to pensioners, the social security system in force on December 31, 1973 was regulated until the overall modification of the social security system is enacted.

Executive Decree N.º 255, Official Gazette of January 10, 1974.

3. A temporary system was established to regulate payment of unemployment subsidies to workers of the public and private areas until a single system on unemployment protection is enacted.

Executive Decree N.º 603, Official Gazette of August 10, 1974.

4. In reply to the urgent need of providing care and protection to senior citizens who are not covered by a specific social security system, for some reason or other, a procedure was established on the payment of sustenance pensions to invalids and underprivileged senior citizens.

Executive Decree N.º 608, Official Gazette of August 10, 1974.

5. With the purpose of planning, coordinating and carrying out activities directed to prevent or overcome problems derived from earthquakes or catastrophes, the National Emergency Office was established.

Executive Decree N.º 369, Official Gazette of March 2, 1974.

6. An extensive plan directed to secure low interest dwellings was established, as a means of eradicating extreme poverty, in questions of service infrastructure, housing and social community facilities.

Executive Decree N.º 519, Official Gazette of July 15, 1974.

Executive Decrees N.º 996, dated April 26, 1974 and N.º 1.088, dated July 7, 1975.



7. With a view to enabling worker participation in the management and operation of the companies in which they work, the Social Statute of Enterprises was enacted, which is an organic text covering in detail the indicated participation systems.

Executive Decree N.º 1.006, Official Gazette of May 5, 1975.

## PUBLIC ADMINISTRATION

8. The National Committee on Administrative Reform was established in reply to the need of carrying out an integral administrative reform that may enable the improvement of the administrative process and productivity of the State administration.

Executive Decree N.º 212, Official Gazette of December 26, 1973.

9. The process of regionalization of the country was set in operation with the intention of obtaining better use of the natural and human resources of the nation through administrative decentralization and de-concentration.

Executive Decree N.º 573, Official Gazette of July 12, 1974.

Executive Decree N.º 575, Official Gazette of July 13, 1974.

10. A uniform system of remunerations known as Single Scale of Salaries for the Civil Administration of the State was established, in order to put an end to existing differences in remunerations paid to persons discharging equivalent duties, trades or professions in the various public sector institutions. A professional allowance was determined for all university professionals under the Single Scale of Salaries. The personnel of municipalities and state enterprises was incorporated into this single scale system.

This method was supplemented with the incorporation of an automatic periodic readjustment of remunerations system.

Executive Decree N.º 249, Official Gazette of January 5, 1974.

Executive Decree N.º 479, Official Gazette of May 29, 1974.

Executive Decree N.º 670, Official Gazette of October 2, 1974.

## ECONOMIC LEGISLATION

11. To the effect of putting an end to monopolistic practices attempting against fair and effective competition, rules were enacted to protect free competition and adequate mechanisms were established to punish those responsible for monopolistic practices.

Executive Decree N.º 211, Official Gazette of December 22, 1973.

12. Enactment of provisions directed to safeguard national economic activities, containing penalties for those individuals committing economic offenses, such as hoarding or concealing basic goods, refusing or cheating in the sale of goods, etc.

Executive Decree N.º 280, Official Gazette of January 24, 1974.

13. Enactment of provisions directed to reduce public expenditure through a cut-down in government investment and a reduction of personnel in the civil administration of the State. This reduction takes place progressively. The Plan of the New Entrepreneur was simultaneously established in order to provide a substitute source of income for the personnel required to withdraw from public administration. This plan was also contemplated to promote the development, stimulation and increase of private initiative through the promotion of small and medium-size business.

Executive Decree N.º 534, Official Gazette of June 22, 1974.

Supreme Decree N.º 409, Official Gazette of August 21, 1974.

Executive Decree N.º 1.056, Official Gazette of June 7, 1975.

14. The Ministry of Economic Coordination was established and, subsequently, the structure for the economic management of the country was modified, in order to coordinate the economic activity of the Government and to reflect immediate and consistent action in all sectors.

Executive Decree N.º 558, Official Gazette of July 12, 1974.

Executive Decree N.º 966, Official Gazette of April 12, 1975.

15. The Superintendency of the Textile Industry was established in order to obtain the normal development of the economic activity in the field of textiles.

Executive Decree N.º 397, Official Gazette of April 6, 1974.

16. Enactment of the Foreign Investments Statute, whose provisions represent a real promotion of foreign investment.

Executive Decree N.º 600, Official Gazette of July 13, 1974.

17. In reply to the manifest need of covering voids and correcting deficiencies in the standing legislation on lease of property and on real estate, an organic text was prepared to cover all existing situations.

Executive Decree N.º 964, Official Gazette of April 12, 1975.

18. The system covering the lease of rural property and sharecropping was amended by suppressing excessive restrictions thus making it more expedient.

Executive Decree N.º 993, Official Gazette of April 24, 1975.

## AGRICULTURAL LEGISLATION

19. To the effect of putting an end to the uncertainty entertained by owners of rural property and to enable investments therein and productivity thereof, provisions were enacted with the purpose of establishing the non-expropriation of land with a capacity equivalent to or under 40 hectares of basic irrigation, or of 40 physical surface hectares which is doubled in certain specific areas of the country. Land with a capacity between 40 and 80 hectares is likewise non-expropriable, provided that it be under some kind of economic exploitation.

Preparation and enactment of the regulations that determine the way in which the Corporation for Agrarian Reform is required to distribute the land it may have acquired.

Enactment of provisions directed to facilitate the division of rural property, thereby putting an end to existing limitations in this connection.

Promotion of the cooperative system through the amendment of Decree-law R.R.A. N.º 20, of 1963 and the establishment of agricultural cooperative organs intended to promote the adequate organization of agricultural production at the small property level.

Executive Decree N.º 208, Official Gazette of December 19, 1973.

Executive Decree N.º 379, Official Gazette of March 23, 1974.

Executive Decree N.º 724, Official Gazette of November 6, 1974.

Executive Decree N.º 752, Official Gazette of November 16, 1974.

Executive Decree N.º 445, Official Gazette of May 9, 1974.

Executive Decree N.º 1.107, Official Gazette of August 2, 1975.

## HEALTH LEGISLATION

20. The Ministry of Health was invested with broad powers and authority because of its role of a directing agency responsible for planning, directing, coordinating and evaluating health in the country.

Executive Decree N.º 913, Official Gazette of March 7, 1975.

## TAX LEGISLATION

21. A single Income Tax Law text was prepared, collecting all amendments thereto.

A complete and amended text of the Tax Code was published.

The Sales and Service Tax established by Law 12.120 was replaced by the Value Added Tax.

Executive Decree N.º 824, Official Gazette of December 31, 1974.

Executive Decree N.º 825, Official Gazette of December 31, 1974.

Executive Decree N.º 830, Official Gazette of December 31, 1974.

## FINANCIAL LEGISLATION

22. A higher control organ known as Superintendency of Banks and Financial Institutions was formed on the basis of the Superintendency of Banks, in order to control and supervise financial institutions using public resources for their operations.

Executive Decree N.º 1.097, Official Gazette of July 25, 1975.



23. With the purpose of establishing order in the various aspects of normal education, the educational system was declared under reorganization and a National System on Teacher Training was implemented. The system consists mainly in the training of teachers and the issuance of the pertinent professional certificates, therefore enabling them to carry out their functions at all the levels. Training shall be provided by the State Universities or by those approved by the state.

Executive Decree N.º 179, Official Gazette of December 13, 1973.

Executive Decree N.º 353, Official Gazette of March 15, 1974.

24. The Professional Association of Teachers was established in reply to an old and deeply felt hope of all teachers and in recognition of the importance of the profession in the social development of the nation.

Executive Decree N.º 678, Official Gazette of October 16, 1974.

## PARAGRAPH TWO

### THE COMMISSION ON CONSTITUTIONAL REFORM, ITS COMPOSITION AND PRINCIPLES

1. One of the first measures taken by the Government was the appointment of a Constituent Commission, formed by professors of law who, in fact, represent the various democratic tendencies in the country. This Commission is entrusted with the responsibility of preparing a preliminary project on a new political constitution for the State together with its basic laws, with a view of rebuilding, restoring and improving institutionalism in the Republic. (The appendix to this chapter provides the composition of this constituent body and that of its sub-committees.)

2. It is necessary to point out that in his Message to the country, on September 11, 1975 —on the second anniversary of the Government—, the President of the Republic informed the people that the Government had decided to enact three Constitutional Acts, before the first semester of the coming year and under its constituent authority. The first of them, on the fundamental bases of the new institutionalism; the second, on nationality and citizenship and, the third, on constitutional rights and guarantees and emergency systems. The President of the Republic added that these acts shall collect the valuable work which has been and shall continue to be done by the commission of jurists entrusted with the preparation of a preliminary project.

At this same opportunity, the President pointed out that subsequently, and once again with the assistance of the Constituent Commission, other constitutional acts would be prepared, to provide Chile with a single constitutional work. This endeavour will naturally demand the incorporation of many provisions of that nature which are today to be found dispersed.

The President of the Republic pointed out that the experience which shall gradually originate from this provisional, yet complete and clear, institutionalism, shall enable the evaluation and design of what could become our definite institutional structures, particularly insofar as the generation and structure of the organs or powers of the State are concerned. Therefore, it shall be possible to adapt the new institutionalism to the changing national reality, instead of endeavouring to confine the latter within theoretical patterns which will certainly prove to be hasty and inefficient.

The Constitutional Acts shall represent, consequently, organic juridical texts, intended to project the political, social and economic reality of the country within a constitutional framework, to the extent that such reality takes shape.

3. The new Constitution shall correct the vices and defects of the previous institutional system which led to its own breakdown and shall sustain and strengthen those institutions that have shown their solidity and efficiency through the years. It shall contemplate the high principles and values representing the authentic and great Chile and shall lay the foundations of a modern democracy, capable of promoting the economic and social development of the country.

This constitutional structure shall rest on the humanistic and Christian conception of the individual and the community, in which the dignity of the human being, its freedom and basic rights precede the juridical ordinance, required to soundly and efficiently protect them.

4. Two fundamental principles must direct all the activity of the authorities: common welfare and good faith. The latter shall reflect a deadly blow to the abuse of power,





inasmuch as the courts may abstain from recognizing the validity of those acts which openly violate the indicated principle.

The next charter shall contemplate the concept of "subsidiarity", under which the State has the responsibility of directly assuming only those functions which private individuals or intermediate societies are not in a position to adequately discharge, either because they are beyond their possibilities, or because reasons of a collective or national security interest so demand it.

5. In the analysis of the new constitutional provisions, particular consideration has been given to those international documents connected with human rights, such as the Universal Declaration on Human Rights, the American Declaration on the Rights and Duties of the Individual, subscribed in Bogota in 1948, the Declaration of Rights of Children and others.

The new charter shall further strengthen human rights and, particularly, those public freedoms which were repeatedly and systematically violated by the marxist regime, such as the right to live, personal freedom, freedom of speech, right to meet, freedom of teaching, as well as property rights, basic political rights and of those of association and, generally, all those that protect labour.

6. Besides guaranteeing the right to live, the new constitution shall entrust the law with the protection of the life of the unborn infant, thereby assuring his survival from the moment he is conceived. It shall, likewise, assure the physical and psychic integrity of the individual, inasmuch as he is a being possessing body and soul. It is evident that an attempt on the integrity of a human being cannot only be carried out by physical means, but also through psychological means, that may damage that which is rational and superior in him. Because of this, the new charter shall provide "the prohibition of applying any illegitimate procedure of a physical or psychological nature".

7. Equality of rights for men and women shall be vested with a constitutional status, inasmuch as there is no reason which may justify a different legal treatment for women, least of all in Chile, where they have revealed not only their great capacity, but their extraordinary civic virtues as well.

8. The law, moreover, shall similarly protect people in exercising their rights. To that end, the new charter shall provide the right which everybody has to enjoy legal advice and defense; it shall determine legal assistance for all those individuals devoid of sufficient means to secure it and it shall contemplate the fundamental principle that any individual may appeal to the courts and that no right consecrated in the Constitution or in the law as may appear to be violated, may remain without judicial protection.

The new charter shall constitutionally consecrate a guarantee assuring the legality of the proceedings, to which end it shall provide that the law must always establish guarantees for rational and fair proceedings, pointing out that all individuals shall enjoy the right of being presumed innocent as long as their guilt is not judicially proven under the law, precept that is inspired in the purpose of defending the reputation of individuals.

9. The Commission has pointed out the significance and prevalence which the social communication media has today and the educational task which it must carry out in contributing to impart moral, civic and social awareness in our youth, based on the higher principles of democracy, of peace and justice, of love for the country and its fundamental values.

The new charter shall fully guarantee the freedom of speech, not only in the sense of the right which everybody enjoys to express his opinions without prior censorship, but likewise, in that of being duly, accurately and objectively informed, rejecting all kinds of discrimination to this effect. Moreover, the new charter shall establish the pertinent responsibilities on offenses and abuse which may be committed in using this right.

