

AMR 22

NS 25

Amnesty International

International Secretariat

To: All National Sections
From: International Secretariat (Latin America Department/Zbynek Zeman)
Re: Temporary Restriction on Chile Emergency Action
Date: October 26, 1973

IMPORTANT

URGENT

IMPORTANT

URGENT

Reference: Urgent action on Chile N.S. 16, 17 and (for some sections) 22.

In view of the impending Amnesty mission to Chile, we have to ask you to stop immediately all petitions for the release of prisoners in the name of Amnesty International. For the maximum benefit of the prisoners, it is essential that the talks will take place in the most favourable conditions.

Actions in the name of other organisations and private persons should continue and be encouraged by our members and sections.

This restriction which will last until further notice, concerns prisoners only, not refugees.

Zbynek Zeman

AMR 22

NS 27

To National Sections
From: Research Department (Latin America, Inger Fahlander)
Subject: Refugees in Chile

November 6, 1973

New information received after the completion of the attached stencil.

Through their office in London, the UN High Commissioner for Refugees today confirmed that all foreigners detained in the Stadium in Santiago had been transferred to "shelter camps" which were under the auspices of the Swiss Government and were flying the Swiss flag. The arrangement was made through the Swiss Ambassador in Santiago in collaboration with the UNHCR and the Red Cross and in agreement with the Chilean Government. These refugees are gradually being transferred to other countries of asylum. Of the 100 refugees who just arrived in Zurich a certain number came from these camps.

As you will appreciate, this is an important precedent which can and should be used by other Governments. Presumably this will also facilitate travel arrangements for those Governments who have agreed to pay the fares for the refugees that are given asylum in their country.

This information is a confirmation and clarification of Paragraph 1, page 8 of the attached stencil

Some information on the mission to Chile

The delegates