Particular importance is attributed to the juridical protection of individual reputation, inasmuch as it represents a more significant value than that of material possessions. Because of this reason, the new law shall contain a constitutional guarantee to the effect of assuring the respect for and protection of private life and the reputation of the individual and his family.

10. The new charter shall consecrate the right to education and the freedom thereof.

The new constitution shall consecrate the preferential right and the duty which the parents have to educate their children. The practice of free education shall have no other limitation than that dictated by good habits, public order and State security.

11. On the other hand, it is essential for the economic development of the country that its legal system should impart confidence to creative work and private investment and to this end, therefore, it becomes necessary to establish "juridical security", that is to say, to guarantee to those working and producing that the rules of the game shall not be altered.



The new constitution, therefore, shall contain the fundamental rules on "economic public order" and on the relations between the activities of the State and those of private individuals.

12. The new constitution shall strengthen labour organizations, labour freedom and, generally, all rights which protect labour.

13. As an essential tool for the adequate protection of human rights, the Chilean constitution shall extend the 'habeas corpus' remedy to cover all those cases in which a basic right—be it individual freedom, inviolability of the home, or any other—is or may be threatened, restricted or impaired by possible arbitrary acts or omissions on the part of the authorities or individuals.

14. The new constitution shall establish a modern, dynamic and lawful State, in possession of a republican, democratic and representative government.

After having overcome its bitter experience, Chile shall never again be guilty of naiveté in providing its foe with the tools it requires to destroy democracy. The belief that democracy should be all-permissive represents a falsehood and a trap into which, regrettably, many democrats fall.

15. Those illicit associations established to attempt against certain patrimonial rights are penalized in all codes in the world. Yet, they are far more serious when they are established for the single purpose of attempting against the essential rights of the human being that are more valuable than property rights.

In view of these considerations, those that do not respect the constitutional rules, that ignore the dignity and the basic rights of the individual, shall be excluded from participating in the democratic process. Consequently, totalitarian parties and among them marxist parties, shall remain outside the constitution and the law. On the other hand, the democratic tendencies shall be allowed to express themselves. Particular significance shall be given to the intermediate organizations of the community, such as professional and technical associations, labour, women and youth organizations and the like, that possess an undeniable right to participate in the great decisions directed to govern the future of the country.

16. The new charter shall consecrate the principle that sustains the separation and independence of the powers of the state, Executive, Legislative and Judiciary.

The Executive power must be authoritative, fair and impersonal, capable of meeting the problems of the day with the required urgency, yet subject in turn, to adequate and efficient control mechanisms.

The Constituent Commission is aware of its duty to establish such a solid legality that, as far as possible, it may never be broken by any government. To this end, it is essential to strengthen the independence of the courts, which has forever been the guardian of human rights, and to adopt the necessary measures and standards to enable the courts to reach all sectors of the population and, particularly, to be within reach of the underprivileged.

17. In this sense, the new institutionalism shall represent a death blow to the abuse of law used by the previous regime to systematically violate the Constitution and the law and to scoff at the courts. The new constitution shall bring the Administrative Courts into existence, with the precise responsibility of considering abusive acts on the part of the political and administrative authorities. Such courts shall be under the disciplinary, correctional and economic jurisdiction of the Supreme Court of Justice.

### PARAGRAPH THREE

#### CONTINUATION OF THE STATE OF SIEGE

##### A. Preliminary information

Every legislation—and Chilean law is no exception—contemplates emergency situations or conditions during which individual rights and guarantees are restricted for the sake of collective welfare, in view of the prevailing extraordinary circumstances. This is consecrated in the fundamental law of each country—its political constitution—and, moreover, by international agreements.

The covenant on human rights subscribed in 1969, known as the Pact of San José de Costa Rica and the United Nations Pact on Civil and Political Rights, contemplates these situations as indicated in numeral 1 of article of the latter convention:

"Under exceptional situations that endanger the existence of a nation whose existence has been officially proclaimed, the States that are parties to this pact may enact provisions suspending the obligations hereunder, strictly to the extent required by such situations and provided that such provisions are compatible with the other obligations of international law and that they should not entail discrimination solely on the basis of race, colour, sex, language, religion or social extraction."

As the whole world has admitted, an exceptional situation existed in the case of Chile, that on September 11, 1973 lead to declaraing the entire territory under a state of siege, bringing about a series of effects that have already been discussed elsewhere in this paper.

## B. Military preparations

As of 1971, the followers of the previous government began their military preparations by travelling especially to Cuba, as evidenced by the statements provided by some of the members of the Movement of the Revolutionary Left (MIR).

For instance, Leonardo Schneider Jordan (see appendix) has declared:

"... in February 1972, a member of the Santiago Regional Committee of the MIR, Lautaro Videla, informed me that it had been decided to send me to Cuba to undergo a period of military training. We were concentrated at one of the houses used by President Allende's security team.

There we were given general instructions on the trip and on the behaviour we were to observe through the training period in Cuba. The Head of Military Duties of the MIR and member of its Political Committee, Arturo Vilabella, and Juancho, head of the departing group, were present at these meetings. The group was formed by approximately 120 men, composed of members of the political units of the Political and Military Group in the various regions and others belonging to Military Duties. On account of the period of political instability which was then developing, the Political Committee decided on the inconvenience of having such a large number of members leave the country. Therefore, the group that actually left with me consisted of some 90 men approximately. We travelled in two groups that left 20 days apart from one another, on February 21, 1972 via the Cuban airline Cubana de Aviacion. Sergio Pérez Molina (Chicope), who was in charge of military matters for the MIR in Cuba, and an officer of the Cuban army and member of the G.2, waited for us at the José Martí airport. We were taken immediately to a base for rural guerrilla practice, located in the province of Pinar del Río. For a month, we received training in guerrilla tactics, use of short, long, infantry and homemade firearms, topography, intelligence and explosives. Subsequently, we were taken to the "Gramma" base for special forces, located some 20 kilometers from the port of Mariel. When we arrived there, a group of Bolivians belonging to the National Liberation Army were being trained at this base. We were recommended to be..."

The main political party of the previous regime, which had an outstanding participation in military preparations -the Socialist Party-, was not alien to this training.

On April 18, 1974, Pablo Fernando Sánchez Garrido (see appendix), gave the following declaration to the Investigations Department:

"I went to Cuba on December 13, 1971. This was not a sudden trip. I went there in order to receive para-military and political training. Fifteen others were detailed to travel with me. Among these I can recall Juan Vilela, going under the political alias of Jose Miguel, who was acting as a teacher of biology at the time, although I do not know at what school; Boris Brontis, known as Waldo, who was an official in the Housing Corporation, it seems; Rigo Quezada, known as Raul in political circles, who presumably studied at a public secondary school then; Eduardo Gutierrez, a student of odontology going under the political alias of Carlos Alberto; Hector Martinez, known as Tito for political purposes, who was an official of the National Institute for Agriculture and Cattle Development and a member of the Political Committee of the Socialist Party; Mario Feimer, going under the political alias of Carlos, who was an economics student and also a university leader; Carlos Amestica, known in political circles as Elias, who appeared to be a student of Spanish or Basic Teaching at the University of Concepcion; someone by the surname of Lopez, also known as Alejandro, Oso or Camion, a pupil at the Pedagogical Institute, who was in charge of organizing this trip and acting as liaison among Cubans in Santiago and Cuba; Nelson Merino, known as Gabino, who was a student of history and geography in Concepcion. There were two more individuals from Concepcion, going under the aliases of Alberto and Edgardo, one of whom appeared to be a worker of the petrochemical plant



and the other, presumably a leader of the Single Workers' Association (CUT) of that city. There were also two from Valparaíso, one called David and who appeared to be a secondary school graduate. Together with us on the plane was a group of 'miristas' (MIR) with whom we had no contact in Cuba and whom I do not know, moreover. We remained in Cuba for 4 months and we returned to Chile on April 4, 1972. In class, we were taught the use of all kinds of firearms, handling of explosives, manufacture of grenades and mines. In making these, we were taught to use amonia nitrate, oil and aluminium powder, besides placing the corresponding detonator, wick or guide. This was one of the so-called homemade explosives, because of the ease in securing the required components. Besides, we were taught the use of industrial explosives, such as TNT, dynamite and such. We were also taught personal defense, as karate, judo, besides topography..." (See appendix.)

### C. THE PROBLEM OF FIREARMS

#### 1. The Law on the Control of Firearms.

The already indicated convulsed internal situation and the restlessness of the people brought about by the various armed clashes, the increase of crime and the remarkable rise of political murders, lead the National Congress to legislate on the control of firearms and on the prohibition of forming para-military groups.

On October 21, 1972, President Allende enacted law 17.798 on the control of firearms, turning such control and the prosecution of violators thereof of the Ministry of Defense and to the military courts. Numeral 3 of this law provides that: "No person may possess or carry machine guns, sub-machine guns, automatic rifles or any other kind of automatic firearms of greater destructive power. Moreover, no person shall be allowed to possess or carry articles manufactured on the basis of asphyxiating, tear, poisonous or paralyzing gases, or of corrosive, incendiary, explosive or metallic substances that produce shrapnel due to gas expansion, nor implements intended to release them." On other hand, article 8 provides that: "Those who should organize, belong, finance, supply, assist, instruct, incite or promote the formation and operation of private militias, combat groups or militarily organized parties, armed with some of the elements indicated in article 3, shall be punished with minor imprisonment in its medium or maximum degrees."

The President of the Republic and the Parties supporting his Government were thus endeavouring to show their will of continuing within the Chilean institutional and legal system.

#### 2. Declaration of June 29, 1973.

In spite of continued disorder, of the atmosphere of permanent agitation and deaths, President Allende did not break his silence until June 29, 1973 when he stated, in connection with an attempted subversive coup which the Armed Forces themselves squashed, that: "If it is weapons that the people want weapons they shall have".

#### 3. Detection of weapons on September 11, 1973.

As it is possible to determine from the appendices attached, the amount of weapons found—some of them on September 11 itself and other during the days that followed—enabled the authorities to learn the true nature of that regime and the meaning of some of those mysterious bundles which arrived from Havana and other places and which were illegally brought into the country under personal orders from President Allende, inasmuch as they were taken out of the airport premises without customs clearance (see appendices).

#### 4. The amount of weapons (See appendices).

According to statistics prepared, the number of weapons impounded in the country reach the following figures:

- Revolvers, various calibers .....	45.000
- Pistols, various calibers .....	40.000
- Submachine guns, various calibers .....	10.000
- Combat rifles .....	2.000
- Rocket launchers .....	500
- Anti-tank guns .....	70
- Flame throwers .....	20
	<b>TOTAL 97.590</b>

#### D. The activity or attempts thereof from September 11, 1973 through August 1975

The continued secret introduction of firearms into the country and the use of undetected concealed weapons, together with the military preparation of its members, brought about various terroristic acts, intended such acts and other general activity, during the last three months in 1973 and throughout 1974 and 1975. Some of these activities are represented in the following scheme:

##### OCTOBER 1973

- Proclamation on Clandestiness of the MIR.
- Adaptation to the new situation.
- Neutralization of attempts against two Entel electric power towers.

##### NOVEMBER 1973

- Reorganization of MIR cadres.
- Centralization of the respective MIR operational units.
- Distribution of leaflets inciting subversion.

##### DECEMBER 1973

- Violent proclamation by the MIR against the former Unidad Popular accusing it of incapability and cowardliness.
- Sanctions and executions of some MIR members accused of treachery and cowardliness on abandoning this movement.

##### JANUARY 1974

- The MIR condemns comrades under asylum, accusing them of being cowards, menchevites and reformists.
- Violent armed clashes between intelligence personnel and two members of the political committee of the MIR.

##### FEBRUARY 1974

- Specification and listing of terroristic acts to be carried out, including:
  - a. Assault on banks;
  - b. Destruction of vital utilities, such as water mains and others, and
  - c. The destruction and sabotage of schools.

##### MARCH 1974

- Detection of two clandestine deposits of homemade weapons and explosives.
- Detection of instructions on industrial sabotage.
- Fire to food and wheat warehouses at the port of Valparaiso.

##### APRIL 1974

- Detection of a plan directed to murder the President of the Republic and the civilian Ministers of his Cabinet.
- Infiltration of the State and its Armed Forces.

##### MAY 1974

- Neutralization of plans on street attempts to commemorate International Labour Day, May 1, implying the blow-up of electric posts indiscriminately and the setting fire to 3 policlinics recently opened by the Government in outlying districts of Santiago, (Barrancas, La Reina and San Miguel).
- Proliferation of all kinds of pamphlets in outlying districts of Santiago and in the provinces.

##### JUNE 1974

- Neutralization of attempted acts on two grain-carrying vessels moored at Talcahuano harbour.



- Detection of 3 remittances of money (approximately US 250.000 dollars) for MIR infrastructure, originating from Argentina (ERP) and from Europe (France).

#### JULY 1974

- The uncover of two MIR arsenals, totally unknown to the dwellers of the respective homes in which they were found. Among the matériel, ammonium jelly on the point of exploding on contact was found.

- Detection of 2 deposits for the preparation of false identity papers, containing also propaganda and documents sent from abroad, originating from "Guatones" ("Guatones" (Fatsoes), MIR slang for members of the Cuban government.)

#### AUGUST 1974

- Detection of homemade firearms and explosives in a church. Found in a cellar under the altar of this place of worship.

- Neutralization of the Quarterly Plan on Armed Agitation and Propaganda, prepared by the Political Committee of the MIR.

#### SEPTEMBER 1974

- Detection of the September Plan and on-the-spot arrest of 6 terrorists attempting to blow up the Cerro Navia thermoelectrical power house.

- Detection of a wide infiltration network in the Investigations Service (Civil Criminal Police) and neutralization of planned kidnaps and murder of members of this service.

- Discovery of a large arsenal in Tocornal street, belonging to the Political Committee of the MIR.

#### OCTOBER 1974

- Discovery of one of the largest MIR arsenals and the shooting of the maximum leader of this movement.

- Detection of the half-yearly Armed Agitation and Propaganda Plan of the MIR.

- Detection of all sorts of extremist propaganda and documents in the actual place of the clash.

#### NOVEMBER 1974

- Detection of "Plan Palitroque", prepared by the Political Committee of the MIR and directed to eliminate policemen at fixed posts with the intention of stealing their firearms and causing panic among the population.

- Announcement of expulsions and executions of some MIR members on account of treachery and cowardliness.

- Violent exchange of secret letters among members of the political committee, as a result of the escape and request for asylum by one of them.

- Detection of terroristic planning, for the purpose of machine gunning schools at the time of student departure and directed to cause panic and consequent feeling of personal insecurity among the population. Efforts would be made "not do" injure any pupils, only to frighten them.

- Execution of a MIR woman under asylum at the Italian Embassy on account of treason and of being an informer.

#### DECEMBER 1974

- Intensification of propaganda campaign through "El Rebelde" (rebel), a MIR clandestine publication.

- Preparation of violence inciting documents directed exclusively to terrorism, revenge and destruction.

- Assault on a second bank in Santiago, with extremist purposes.

- Detection of "Plan Relámpago" (lightning), consisting in the attack on any floor of the Diego Portales building (government headquarters) with rocket launchers and thereby impacting on the population.

#### JANUARY 1975

- Detection of the complete network of the Central Force Unit, formed by individuals trained in Cuba.

- Detection of the complete network of the National Organization Unit of the MIR, in charge of promoting each one of the armed propaganda tasks.

- Detection of 2 remittances of money from Argentina and Europe (France) as likewise the documents connecting the MIR leader abroad, Edgardo Enriquez with the Middle East.

## FEBRUARY 1975

- Detection of regional units of the MIR in the northern and southern areas of the country, with connections with extremist movements in neighbouring countries, allowing the realization of a wide plan of armed sabotage and propaganda.

## MARCH 1975

- Detection of 2 terroristic acts in Santiago under the Armed Propaganda plan, in which one member of the Investigations Service and another of the Military Intelligence Service were killed.

## APRIL 1975

- Neutralization of a plan contemplating mass terroristic acts beginning with the kidnap and elimination of children of members of the Armed Forces, as well as those of participants in various government activities.

## MAY 1975

- Detection of a wide sabotage plan to be carried out in industries and streets, sponsored by the MIR and intended to 'democratically' observe International Labour Day.

## May 1.

- Mass distribution of pamphlets in the Santiago outlying areas.
- Painting of slogans in streets under armed protection, thereby causing three clashes.

## JUNE 1975

- Violent clashes as two extremists are caught transferring firearms in a Santiago neighbourhood.

- Detection and elimination of the individual in charge of MIR activities in the Concepcion area, while being caught in sabotage activity at the Central Station by the Intelligence Service.

## JULY 1975

- Elimination of the individual responsible for the MIR central workshop, shot down after having been surprised by his landlady in the manufacture of homemade weapons and after having threatened to blow up the house.

- Detection of a supply of weapons for the MIR, presumably originated in Italy, to be handed out in Copiapo, a town north of Santiago.

## AUGUST 1975

- Detection of a MIR manifesto that called the "unification of the left through its grassroots" to stand up against the Government and the rest of the 'traitors'.

- Detection of operating peoples' jails, through documents seized from members of the MIR.

- Detection of 2 clandestine printing shops (Condor and Minerva), producing subversive pamphlets and documents.

## E. The activity or attempts thereof during September 1975

1. Attempt on the life of the director of the daily La Segunda, through a bomb planted inside a book delivered to his office through the post. This act is attributed to the Jose Bordaz commando of the MIR.

2. Neutralization of plans on acts and fires, intended to cause panic and uncertainty among the population. Contained herein was the case of the Santa Lucia cinema in which a fire was to be started in one of the restrooms during an evening show.

3. Attempt against the Bank of Chile, with the planting of a bomb in one of its corridors.

4. Diversion calls over the telephones reporting the planting of nonexistent bombs (as in the case of the University of Chile and of Channel 7 television).

5. Detection of a fully equipped clandestine clinic, set up by the MIR, for the purpose of performing face surgery on MIR leaders.

6. Shooting of a government automobile by MIR followers.

7. Structural change of the MIR is detected, that turns its pyramidal organization to a columnar type of association, based on the Tupamaro doctrine.

8. Discovery of an arsenal of the Communist Party on September 11, 1975, in Esmeralda N.º 5865 in the Joao Goulart settlement, where the following was found:



- 89 AK rifles
- 1 Mauser carabine
- 1 Mallinger rifle
- 341 AK ammunition clips
- 79 AK yataghans
- 80 knapsacks containing AK ammunition clips
- 1 Mauser belt with 2 ammunition clip carriers
- 2 parcels containing AK rifle carriers
- 70 boxes of ammunition for Mallinger rifles
- 3 revolver pieces

The foregoing was found in an underground construction lined with concrete, following the Tupamaro style.

9. From a moving automobile, that was subsequently held up, shots were made at a government car at the service of an army colonel attached to the Government Advisory Committee.

A note containing the license number of the vehicle in question was found in possession of the individual arrested.

10. In the early hours of September 19, 1975, 15 individuals were arrested, all of whom were members of the Communist Party and who had been detailed to attempt against the lives of any of the four members of the Military Junta of Government and their distinguished visitor the President of the Oriental Republic of Uruguay, Mr. Jose Maria Bordaberry. This attempt was to be carried out from above the level crossing located in the streets Avenida Matta and Panamericana Sur and simultaneously from other neighbouring areas such as the entrance to the O'Higgins park, where the traditional military parade was being held.

For this purpose the arrested individuals had been provided with long weapons.

#### F. The activity of the MIR according to its own press and foreign media

The broad, enormous and costly activity deployed by the forces that supported the previous regime has been extensively publicized by serious media, interested media and their own communications and diffusion media.

Only to provide the reader with an illustration of this, some of these communications shall be pointed out and which may be found 'in extenso' at the end of this paper (see appendices).

On November 5, 1974, the Brussels periodical "Pour" carried an article entitled "Chile, the Struggle being organized" that claims:

"Felipe Flores, a leader of the MIR, has been wounded and captured at his Santiago home this Friday last. He directed the National Force of the MIR, specialized in guerrilla warfare. Claudio Rodriguez, another MIR leader, was arrested last Saturday, November 2, after an attempt on the Chilean Minister of Mines. After violent exchange of fire, Claudio Rodriguez was wounded and captured by the Chilean police. In spite of having lost many of its leading cadre representatives, among them Miguel Enriquez, the Chilean Movement of the Revolutionary Left (MIR) continues its arm-to-arm struggle against the fascist Junta."

"What the Generals, authors of the coup have not been able to destroy, are the 2,000 armed resistance cells which the MIR has set up on location and which are now operational. The leaders of the MIR were aware of how difficult it was going to be to remain in clandestinity for a long time yet, above all, they knew that without their presence in the country it would be impossible to create hubs of popular armed resistance that shall represent the key that shall open the doors to the fight for liberation." (See appendix.)

In a pamphlet dated February 20, 1975, entitled "The MIR to the working classes and the people" states:

"We shall develop the organization of thousands of new committees of popular resistance; we shall promote mass sabotage of the economy and, through small actions of armed propaganda, we propose to strengthen step by step the military power of the people."

"Today, we must organize and impart discipline to our clandestine forces by carrying out small scale clashes, in order that tomorrow we may engage in great battles and fight in the open field."

"There shall be no peace on Chilean soil until the day that Pinochet and his wardens pay before a firing squad....." (see appendix).

The establishment of the Revolutionary Coordination Board formed by the Movement of the Revolutionary Left (MIR) of Chile, the Tupamaro National Liberation Movement of Uruguay, the National Liberation Army of Bolivia and the Peoples Revolutionary Army of Argentina, has been extensively publicized by the world press. In its joint proclamation (see appendix) it states:

"To arms, people of Latin America. We are living the decisive moments in our history. In that awareness, the Tupamaro MLN, the MIR, the ELN and the ERP call upon the exploited Latin American workers, upon the working classes, the poor farm workers, the poor in the cities, the students and intellectuals, christian revolutionist and all those individuals originating from the exploited classes, who are prepared to cooperate in the just cause of the people, to take up arms with decision, to incorporate themselves actively to the antiimperialistic revolutionary struggle and to Socialism which is already being waged in our hemisphere under the banner and example of Commander Guevara."

In its own organ of diffusion "Correo de la Resistencia" (see appendix), containing various headings and commentaries, the MIR itself defines its strategy. Number 8 of that publication, for instance, corresponding to May-June 1975, published the following headings in page 20: "Active resistance under way", "Death to all gorillas in the world"; and in page 27: "To promote trade union resistance"; in page 68: "The military dictatorship can be beaten" and, on the following page: "There is only one way, fight and fight again"

We believe that we have clearly demonstrated incitement to action and action itself, even by the actual publications abroad of the MIR.

By way of example, number 8 of "El Correo de la Resistencia", which is printed in Mexico, carries an article entitled "Active resistance under way" in which it includes the following information:

"More recent news indicated that last April 22, a gigantic fire that lasted over three hours, broke out during the night at an Esso Standard Oil depot in Viña del Mar, located on the road to Salinas, only 200 meters away from the barracks of Specialists School of the Navy. Total losses amounted to one thousand million Escudos."

Curiously enough, this fire broke out the same day in which the Secretary General of the Empresa Nacional de Petroleo (National Oil Agency), Hernán Morales, had informed that 15 foreign companies had shown an interest in the program intended to allow private capital to invest in the exploration and exploitation of new oil deposits in the country.

Likewise on April 22, but in Santiago this time, another very large fire destroyed an old building located in the corner of Ahumada and Moneda, in the mid town area. The property belonged to Manufacturas Sumar, a textile complex which had been returned to its owners by the government. Both these acts have been claimed by the Peoples' Resistance as being of their own making.

Forty eight hours later, another fire destroyed an acrylics plant where a labour dispute existed between owner and workers. This event took place between the streets of San Isidro and Carmen, one block away from the Alameda Bernardo O'Higgins, Santiago's most important thoroughfare. This fire has not been claimed by the Resistance, but the firemen insist in determining it as sabotage.

The indicated examples should suffice to appreciate the terroristic activity of these groups.

#### G. The murders of the MIR.

The indicated MIR publication -Correo de la Resistencia-, in page 21 of its May-June N.º 8 issue, carries two articles in the section devoted to the resistance. One of these articles is of its own production and the other represents a reprint from the clandestine Santiago periodical "El Rebelde en la Clandestinidad". The contents of these articles provide an example of the way in which the MIR operates.

1. In part, the first article entitled "Execution Sessions" reports that "In Barrancas, one of the poorest areas of Santiago, several informers have been put to death", and further on: "Besides Barrancas, stool pigeons for the dictatorship have been executed in the predominantly Santiago worker districts of Vicuña Mackenna and Renca" (see appendix).

2. The second article is entitled "Sotomayor's self-criticism and death sentence for 9 traitors" and states: "On the other hand, the El Rebelde announces that the MIR has sentenced to death nine of its former members who are presently held under arrest. Four of these nine are the ones who appeared on television appealing on their comrades to put an end to active resistance. Of the remaining 3 men and 2 women (whose names we shall duly disclose), one has already been killed by the DINA. In this connection, the El Rebelde



points out that these nine traitors have been sentenced to death and that, therefore, any Chilean or revolutionist in the world may carry out the sentence."

#### H. Financing for its activities.

The world is a witness and there is no need to point out the sources that provide the financing for the terrorist groups in Chile. To this end, it is sufficient to recall the solidarity campaigns which have been carried out in a large number of countries and the direct assistance secured from nations that lead the anti-Chilean campaign.

As an example, one may consider a short article carried by the MIR publication in France "Courrier de la Resistance", specifically in the third number of that journal that appeared in September 1974. It reads: "The ERP, Peoples' Revolutionary Army of Argentina has distributed 5 million dollars in equal shares to the member organizations of the Revolutionary Boards for the Southern Cone. This amount represents a part of the ransom paid by Esso for the freedom of one of its directors (see appendix).

The statement carried by the indicated articles implies that the MIR received US\$ 1,250,000 dollars for its clandestine and terroristic activities, as admitted by that organization.

#### I. Forgery of Identities.

As pointed out in other parts of this work, the forgery of identity papers has enabled its members to appear with 5, 10 or even up to 17 identity documents, as was the case of the MIR leader Miguel Enriquez.

#### J. Chile maintains the state of siege.

It has already been pointed out that any government in general and, in this particular case, Chile has the paramount obligation of establishing conditions of stability, order, peace and authority, as the only basis on which its people can develop and attain full realization.

The extraordinary situation which Chile was required to face continues to be present as evidenced by the existing information, a part of which was been pointed out in this paper.

Although the effects of the state of siege have been ostensibly lessened by reducing its enforcement in one degree, the foregoing represents the reasons why the general welfare, which is the guiding principle of the authorities requires its continuation.

### PARAGRAPH FOUR

#### ENFORCEMENT OF EMERGENCY LEGISLATION

##### I. THE SCOPE OF THE DETAINEE PROBLEM

###### A. State of Siege Detainees

The continually exaggerated figures normally published by the various interested communication media and that are reproduced in the manner which has been indicated, have given the impression of many thousands of individuals enduring detention under the authority given to the Government by the state of siege regulations.

The Government of Chile is in a position to state that as of September 30, 1975, there were a total of four hundred and ninety four individuals under arrest by virtue of the state of siege provisions. These 494 detainees were distributed as follows:

a. Tres Alamos detention camp	186
b. Pirque detention camp	77
c. Puchuncavi detention camp	135
d. Ritoque detention camp	96
Total	<u>494</u>

It is necessary to point out, moreover, that out of these 494 persons, 75 have been provided with the required decree on abandonment of the country and are, therefore, only waiting to be received by some country.

Consequently, it may well be said that only a total of four hundred and nineteen individuals actually remain under detention (see appendix).

Finally, the situation of these individuals is continually under review, as reflected by the releases authorized during the month of September (see appendix).

## B. Other Detainees

Exaggeration in this field has likewise reached surprising limits, as a result of biased propaganda to that effect.

In this connection and *on August 30, 1975*, one thousand three hundred and ninety eight (1,398) persons remained under arrest by order of the military courts trying their individual cases.

To the same date, two thousand one hundred and seventeen (2,117) individuals remained in prison serving sentences past by the military courts.

In this regard it is necessary to point out that 396 persons have filed petitions before the Special Committee on the Commutation of Sentences. The Committee accepted 324 applications and subsequently commuted prison sentences for exile; 12 petitions were submitted to the parole committee; 20 are under consultation, 10 were rejected and three of them filed.

## II. PRESUMPTIVE MISSING PERSONS

From the moment in which the present Government took office, countless national and foreign organizations and bodies prepared lists of presumptively missing persons which, on being disseminated by the press and other communication media, left the impression or directly imputed to the authorities and specialized organizations the responsibility for their disappearance.

Through their representatives in the different commissions, forums or specialized organizations, the member countries of the United Nations have been presented not once, but countless times, with the indicated lists which containing the same names, are provided by various non-governmental organizations (Amnesty International, International Committee of Jurists, Inter-American Commission on Human Rights, United Federation and many others. Miscellaneous broadcasting stations lead by Radio Moscow, continue to repeat them and are picked up by news agencies and, in this way, enlarge and multiply the numbers, thoroughly defacing the truth.

Aware of this fact, the Government of Chile carried out an extensive investigation directed to identify the problem and whose results are the following.

### A. INVESTIGATIONS ON MISSING PERSONS CARRIED OUT BY THE GOVERNMENT OF CHILE

#### 1. Real number of missing persons according to the indicated list.

The investigations carried out and analysis of all lists submitted from September 11, 1973 to August 1975, provides a total of 768 persons who are presumably missing.

#### 2. Duplication of persons on the same list under different names.

In connection with these lists, it is important to point out the intention of increasing the total numbers by listing a same individual two or three times. For instance, the list submitted by Amnesty International includes one Ricardo Catalan and then a Catalan Ricardo, one Oscar Valladares Carocca and further on one Oscar Enriques Valladares Caroca, one Agustin Reyes Gonzalez and subsequently one Agustin Eduardo Reyes Gonzalez, and so forth (see appendix).

Therefore, out of the 103 names appearing on that list, in actual practice they only represent 51 individuals.

#### 3. Persons reported missing who do not legally exist.

Out of the 768 persons listed, the National Identification Bureau was able to ascertain



that 153 of them do not exist legally and that it is a matter of assumed or invented names (see appendix).

#### 4. Persons legally dead.

Out of the indicated list, 64 persons are legally dead, almost all of which perished in the days following September 11, 1973 as a result of the clashes that originated and which are known to the world public opinion. These deaths were never hidden and any person could have obtained the pertinent information as to the causes thereof by merely approaching the Legal Medical Institute (see appendix).

#### 5. Persons under asylum.

Out of the same list it was possible to detect the names of 7 individuals who had sought asylum in various foreign embassies in Santiago (see appendix).

#### 6. Persons affected by decrees to abandon or be expelled from the country.

As shown in the appendices attached to this paper, 12 of these persons are in the indicated situation.

#### 7. Persons under detention.

As a result of the study that was carried out, it was possible to ascertain that 8 of these individuals were under detention (see appendix).

#### 8. Persons who were released.

As shown in the appendices attached to this paper, 6 individuals were released under Ministry of the Interior decrees.

#### 9. Persons who have never been detained.

7 persons, were located in their usual activities, without ever having been detained as they themselves certify by the documents attached (see appendix).

#### 10. Conclusion

From investigations conducted, one may clearly appreciate the exaggerated figures and the falsehood of the information provided to certain organizations.

### B. SHIFT INTO CONCEALMENT

As has been previously indicated in this work and repeated mainly by the publications distributed by the MIR, many members of this military subversive organization have decided to go into hiding. In a large number of cases, they have gone abroad or have remained in Chile under false identities (see appendix).

### C. DEATHS ABROAD

Countless members of the MIR have illegally abandoned the country and many of them have entered Argentina where they are acting under false identity documents.

Press releases and statements from people living in other countries certify the foregoing affirmation. As an example of this, the following cases may be mentioned:

1. Statement provided by an Argentine General who states: "At least 800 guerrillas, including Chileans and Uruguayans, have died in action or have been injured or captured during the campaign launched by the army on February 9, 1975". (See appendix.)

2. Statements made by the Argentine Government and press indicate that approximately 150 people have been murdered for political reasons in that country to the present date. (See appendix.)

3. Research carried out by the Latin News Agency leads to conclude that 19 Chilean citizens found death in incidents reflecting the political violence in Argentina. Of these 19



individuals there were three of them whose names do not appear registered in the Identification Bureau, that is to say, they are false or assumed. (See appendix.)

The foregoing enables us to appreciate without any doubt the existence of the following:

- a. Concealment;
- b. Un-registered and illegal exists from the country;
- c. Deaths abroad due to clashes or other causes, and
- d. Use of false identity documents.

Because of their nature, these circumstances are not readily qualifiable by the Government of Chile and there is no possibility of qualifying them in the future. Consequently, in searching for missing persons the Government is required to confine its action to the normal procedures that have been indicated.

## D. DISAPPEARANCES IN CHILE UNDER NORMAL CONDITIONS

The various studies that have been conducted in order to elucidate this problem have derived in an investigation intended to establish the number of normal disappearances, under the legal procedures contained in the Criminal Code of the Republic (presumptive mishap procedure).

The results originating from the indicated study show that in previous governments—normal periods—approximately 2,850 people disappeared every year, a figure which has been reduced in the last years.

The causes for these disappearances are just the same as those existing in any free country where there is no requirement to inform the authorities of a change of domicile or of place of work. They come about on account of the most different motives, from accidents to sentimental reasons, abandonment of homes, changes of work, evasion of creditors, mental derangement and the like.

## E. SOME EXAMPLES OF SPECIFIC CASES

We have selected some cases which appear to be most remarkable, inasmuch as in the solution of some of them, foreign authorities have participated and their findings cannot be doubted even by the most skeptical, others, because their solution have come up accidentally and yet others which have even appeared ridiculous to public opinion.

### 1. The Beausire Case.

One of these cases is the one related to Mr. Guillermo Beausire Alonso. In consultations with the Government of Chile, the British Embassy in Santiago indicated that this party had been compelled to leave his plane in Buenos Aires and brought back to Chile by Chilean intelligence service agents. On the other hand, there is a report from another source claiming evidence that Mr. Beausire had been forced to leave his plane in Montevideo by Chilean intelligence services members and reembarked back to Chile.

However, investigations in this connection have ascertained that Mr. Beausire did embark for Argentina (see appendix). Official consultations carried out in that country by the diplomatic representatives of Chile show that on November 2, 1974, the Argentine International Police recorded the official entry of Mr. Beausire to Buenos Aires and that no evidence exists on his subsequent exit from the country.

### 2. The Bravo Case.

The list submitted by Amnesty International attached hereto (see appendix) includes the name of one Rene Julian Bravo Torres.

Locating Mr. Bravo turned into a surprise. On March 31, 1975, he showed up at the Identification Bureau in demand of the renewal of his expired identity card. He stated having no knowledge whatsoever that this name appeared among those of missing persons (see appendix).

### 3. The Ugalde case.

Lawyer Ana Ugalde was reported missing to the Commission on Human Rights in Geneva in 1975, although at the time she was freely practicing her profession in Santiago.



at the same office building where one of the Chilean delegates before that Commission works. Of course, he immediately denied this falacy.

#### 4. The Long case.

Socialist lawyer Mr. Eduardo Long, who was also reported missing, had to inform the press that he was practicing his profession in order not to bring detriment to his activities (see appendix).

#### 5. Other cases.

Countless lists, most of which merely repeat previous ones even to the extent of duplicating the errors contained therein, have been published and circulated in numerous media of various countries, with the sole purpose of sowing doubt on the seriousness of the Government. This is the purpose sought by parties interested in continuing to slander Chile, as has been shown before.

#### 6. The particular case of a list of 119 names of missing persons.

Not long ago, a publication contained in the magazine "Lea" of Argentina, reported the death of 60 followers of the Movement of the Revolutionary Left (MIR). According to this periodical, such deaths were the result of a purge carried out in Argentina, Colombia, Venezuela, Panama and France.

Subsequently, on June 25, the third number of the journal "Novo Dia" of Curitiba, State of Parana, Brazil, printed an article containing the names of Chilean 'miristas' who appear to have been killed, injured or escaped during successive clashes with members of the Argentine security forces, in Salta, Rosario, Mendoza and Tucuman.

The international press immediately pointed out such publications and the interested media—as has now become traditional—accused the Chilean authorities of concealing by this method, detainees under incommunication or individuals already eliminated.

Once again, slander was being inflicted on Chile through the use of procedures alien to ethics and, moreover, reflecting the product of minds that do not hesitate to lie, cheat or deceive to accomplish their dubious purposes.

Finally, claims were raised to the effect that the list which had been publicized abroad was a copy of another list submitted to the Supreme Court of Justice, through which the relief remedy was being appealed in connection with those presumptive missing individuals.

Through its maximun authority, the Government of Chile instructed the Ministry of the Interior to undertake a full investigation to identify the origin of the information and therefore to enable it to deny these serious accusations.

As a matter of interest, it is necessary to point out that these publications appeared only a few days before the intended arrival in Chile of the Ad Hoc Working Group of the United Nations Commission on Human Rights.

The Chilean diplomatic representatives in Buenos Aires and Brasilia were therefore required to conduct this investigation. They were able to determine that the periodical "Lea" had been printed in Buenos Aires and that the corresponding publication had been its first number. Through the information provided by the printing house, it was possible to establish that the actual news had originated in Mexico.

On the other hand, Brasilia reported that officials of the journal "Novo Dia" had stated that the news had come to them simultaneously from two different sources—from tourist from northern Argentina who after visiting Porto Alegre had passed through Curitiba and, from Brazilian tourists on their return from Argentina.

These journalists stated, moreover, that they had received two or three lists together with a clipping of the magazine "Lea". It was impossible to obtain further information about these two most singular publications.

Above all, the statements made to the Chilean authorities only reiterates what has been pointed out in this chapter in connection with missing persons, in the sense of directing attention to the tactics and methods used by the Chilean terrorist organization.

In fact, proof has been rendered on the question of mass forgery of personal identity documents that allows its members to operate under fictitious names. Likewise, reference has been made of clashes occurring abroad that result in the death of Chileans whose identities do not correspond to any registration and are, therefore, assumed or fictitious.

In the light of the foregoing, Chile and its authorities have reacted with indignation in the face of this new slander directed to attribute to the Government the disappearance of individuals who have been either killed in clashes abroad or else who are acting undercover or who have been executed by their own comrades.

Another case which has been widely disseminated is that of detainee Nieves Ayress Moreno who, through a letter sent to her mother who in turn circulated it among various international organizations, indicated having been victim of genital injuries as a result of successive sexual abuse and torture including the introduction of live rats into her vagina.

As known to the pertinent organs of the United Nations and of the Organization of American States, this accusation—which is singular on account of its nature—brought about repeated and indignant replies from the Government to both institutions, indicating that such kind of accusations could only be the product of perverted and sick minds.

### III. SITUATION OF THE DETAINEES

Attacks against Chile are mainly whimsical insofar as describing the living conditions of the individuals staying at the different detention camps.

In fact, it has been repeatedly stated that detention conditions cannot in any way be considered as meeting the conditions of safety and respect of dignity inherent to the human being. To further stress this point, moreover, critics even indicate at times that the camp on Dawson Island is close to the Antarctic, in an effort to create an additional image of inhuman treatment of detainees, under extremely rigorous climatic conditions. Dawson Island stopped being used as a detention camp in March 1974, before the winter of that year. Those individuals held under detention on that island were transferred to Ritoque, whose conditions are described in the pertinent reports of the International Organizations.

Moreover, in the midst of the serious economic crisis which the country faces due to the chaotic administration of the previous government, the national authorities have displayed great efforts to equip the detention centers with the maximum possible comforts and the most adequate facilities. This makes it possible to affirm most categorically that the living conditions of the detainees are, at least, satisfactory.

The detainees are provided with adequate living quarters and pavilions that enable them to live unclustered, with sufficient clothing and heating; they are provided with healthy and varied food, identical to that distributed to the wardens; they enjoy facilities and means to practice several recreations sports and have radio and television available, as well as visits from their relatives and they send and receive mail without restriction.

The medical attention provided is likewise satisfactory, just as the sanitary conditions, with only occasional problems which are immediately overcome by the responsible authorities.

There is no forced labour. The detainees are only required to wash their own clothes, due to the normal limitations of camps of this nature. At times, they are also required to cooperate in the preparation of meals.

Treatment dispensed to the detainees is correct and relations among them and the guards are good.

The aforementioned does not represent mere claims of the Government of Chile. They correspond to what has been freely stated by the detainees themselves, without witnesses, to the representatives of the above mentioned international organizations who visit them periodically. There is no fear of reprisals here, only a simple acknowledgement of objective facts than can, moreover, be easily appreciated by those representatives and whose visit reports contain the record of the satisfactory living conditions of the detainees they have been able to observe.

### IV. CRUEL, INHUMAN AND DEGRADING TREATMENT

Imputations of ill-treatment have represented the largest source of attack against Chile. The most unbelievable accounts have been fabricated in this respect, such as may only be conceived by sick minds, as the Chilean Foreign Minister pointed out before the United Nations in 1974. But, worse still, such accounts are reproduced and circulated by all media; after a time, they are repeated once more and recorded successively in order to portray a volume that will impress and impact world public opinion.

The Government of Chile fully understands that groups interested in discrediting it in the international field should avail themselves of these means, because of the logical reaction it originates.



Many of these assertions are vague and indeterminate and they are set loose just as the apocalyptic riders, thereby making it impossible for the Government of Chile to demand the authentication of such assertions. The Chilean Government has answered each and every one of the specific consultations raised by international organizations and it has included all the information available to establish the falsehood of the imputations.

The chapter of this paper that refers to the international campaign clearly shows, step by step, that this is due to express orders issued by international communism to each person who may have been detained. These individuals, on being released, voice accusations of having been tortured, to which end they even make use of their own physical defects, imputing them to the work of government agents.

Under these instructions, those formerly arrested Chileans who testified before the Inter-American Human Rights Commission stated having been tortured, though the same report containing their statements, reveals that only three of them produced proof of what, in the opinion of the Commission, may represent evidence of ill-treatment, although no pertinent medical certification was required by that body.

Moreover the Government of Chile is unable to answer very general declarations, because of the impossibility of collecting information on undetermined cases which require investigation. On the other hand, the Government of Chile has been and is forever prepared to investigate and punish with utmost energy any possible abuse in this connection. To that effect, it has repeated that it shall be inflexible in observing standing legislation.

The Government of Chile has the right to require from international organizations or from persons of rank that they investigate the veracity of slanderous imputations before repeating them, in order not to become moral accomplices of libel.

The majority of the accusations of torture come from individuals connected with extremist organizations that preach and practice violence and armed struggle to attain their political purposes. It is logical to believe, therefore, that those who do not restrain their acts with regards to the lives of others, should possess even less moral inhibitions in using lies and slander.

But the Government of Chile, its Armed Forces, its Courts, are formed by normal individuals of a mature age, heads of families; they have a right to demand that the world believe them more than the extremists.

When international organizations convene, there immediately emerges public accusations on specific cases of torture. In 1974, for instance, during the meeting of the General Assembly of the United Nations, journalist Jack Anderson, with all his influence in the United States information media, published a statement by Amie Conger, a United States citizen, accusing the Government of having tortured her and causing the loss of the use of one of her hands; with similar statements, she likewise surprised American television with a dramatic account of her experience in Chile.

The case was disavowed by the Department of State, through its consular office in Santiago, which had received Mrs. Conger in perfect health. This is not all, however. A handwritten letter by Mrs. Conger was subsequently found, wherein she told a Chilean friend of hers—closely connected with subversive acts and under arrest at the time—that she had suffered an accident that had injured her hand. (As this represents an individual case and inasmuch as the supporting documents include numerous references to Mrs. Conger's conduct, the appendices are not included in this presentation. They have been in possession of the Secretary General of the United Nations since late 1974.)

Another similar case occurred while the Commission on Human Rights was meeting in February 1975. At that time, the European press reproduced an accusation originally published by an English newspaper, on tortures carried out onboard a vessel. This accusation was raised by Mr. Claudio Herrera who claimed having been under arrest onboard that ship and having arrived in Britain after having sought asylum in the Italian Embassy in Santiago. His name never appeared on the list of arrested individuals and, although many skeptics may doubt this statements of the Government of Chile, they may never doubt the fact the Italian Embassy did not have him under asylum and that Italy never requested his safe-conduct.

Subsequently, when 5 of the 7 members of the Inter-American Commission on Human Rights were to visit Chile, the Government authorities received a request by this Commission of practicing a medical examination on Nieves Ayress on account of the problems she was claiming. The requested medical consultation was immediately carried out and the Commission was presented with a long list of frequent medical consultations and visits made to the detainee.



Later on, UNESCO received a copy of this same letter of accusation, therefore forcing the Government to deny the charges being raised. As may be clearly appreciated, the same absolutely false letter that has brought about one of the most serious libels ever to be invented against our country, has been circulated and submitted within a period of one and a half years, first to the United Nations, then to the Organization of American States, subsequently to UNESCO and finally to other organizations.

As evidenced by the various medical reports and X-rays that shall be turned over to the Secretary General of the United Nations, the truth is that Mrs. Nieves Ayress Moreno, during her stay in Cuba in the months that immediately preceded September 11, 1973, became pregnant and had an abortion which impaired her physical condition. Moreover, she had several psychiatric problems as may be appreciated from her personal data which the Government of Chile is compelled to make public due to the slander inflicted upon it. This is the origin of the sick imagination of Nieves Ayress.

The Government of Chile regrets having to refer to this specific case and publicizing these facts, but at least, it enjoys the right to point out the truth in this paper, considering the infamous campaign that has been unleashed.

The complete medical studies shall be submitted to the Secretary General of the United Nations.

In connection with the treatment of individuals under detention, the Government of Chile is pleased to point out the close cooperation it has maintained with the impartial and serious specialized International Organizations, which have received all kind of assistance in meeting their task.

The Government finds it opportune that in the last reports of these organizations it is pointed out that the persons under detention are receiving humane treatment and that no complaints on ill-treatment have been filed. It is necessary to draw attention to the fact that interviews are held in private and without witnesses, as the international organization itself affirm it.

## V. EXERCISE OF THE RIGHT OF DEFENSE

Any individual under accusation, regardless of whether such accusation has been raised before a civil or a military court, enjoys the right of defense. In the event that a defendant should lack counsel or that his appointed counsel should fail to comply with specific procedures in due time, the lawyer on duty—as established by the Bar Association according to the list of practicing attorneys—shall be required to act as counsel for the defense.

Attorneys under authorization to practice their profession before ordinary courts may act as counsels for the defense before military courts. This is compulsory for attorneys on duty, unless they are able to produce some admissible excuse. The failure to comply with the professional responsibility of counsel for the defense on the part of an attorney appointed as such, shall be made known to the Bar Association for action under the procedure which this institution has prepared for this purpose.

These rules have been irrestrictively applied in all cases before the military courts. These courts have never considered a case without the presence of the pertinent counsel for the defense. This fact is readily evident from the mere review of the various cases which have now been closed in Chile.

By way of example, one may recall the proceedings opened by the military court of the Chilean Air Force against 67 individuals among civilians and servicemen. These proceedings were carried out in the presence of various foreign observers and they clearly evidence the fact that all defendants had attorneys. (See appendix.)

On the other hand, anyone with a knowledge of the Chilean legal profession will readily become aware of the fact that some of the most renowned and distinguished criminal lawyers in the country may be found among those serving as counsel for the defense. Moreover, anyone wishing to analyze the indicated proceedings, or any other similar ones will be able to ascertain the way in which they were carried out and the strict observance of the various standing legal provisions to the effect.

Furthermore, it is important to point out that all prosecutors as well as advocates existing in the country today are lawyers that, in the case of the latter, meet the requirements provided for in the Code of Military Justice.

It is necessary to recall, finally, that—as indicated—almost the entire competence of the military courts is governed by the procedures under peacetime, procedures under which the highest civil court of the country, the Supreme Court can intervene.



Those who have followed the conduct of these courts, in good faith and under a strict professional spirit, as in the case of professor Sebastian Soler of Argentina, have been able to ascertain the strict observance of the provisions required by the due process of law.

## VI. INDEPENDENCE OF THE JUDICIARY AND PARTICIPATION OF WOMEN THEREIN

The judicial power in Chile has forever reflected a high degree of independence and administrative and economic autonomy. All national and foreign organization and personalities have acknowledged its long tradition in defense of basic human rights and guarantees. This circumstance leads to the following conclusions:

a. The importance of the agreements taken by the Supreme Court in establishing the serious crisis of legality brought by the Government of the Unidad Popular, and

b. The attitude of the judiciary vis-a-vis the present Government is consistent with its tradition and likewise consistent with the sense of respect for the law and observance of the judicial resolutions of the present authorities.

It is necessary to point out, moreover, the enormous importance of women who have considerably increased their participation in the judiciary, as evidenced from the following table:

	Ordinary Courts		Labour Courts	
	Primary Echelon			
	Men	Women	Men	Women
Year 1972	393	179	48	36
Year 1975	394	219	36	41

## VII. PARDONS

It may be of interest to recall statistics prepared by the Permanent Pardons Committee of the Ministry of Justice and by the Special Committee established under Supreme Decree N.º 504.

a. The Permanent Pardons Committee has studied 123 applications submitted by the defendants convicted by military courts, with the following conclusions:

1. Pardons issued through waiver of balance of penalty	34
2. Pardons issued through commutation of balance of the penalty	27
For exile	7
for relegation	9
for controlled parole	9
for change of place of relegation	2
	<hr/> 27

3. Pardons issued through reduction of penalty	6
4. Applications rejected	55

b. The Special Committee established under Supreme Decree N.º 504 has entertained 535 cases, with the following outcome:

1. Applications approved	479
2. Applications submitted to the Permanent Committee	10
3. Applications pending inquiry	14
4. Applications closed	19
5. Applications rejected	13



## PARAGRAPH FIVE

### OTHER RIGHTS

#### I. THE SITUATION OF MINORS

The Superior Council of Ministers for Social Development, which is the highest organ of the State in social affairs, decided to assign high priority to the work in favour of minors, inasmuch as it considers this to be one of the most forsaken areas and, at the same time, one of the most strategic from a point of view of national development.

##### 1. THE CONICYT-UNICEF PROGRAM.

The following programs are being developed to meet the purpose indicated above:

A. The National Scientific and Technological Research Committee -CONICYT-, reflecting the concern of the Superior Council of Ministers for Social Development, has identified the area of minors as one of the fundamental programs on which the development of scientific and technological research of the country must concentrate.

In accordance with this postulate, CONICYT decided to promote a six-year program with the cooperation of the United Nations International Children's Emergency Fund -UNICEF-, intended to activate and direct the work of public and private organizations towards the establishment of concrete measures to protect and develop Chilean infants and youth, with the help of national and bilateral as well as multilateral foreign resources. UNICEF represents one of the latter sources.

The program was officially inaugurated on June 6, 1974, in the presence of representatives of the national and international organizations concerned with the future and problems of Chilean minors.

The program consults a sequence of partial objectives, progressively supplemented and spaced in time, directed to originate a permanent, integral and systematic effort in protecting and developing the resources of youth in the country. This effort, moreover, shall be closely connected with the process of general social and economic development of the Nation.

##### B. Purposes.

- a. To jointly evaluate the situation of minors and youth in Chile;
  - b. To establish a consensus on the general objectives and on a national policy in support of minors and youth;
  - c. To generate a nucleus to coordinate the development of the sectors and the policies connected with minors and youth;
  - d. To improve, extend and coordinate services in the main sectors;
  - e. To coordinate those programs in favour of minors and youth which the international organizations and bilateral assistance agencies may carry out in the country;
  - f. To mobilize the various social sectors in favour of minors and youth, and
  - g. To prepare a national policy in favour of minors and youth.
- The program consists of three phases:

##### C. Phases.

###### *First Phase - May 1974 - June 1975.*

This phase has been completed and it represented the work of diagnosis and analysis of the following sectors:

- a. National Development Planning;
- b. Demography and Family;
- c. Nutrition and Food;
- d. Basic, Intermediate, Technical, Professional and Special Education;
- e. Labour;
- f. Justice;
- g. Health (Mental and Physical);
- h. Social Mobilization;
- i. Sports and Recreation;



- j. Social Communication Media, and
- k. Institutional Resources.

This phase has served to compile knowledge of Chilean minors and youth and to identify their principal requirements, problems, resources and future projections.

### *Second Phase - July 1975 - December 1976*

This phase is intended to continue with the systematic review of the indicative data on the situation of minors, particularly in connection with those areas most lacking in information.

To this effect, the following topics are being considered: Research on Special Education, Rural Labour Situation of Minors, Labour Situation of Minors in Small Industries and Crafts, Research on the Juridical System of Minors in Chile, Study on the Preparation of a Rehabilitation Plan for Minors, Development of Mental Health Research on Protein Resources, Study on the Preparation of a Sports and Recreation Policy, Research for the Preparation of Reading Material for Minors, Research for the Preparation of a Social Mobilization Policy in connection with minors, Basic Research for Family Guidance, Research on the Training of Human Resources in the Care of Minors, Research on Minor Training Contents, Methods and Techniques, Study on the Private Minor Assistance System, Study on External Resources for the Development of Minors, Study for the Preparation of Plans and Programs for Minors, Study on the Location of Comprehensive Centers for Infants.

*The foregoing implies that by the end of 1975, the Government of Chile shall be in possession of the global and sectorial data required to define a National Policy on Minors and Youth, with the consequent social planning for these groups.*

The preparation of this policy has been issued the highest priority within the National Plan for Scientific and Technological Development. Such a priority is valid for the allocation of national resources and of those resources originating from international, bilateral and multilateral assistance programs.

### *Third Phase - January 1977 - December 1980*

The National Policy on Minors and Youth shall be implemented during the course of this phase.

## 2. OTHER PROGRAMS.

Other programs in connection with minors are those of a nutritional nature.

### *A. Supplementary Food Program.*

This program is highly significant inasmuch as it implies preventing the problem of infant malnutrition, thereby safeguarding the normal development of Chilean children.

The following are its overall targets for 1975, which in some cases are being met beyond a 100 per cent:

- To distribute 13,000,000 kilos of milk to 494,000 children from 0 to 2 years of age;
- To distribute 16,000,000 kilos of protein mix to 924,000 children from 2 to 6 years of age, and
- To distribute 3,000,000 kilos of milk to 343,000 pregnant and nursing mothers.

This program covers a 20 per cent of the total population of the country, implying a government investment in the order of E<sup>o</sup> 150,000,000,000 (some 25 million US dollars). This program, moreover, places us at the head of Latin America in the area of child nutrition and among those countries in the world which allocate high resources to this kind of assistance.

An important feature of this program, within the National Social Program, is its re-alignment in terms of the beneficiary group. This will result in a higher allocation to the lower income social sector, close to a 15 per cent of the total, in terms of money, E<sup>o</sup> 22,500,000,000 (over 3.5 million US dollars, approximately).

### *B. School Food Program*

The main purpose of this program is to provide the maximum utilization and to reduce school drop-out to a minimum by providing low income children, and particularly those of

insufficient means, with supplementary nourishment. For the present year, this entails providing 750.000 breakfasts and 650.000 lunches a day, besides 10.000 food rations for those children living away from the schooling center.

This program is directed to equalize the possibilities of education development in a social sector that has been traditionally neglected. This means catering to 7.000 schools serving approximately a 40 per cent of the basic school population of the country.

### *C. Infant Education and Care Program.*

This program is intended to provide 2 to 5 year old children in the lower income sector with care, food and education, while simultaneously stimulating full development of their potentials and freeing mothers during some hours a day to devote themselves to the home or to some remunerative occupation.

During 1975, 306 nurseries serving 28.000 children have been in operation. This program carried out by the National Nurseries Board, has been able to extend lunch catering to children to 5.000 new rations a day.

### *3. Juvenile justice*

On account of its importance with respect to minors, it is necessary to point out the concern of the judiciary in this connection.

According to existing statistics, the National Minors Board took care of 7.162 minors between 1966 and 1970; of 6.206, between 1971 and 1973 and, of 18.664 as of September 11, 1973 to date. On observing this last figure, it is necessary to consider that additional services are being provided, notwithstanding the fact that national income has decreased.

The Special Minors' Courts considered 54.000 cases (an approximate figure), of which 17.000 involved matters of protection and correction and the remaining 37.000, matters under the family law. These figures reflect the access to justice which our population enjoys, in matters under the competence of juvenile courts.

Through its preventive action, the Minors' Police is assisting 25.842 minors in various youth clubs.

The law has provided these courts with a broad competence and wide authority to consider and decide on all situations affecting minors and their families. Such scope and the need for this specialized branch of justice, has moved the Government to establish 4 new courts between 1974 and 1975. These new courts are already in operation and of which, one of them is located in Santiago to consider all problems met by minors in conflict with the law or of showing an anti-social conduct.

The justice sector is likewise providing specialized assistance to young delinquents who, by virtue of the law, are required to remain in institutions under the gendarmerie.

To this effect, Supreme Decree N.º 313, dated in 1974, established a Minors' Assistance Complex for the province of Santiago which is now operating in the Blas Cañas Observation Home and in the Calera de Tango Readaptation Center. This complex is presently providing assistance to around 300 youths and, according to the results obtained, it shall extent its action to the entire country.

### *4. THE INTER-AMERICAN CHILDREN'S INSTITUTE*

The Inter-American Children's Institute –an OAS organization– sponsors three projects on the protection of minors, with scientific, technological and financial support.

Dr. Rafael Sajon, Director of the IACI, in his official visit to Chile from September 29 through October 2, undertook to sponsor the following programs:

1. A Latin American seminar on Parole, to be held during the first semester of 1976, with the participation of all members of the OAS;
2. A training course on Conducted Recreation, and
3. A course on Early Stimulation, intended to train experts and to provide specialized training to all personnel. The National Health Service, should be able to supervise their psychic development, thereby effectively reducing the deficiencies detected in this connection.

### *CONCLUSION*

The numerous activities carried out in our country in favour of minors, clearly portrays the concern of the authorities and of national and international organizations to overcome



the problems of minors and youth. The Government is pleased to express its appreciation to UNICEF and the OAS for their cooperation which has enabled the implementation of the indicated programs.

Moreover, the community as a whole has participated effectively, defining its projects responsibly and realistically and pledging its support.

## II. FREEDOM OF ASSOCIATION

The Chilean Government has not established any limitation on freedom of association in any of its aspects in the national territory; except in so far as the political recess is concerned, which affects exclusively the formation or operation of political parties.

The right to form all kinds of patrimonial associations as well, as non-profit organizations, remains absolutely the same. In practice, these associations have multiplied during the last two years.

With regard to labour unions, it is necessary to point out the following:

1. From 1970 to 1973 labour union federations were not authorized by the previous Administration, unless they were organized under CUT ("Central Unica de Trabajadores" - Central Workers Union), which was dominated by soviet communism and whose last two Presidents were members of the Political Committee of the Communist Party and simultaneously Labor Ministers of the Allende Administration;

2. The right to freely form unions and federations without the obligation of belonging to a given Confederation has been reestablished. In practice during the year 1974 five confederations and federations of unions have been authorized under Decrees of the Labor Ministry, Nos. 242, 361, 521, 524 and 867 of the year 1974, and during the year 1975 a union federation has been formed.

3. With regard to the creation of union organizations or unions, 452 new unions have been authorized since September 1973 to August 1st., 1975, negotiations for which have been completed and the unions are in operation (the list of these unions with the number of members, the Decrees authorizing them and the address of their social domicile, has been forwarded to the Secretary General of the United Nations).

At present 196 new unions or union federations are in the process of being authorized (the list of these union organizations, negotiations for which have not been completed, the name of the organizations, the number of the members and their social domicile, have also been given to the Secretariat of the United Nations).

The facts quoted show the falsehood of the charges raised against the Chilean Government and emphasizes the true re-establishment of union freedom as understood and practised by democratic countries.

## III. LABOR POLICY

The general policy of the Ministry of Labor and Social Welfare, has been oriented towards three objectives: a) To obtain in the elaboration of the law and in its application full participation from all the sectors that are involved in labor relations; b) to achieve uniformity of legislation in order to avoid postponement of privileges of some activities; c) to achieve a more just and favorable treatment to all workers, placing special emphasis on minority, non unionized groups.

### a) PARTICIPATION

The Government has established a process for the direct participation of workers and management in the study of labor relations. This system was put into practice when the whole country was consulted about the contents of the Social Statute of the Enterprise.

This consultation in which hundreds of organizations and leaders, not only of the labor field, but also of the universities, the church, etc. gave their opinion sometimes privately and mostly publicly, produced substantial differences between the draft submitted for consultation and the legal norms finally written in DL 1006, published in the Official Gazette of May 3, 1975.

The same process of participation has been followed for the establishment of the new Labor Code.

A preliminary draft was submitted to public consultation for a period of 60 days, after which 378 unions, federations and confederations submitted observations and suggestions. The systematic study of all these presentations will serve as a basis for the final.

wording of the Code. This study has been forwarded to the General Secretariat of the United Nations and will be distributed among the Spanish-speaking nations. Because of its large volume it is not possible at this moment to make translation into other languages.

In view of the importance of the Labor Code, by Resolution 735 of the Labor Ministry, published in the Official Gazette of September 30, 1975, it was provided that a tripartite committee should be formed, composed of labor representatives, of employers and Government officials to review the observations and suggestions.

In this way the basic legislation is being dictated with the active participation of all interested sectors.

The Government continues to foster participation. Thus, it established by Decree 852 of 1974, modified by Decree 239 and 494 of 1975, the Labor Coordinating Committees. At the beginning the members of these committees were appointed directly by the Government from the more senior workmen and employees, but by virtue of Decree 239, they are now appointed by the Ministry of Labor from a list presented by the union organizations, traditional system in Chilean legislation to appoint representatives of labor unions or associations in public organisms.

#### b) Unification of Legislation

The Government has endeavored to erase the odious discrimination which existed among the different labor sectors originated by political pressure or outdated concepts.

The most significant achievement in this regard has been the unification of legislation as regards "Family allowances" thereby ending the differences between blue-collar and white-collar workers. The Single System of Family Allowances", was established by Decree Law 307 of February 7, 1974, implementing the system that had already been established in Decree Law 97 of October 24, 1973.

Consequently, all workers of the public and private sectors, as well as those pensioned, receive for each family dependent an equal sum, whatever the nature of the work, the salary or position they hold.

With the same criterion to uniform family allowances, maternal allowances for the worker have been established for the pregnancy period.

(See in the Annex statistics on the increase in family allowance which is several times higher than the cost of living index).

#### c) Fair and dignified Treatment - salaries

In order to maintain the buying power of salaries and wages the Government has provided for quarterly increases, in accordance with the cost of living index, apart from several bonuses that have an obligatory nature.

Although the Government temporarily suspended collective bargaining in view of the national economic emergency, it extended the duration of the collective labor agreements, settlements, arbitration awards and resolutions of tripartite committees, and it enforced the updating of remunerations every 90 days.

Notwithstanding the suspension of collective bargaining, Decree 851 of January 11, 1975 authorized the Ministry of Labor to extend to groups of workers of the same economic activity branch, the application of settlements, arbitration awards, contracts or resolutions that establish better conditions and affect only a part of the workers of the same economic branch.

This is a way of leveling upwards the remunerations and social benefits, of sectors which, for political or other reasons did not have sufficient strength to achieve social benefits obtained by the stronger groups.

This procedure has already been used in favor of the workers of the plastic industry workers of optical plants, employees of broadcasting stations of the Province of Santiago, employees of automotive service stations and truckers.

On the other hand, tripartite committees have been created to permit the analysis of economic and financial data of the enterprises and its relation to the labor policy of the same, in the following: building, paper, textile, graphic, banking, fuel and lubricant industries laundries and dye-shops, clothes manufactures, industrial assembly, port workers, mounting and maintenance of elevators. Those for the farming and trade sectors are under negotiation.



#### IV. THE RIGHT TO HEALTH

During the past two years all indices have shown the result of the Government's concern for the health conditions of the population. This result is known to the Advisory Committee on Food and Nutrition of the Andean Area, to the Pan American Health Organization and to the World Health Organization. However, the world press and international organizations echo vague statements, lacking the support of adequate statistical information or of pertinent studies, denouncing the deterioration of public health in the country.

Some topics will be covered by this paper and for the rest, the pertinent documents have been presented to the World Health Organization.

##### a. *Mortality*

There is a noticeable decrease in the rate of general mortality which fell from 8.8 per thousand in 1972, to 7.4 per thousand in 1974; child mortality declined from 71.7 in 1972 to 62.9 in 1974; newly-born mortality fell from 29.0 in 1972 to 25.6 in 1974; the death rate of 1 to 4 year olds diminished from 2.6 in 1972 to 2.3 in 1974; maternal mortality fell from 1.6 in 1972 to 1.2 in 1974 and abortions, from 0.5 in 1972 to 0.4 in 1974.

##### b. *Increase of Health Expenditure.*

The appendix to this chapter contains the tendencies reflected in the biostatistical tables, which, in turn, show the increase of hospital expenditure, the additional availability of beds, the efficient use of the same and the continued increase of all health services and activities carried out by the Government.

Moreover, the amount of milk distributed by the health services reached 20,500,000 liters in 1974. In this respect it is necessary to point out that milk provided to infants, during the past two years has been whole milk and not skimmed milk as was the case during the previous administration.

##### c. *New Health Centers.*

We particularly wish to stress the appreciation of the Government of Chile for the cooperation extended to its program by the World Health Organization and the Inter-American Development Bank. With their assistance, 148 new first-aid facilities for rural areas, 12 new such facilities for urban localities, 14 new rural consultation centers and 9 rural health centers with transit beds and capable of providing integrated health service, care and recuperation activities, are being built.

##### d. *Mental Health.*

With the participation of scientific and university centers, an earnest study—the first of its kind—has been undertaken to determine the mental condition of the population. The work being carried out in this connection has met with the appreciation of the competent organizations and its findings have been printed and distributed to numerous national and foreign scientific centers.

##### e. *Prostitution.*

International accusations in connection with health have sometimes involved such ridiculous statements as the ones sustaining that prostitution has increased in Chile, when in actual fact it has dropped by more than 10 per cent.

##### f. *Juvenile Delinquency.*

The Government of Chile is pleased to state that juvenile delinquency is almost non-existent in the country as a result of the Government's policy to establish, develop and expand homes for minors and under-age homeless children.

##### g. *Health Conditions in Detention Sites.*

With regard to the treatment of health problems of the detainees, on account of the state of siege measures, it is sufficient to hear, in spite of all the unfounded libels published, the opinion of the International Red Cross on the health conditions and health policy of the detention sites.

## V. FREEDOM OF MOVEMENT

### *Right of Asylum*

Chile has been able to give many nations an example insofar as the way, scope, expediency and swiftness with which it was capable of facing the serious problem that arose in connection with asylum.

As world public opinion is aware, the government respected the right of asylum and it issued several thousand safeconducts which even included individuals whose offenses could hardly be qualified as political. These safe conducts even affected some citizens who regarded the possibility of asylum as an excellent opportunity for travelling abroad without any cost to themselves or families, in spite of the fact that they have had no participation at all in the sad events originated by the previous administration.

Chile even extended the scope of the right of asylum by issuing safe conducts to all those individuals that sought asylum in diplomatic missions of countries having no agreement on asylum.

Finally, the swiftness and expediency with which Chile proceeded to vacate the various embassies by issuing the pertinent safeconducts, represents a known and acknowledged fact which does not deserve, therefore, further analysis.

### *Refugees*

Insofar as it concerns refugees, Chile was required, likewise, to carry out a vast program to overcome this problem. This question was settled with the assistance of the United Nations High Commissioner for Refugees (UNHCR) and other organizations such as the Inter-governmental Committee for European Migrations (IGCEM).

The cooperation provided by the Government of Chile to the solution of the problems originated by the refugees has not only been appreciated in its full extent but it has moreover, received the official and public recognition of competent organizations in this field.

### *Exiles.*

The difficult problem that Chile was required to face as of 1970 –and which is still latent– has already been discussed in other sections of this paper. The preparation for civil war which Chile was able to avoid through the timely intervention of its Armed Forces, has likewise been discussed and is known to world public opinion.

Reference has been made in the preceding paragraphs to the gigantic and depicable campaign mounted against our country and in which Chilean exiles have participated by defaming their country, promoting subversion, fostering armed struggle, collecting funds to assist and sustain resistance and by other activities.

On the other hand, the reasons exhibited by the Government in continuing to uphold the state of siege have also been discussed and the permanent danger of armed paramilitary groups pointed out.

Therefore and in spite of the fact that the Government and the world have been able to realize that every exile which left the country has turned into a new agent or a tool of the anti-Chilean propaganda, the authorities have continued to release many people who remained under detention. The Committee on Commutation of Sentences, moreover, has changed sentences of imprisonment for exile to the extent that only a reduced number of detainees may be found in Chile today, as indicated.

However, the most important aspect requiring consideration insofar as concerns individuals who have left the country under such condition, is that they may return to the country whenever they may so desire, prior Ministry of the Interior authorization requested through the respective Chilean Consulates.

In this connection, it is necessary to point out that many persons have returned to Chile for brief or extended periods, according to the reason exhibited, and some of them, moreover, have decided to remain permanently in the country.

Of course, Chile reserves itself the right to reject petitions, inasmuch as there are certain elements who only intend to subvert public order, create insecurity and continue to disseminate hatred and endanger the institutional existence of the country. Such Chileans may not return until they justify a change of attitude towards their country and their fellow countrymen.

As often repeated in this work, Chile still finds itself in an emergency situation and it has had to deploy an enormous effort to reunite Chileans which the previous administration managed to separate. The Chilean authorities have met with great success in their endeavour to restore peace and order and they shall not relent in this task. Moreover,



significant steps have been taken in gradually returning the country to normalcy, respecting the sacred right of its people to live securely and to prosper.

The restrictions which have been necessary to implant in this connection, have been enforced in benefit of the people and general welfare and nobody will dare state that they represent a violation of human rights. By far the opposite, such restrictions would have violated human rights had they operated otherwise.

#### VI. *The Freedom of Thought, Conscience and Religion*

In this connection and as a Christian inspired and predominantly Catholic country, Chile has sustained a long tradition of respect for freedom of thought, conscience and religion. Although such freedom is consecrated in the Political Constitution of the State and irrestrictively practiced by the Chilean people, it has been incorporated into the concepts of the basic doctrine of the Government, as contained in its declaration of principles.

Those who may have had an opportunity to visit the country before the previous regime, during it and recently, must have been able to appreciate our tradition and our permanent respect for this essential right.

The most certain evidence of the foregoing statement may be provided by the commemoration of the national holidays last September 18, which opened with a solemn Te Deum officiated by the Cardenal Archbishop of Santiago with the assistance of dignitaries and ministers of all the denominations established in Chile, in the Santiago Cathedral, in the presence of the President of the Republic and the President of the Republic of Uruguay.

#### VII. THE ECONOMIC AND SOCIAL RIGHTS

The Government of Chile has faced the present international economic situation with great realism and insight of the future. The world economy has witnessed a phase of extraordinary instability which we do not believe is solely due to the present day oil prices. However, the price of oil has no doubt served to reflect the weaknesses of the system of economic relations existing among the nations in the world. The real crisis that we face is an institutional crisis: foreign trade, monetary relations and, most particularly, the problem of distribution of the world economic product.

The oil consuming nations cannot ignore the fact that the low price of fuel which existed in the past represented one of the essential factors that enabled their growth. But we now stand before another reality, that which indicates that the oil exporting countries may implement a relatively independent price policy in view of the particularly rigid elasticity of demand for that product. In all probability, such price shall remain high and, from the point of view of the oil-exporting developing nations, the transfer of resources resulting therefrom implies a hope. As a developing country, Chile well understands the efforts of the oil exporting nations. In our condition of net importer of that product, however, we shall be required to carry out an additional disbursement of US\$ 200 million in 1975, which is equivalent to the balance of payments deficit for that same year. On the other hand, economic recession has brought about a significant drop in the price of copper—main export product of our country—that has resulted in a loss of income to the extent of US\$ 1.000 million. This figure represents approximately 50 percent of our overall level of imports. Under such circumstances, Chile lends its full support to those efforts directed to rationalize international economic relations and the to the principles recommended at this General Assembly with a view of laying the bases for an adequately balanced world development.

Not with standing the realities of an interdependent world economy, we are aware that the economic development being sought shall greatly reflect the result of the internal efforts of the countries. In this connection, the Government of Chile is conducting a coherent and coordinated economic and social policy, whose present and future results may reflect our contribution to the regularization of international economic relations. At this stage, it becomes necessary to point out, the following elements of that economic and social policy:

##### 1. Social Development.

The program on social reform under implementation by the present Government is the most forward looking ever considered in our country. An effective process has been generated to improve the possibilities of educational, health, social security and labour laws and regulations. The growing number of worker enterprises, the social security

reform, the law on compulsory training, the Social Statute for Enterprise and the most up-to-date Law on Cooperatives, represent outstanding elements of a dynamic and efficient social program.

## 2. Leveling-off Policy.

As a result of the implementation of an adequate and well conceived economic policy it has been possible to reach a heavily descending rate of inflation. The defeat of the inflation represents an actual concern in a great number of countries of the world. Undoubtedly, the present high rates of inflation and other economic problems have been brought about largely by irresponsible fiscal and monetary policies. In Chile we are about to overcome the problem through a significant reduction in public expenditure and a strict control of the evolution in the amount of money. For the first time in 15 years, the fiscal deficit in local currency reaches only a 6.9 percent of the expenditure and the amount of money shows declining rates of growth.

## 3. Foreign Trade.

Our country is immersed in an intensive program directed to broaden its foreign trade through a realistic rate of exchange policy and a progressive lowering of tariff barriers and other restrictions. This process intended to broaden foreign trade implies an enormous effort inasmuch as it is being implemented at a time when a large number of countries in the world are enforcing restrictive measures. Considering this, during the present phase of multilateral trade negotiations, Chile shall lend all its efforts in obtaining the re-standardization of international trade to achieve a more open and dynamic world trade system. This re-standardization necessary implies granting of general tariff preferences by the developed nations to the developing countries.

The normal situation reflected in our balance of payments is the joint result of the successful renegotiation of the external debt, the outstanding increase of non-traditional exports, the materialization of the first agreements on foreign investments and the timely arrival of short term credits required to overcome tight foreign currency resources. Existing projections reveal that a favourable balance shall be obtained in the 1976 trade balance reflecting a result that has not been attained in many years.

## 4. Raw Materials and Foodstuffs.

In this respect, we shall mainly refer to copper inasmuch as it represents our principal export product. Chile appreciates the enormous responsibility of possessing one of the largest resources in the world, its copper reserves. This wealth that is estimated at some 90 million metric tons of fine copper, may only be compared to those of the United States and they represent a 21.5 percent of the world total. The possibility of new discoveries and exploration of copper deposits may increase Chilean reserves to a 25 or 30 percent of the world total.

Chile enthusiastically promotes the participation of the international economic community in the exploration and exploitation of those copper deposits and it moreover receives with interest the proposal of Secretary of State, Mr. Henry A. Kissinger, to the effect of establishing a forum of consultation among consumers and producers. Chilean copper exports are non-discriminating and, therefore, its products reach such different ideologically orientated countries as the Peoples Republic of China, Rumania and West Germany.

Chile is well aware of the world food crisis. As a result of an adequate price policy, credits and realistic evaluation of the problem of fertilizers, we are in a position to categorically affirm that our pressure for foods in world markets shall decrease progressively. An average increase in production of 20 percent has been obtained on 14 of the main crops. As an example, the following specific items and percent increases are listed: wheat, 50; raps, 66; rice, 115; beets, 60; and marigold, 100. The annual agriculture and cattle growth rate reached a 7.5 percent, representing the highest recorded during the past 30 years. It is interesting to note that the country has become self-sufficient in meat supply for the first time in decades. During 1975, agriculture and cattle exports shall exceed US\$ 70 million and those of forest products will be over the US\$ 120 million mark. On the other hand, the import of agricultural products reflects the following pattern:

1973 - US\$ 700 million

1974 - US\$ 550 million

1975 - US\$ 300 million



#### 5. Foreign Investment.

The international community shows a growing trust for the economic program being carried out by the Government of Chile. This is clearly reflected by the fact that in only 10 months applications from foreign investors have been approved to the extent of US\$ 222.5 million, excluding copper, which represents a 50 percent of total authorizations issued during the previous 20 years. The interest shown to invest in the large mining industry shall imply an initial investment in the order of US\$ 1.500 to US\$ 2.000 million. The Government is engaged in the improvement of all provisions covering this topic and is interested in securing a mass flow of private and official foreign capital to Chile.

#### 6. Financial Problems.

Chile shall support all efforts directed to accrue funds to secure external financing for the balance of payments and for use in cases of fluctuating income on account of sale of basic products.

### VIII. THE RIGHT TO EDUCATION

Education has represented one of the aspects which the Government has devoted preferential attention as of the very day it took office. On the bases of the premise that it becomes the duty of the community in which man develops to provide the means required to attain full development as a human being, the authorities have prepared a broad, expensive and far reaching task to enable the right to education to actually become a reality. (V (See appendix.)

Within this context, the following steps have been taken, since 1973:

#### HIGHER PLANNING

1. Instruction 87: Establishment of 18 committees to study and evaluate the present situation of education, on the basis of a national teachers consultation. The findings of these committees were published as a "Diagnosis of Chilean Education".

Among others, the following committees were established: Private Education; Basic, Intermediate and High School Grants; Normal Schools; Professional Education; Children's and Special Education and, National Education System.

2. Preparation and publication of the document entitled "Educational Policies of the Government of Chile".

3. Transfer of normal schools to the universities.

4. Statutes on Private Education (under revision).

5. Opening of Centers of Diagnosis and of Psychopedagogical Support Equipment for students afflicted with learning difficulties.

6. First Regional Operational Plan (1975).

7. Preparation of a micro-planning methodology to develop a school map for each region of the country.

8. Expansion of Infant Education. Preparation and implementation of a program of courses for this level.

9. Support to teams in the Ministerial Education Department. Seminar on planning and statistics.

10. Actualization of education statistics.

11. Plan on the establishment of area schools in border regions.

12. Planning of a methodological pattern to enable educational diagnosis at the regional level.

13. Establishment of the National Committee on Tele-Education.

14. Enactment of Executive Decree N.º 679 on the Council for Cinema Classification.

15. Project on recommended structure for the metropolitan departments.

16. Preparation of a regional curriculum for educational establishments located in border and/or outlying areas.

17. Preparation of the Policy on Special Education.

18. Determination of basic criteria in drafting constitutional guarantees covering freedom of education.

19. Education and Labour Plan for Easter Island.

20. Preparation of the National Plan on Scientific and Technological Development.

## GENERAL ADMINISTRATION

1. Organic re-structure of the Ministry of Education and progressive decentralization thereof. Administrative standardization.
2. Preparation and publication of Decree N.º 736, enabling educational establishments to carry the name of outstanding Chilean personalities.
3. Decree on Chilean values of patriotism and national feeling.
4. Regionalization: regional structure for the Ministry of Education. Delegation of authority, Supreme Decrees N.º 35 of April 11, 1974 and N.º 824 of August, 16, 1974.
5. Allocation of specialized personnel to ministerial departments.
6. Purchase of 20 telex machines with the purpose of expediting the communications system.
7. Preparation of the Record of Property of the Education Sector.
8. Decree on Subsidies; Executive Decree N.º 1.135 published on May 5, 1975.
9. Reorganization of the magazine, Education Review.

## TEACHING STAFF

1. Establishment of the Teachers' Association; Executive Decree N.º 678, dated October 15, 1974.
2. Executive Decree N.º 1.008 on the evaluation of applicants to the professional teachers degree.
3. Decentralized training (preparation of regional technical teams and on-the-job training of teachers).
4. Plan on mass graduation (under implementarion).

## CURRICULAR ORGANIZATION

1. Re-adaptation of technical and pedagogical mechanisms: Guidelines under a regional criteria for the preparation of new school programs for 1976 by re-adapting programs in force; enactment of new regulations on the evaluation of basic and intermediate scientific-humanistic technical, and professional education; school calendar.
2. Programming of para-academical activities with a view of furthering national values: Month of the Sea, Antarctic Week, September 18th., Calendar of important national events to be observed.
3. Incorporation of the subject of History of Chile (III Intermediate Grade) and of units of this same subject in other grades.
4. National Security Program.
5. Revision of textbooks and supplementation of its use up to 1973. Elimination of political indoctrination texts.
6. Tele-education plan.
7. Reports of the evaluation Committee.
8. Agreement between the Government of Chile and Spain on the purchase of teaching material for pre-school, basic and intermediate education.
9. OAS agreement. Regional Documentation Centers.

## INTERNATIONAL ACTIVITY

1. Participation in different international events (32), among which the following may be indicated:
  - Eighteenth General Conference of UNESCO in Paris, France.
  - Fifth Meeting of the Inter-American Council for Education, Science and Culture in Santo Domingo, Dominican Republic.
  - Seminar on the Planning of Education in Latin America (Santiago, Chile).
  - Seminar on Latin American Education Statistics (Lima, Perú).
  - Sixth Meeting of the Inter-American Council for Education, Science and Culture (Mexico).
  - Thirty Fifth Meeting of the United Nations Educational, Scientific and Cultural Organization, UNESCO (Geneva, Switzerland).
  - Meeting of National Directors and Main Technical Council for the Projects on the Preparation of Education Staff (Paris, France).
  - Fourth Meeting of the Heads of Educational Planning under the Andres Bello Agreement (La Paz, Bolivia).



- Fifth Meeting of Ministers of Education of the Andres Bello Agreement (La Paz, Bolivia).
- CANDES meeting (Santiago, Chile).
- Meeting of the Higher Council of the Andean Entrepreneurial School (Concepcion, Chile).
- Fifth Meeting of the Heads of Educational Planning under the Andres Bello Agreement (Viña del Mar, Chile).
- Meeting of the National Secretariats of UNESCO of the Andean Area (Bogotá, Colombia).

## NEW BUILDINGS

1. Teachers Training Center in Viña del Mar.
2. Agricultural schools in Duao, Temuco, Yerbos Buenas, Molina, San Felipe and Ovalle.
3. New libraries and refurbishing of existing museums.

4. 67.796 square meters of new schoolrooms, representing 39 finished buildings.

However, the hateful and unfair campaign set up against Chile has not ignored education. For instance, it has claimed that university autonomy has been violated with the appointment of delegate-rectors, the expulsion of students and professors from the universities, suppression of some careers, cut-down in the number of university registrations, discrimination between male and female students at the school of Medicine at the Catholic University by decreasing the number of the latter and other claims.

Nothing is further from the truth and nothing is more unfair than the accusations so lightly raised on our education system, with the only purpose of discrediting our reputed learning centers.

For instance, the School of Medicine of the Catholic University of Chile exhibits a present student population formed by a 62 per cent female enrollment and a 38 per cent male enrollment. According to analyses carried out, a rather considerable rate of desertion during the course of their careers has been detected with regards to women. This has compelled that university to study the possibility of allowing an equivalent number of male and female students to be admitted to the School of Medicine in 1976.

In face of this fact, can anyone really talk about discrimination between men and women at the School of Medicine in the Catholic University of Santiago?

But those who continue to slander us have not stopped here. They claim that political discrimination has reached the universities, adding that a large number of students were expelled as a result of the events of September 11, 1973.

In this connection, a single indication of the falsehood of this new accusation can be provided by the number of university registrations in 1973 and 1974. University registration in 1973 reached a total of 145.663 students and a total of 144.165 in 1974. However, it must be admitted that many 'students' did not come back for registrations and that others were denied such registration. The example provided by Alejandro Rojas is well known to all. His case was brought up in UNESCO, compelling the Government of Chile to give an account of his career as a political leader, Communist Party Congressman, professional agitator, exhibiting over 10 years a 'student' career in which he was only known by name to his teachers and classmates. Therefore, many of these pseudo-students never returned to apply for registration and were denied attendance on the basis of violations of regulations and general provisions governing universities since before the new authorities took over.

The facts on our higher education centers have been likewise distorted by indicating that normal academic life in those establishments is controlled through these delegate rectors.

Again, nothing could be further from the truth. Those who had the opportunity of attending classes in 1972 and during the first 8 months of 1973, may give testimony to the effect that unattendance, walk-outs, strikes, indiscipline, take-overs and other such factors substantially reduced the effective 1972 year to under one semester and the first semester of 1973 to just over two months, therefore, making it necessary to repeat these in many cases. In the face of these facts it became imperative to carry out an administrative regulation and the Government, which provides approximately 98 per cent of the resources required to finance the universities, was therefore compelled to cooperate with such learning centers.

Those who are aware of the real present day situation of Chilean universities may testify that learning, order, seriousness and complete autonomy in academic matters have returned.



Notwithstanding the attacks that are permanently made on Chile from various sources, the Government shall continue to display its maximum efforts on education and shall reject all concepts involving or promoting antagonism on, the spiritual integration of the country, which represents the foundation that enabled it to move forward in progress.



## CONSTITUENT COMMISSION

This body is formed by Mr. Enrique Ortuzar Escobar, Chairman and former Minister of Justice, and the following gentlemen:

SERGIO DIEZ URZUA, professor of Constitutional Law at the Catholic University of Chile and former Chairman of the Public Committee of the Senate.

ENRIQUE EVANS, professor of Constitutional Law at the Catholic University of Chile and former Under Secretary of Justice;

ALEJANDRO SILVA BASCUÑAN, former President of the Bar Association for over 10 years and professor of Constitutional Law at the University of Chile and Catholic University of Santiago;

JORGE OVALLE, professor of Constitutional Law at the University of Chile;

GUSTAVO LORCA, former Vice President of the Chamber of Deputies and professor of Constitutional Law at the University of Valparaiso, and

Mrs. ALICIA ROMO, lawyer, member of General Council of Lawyers.

## LIST OF SUB-COMMITTEES UNDER THE CONSTITUENT COMMISSION AND MEMBERS THEREOF

### CONSTITUTIONAL SUB-COMMITTEE ON THE JUDICIARY

Presided by Mr. José María Eyzaguirre Echeverría, President of the Hon. Supreme Court of Justice, and formed by Justices Messrs. Gustavo Chamorro Garrido and Sergio Dunlop Rudolffi and Magistrates Messrs. Armando Alvarez González and Hernán Comejo Loyola.

### CONSTITUTIONAL SUB-COMMITTEE RESPONSIBLE FOR STUDYING THE ELECTORAL SYSTEM AND THE POLITICAL PARTIES STATUTE

Presided by Mr. Guillermo Bruna Contreras, professor of Constitutional Law, and formed by Magistrate Mrs. Sara Navas Bustamante, the former Minister of State, attorney Mr. Patricio Barros Alemparte, and professors Messrs. Sergio Dávila Echaurren, Sergio de Ferrari Jullian, Gustavo Yáñez Bello, Juan Ignacio García Rodríguez, Alejandro González Poblete, Dr. Ricardo Cruz Coke Madrid, Andrés Merino Espiñeira, Santiago Moran Garcia and Andrés Rillón Romani.

## CONSTITUTIONAL SUB-COMMITTEE RESPONSIBLE FOR STUDYING THE JURIDICAL STATUTE FOR THE SOCIAL COMMUNICATIONS MEDIA

Presided by the professor of Criminal Law Mr. Miguel Schweitzer Walters and formed by Mrs. Luz Bulnes Aldunate, professor of Constitutional Law and Messrs. Carlos Figueroa Serrano, attorney and former Minister of State, President of the Asociación de Radiodifusores de Chile (ARCHI); Fernando Díaz Palma and Carlos Sepúlveda Vergara, president and former president, respectively, of the Colegio Nacional de Periodistas; Carlos Ashton Ugalde; Father Raúl Hasbun Zaror; Rolando Molina Reyes; Pedro Montero Ferhman and Patricio Prieto Sánchez, attorneys; National Press Representatives Luis Muñoz Ahumada and Carlos Paul Lamas, and Juan Enrique Silva, attorney for the National Television Network.

## CONSTITUTIONAL SUB-COMMITTEE ON PROPERTY RIGHTS

Presided by the professor of Civil Law Mr. José María Eyzaguirre García de la Huerta and formed by attorneys Mrs. Lucy Bravo Villagrán and the former Ministers of State and university professors Messrs. Pedro Jesús Rodríguez González and Julio Phillipi Izquierdo and professors Messrs. Eduardo Dagnino McDonald, Gonzalo Figueroa Yáñez, Samuel Lira Ovalle, Sergio Rossel Cowper, Carlos Ruiz Bourgeois, Jaime Silva and Carlos Urenda Zegers.

## CONSTITUTIONAL SUB-COMMITTEE ON ACTION UNDER ADMINISTRATIVE LAW

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As has been pointed out, the expression in parenthesis: "See Appendix" is found throughout this work.

The above mentioned appendices are found in a separate volume. In this way, it will be easier for the reader to look up the corresponding appendices to each one of the chapters, paragraphs and numbers.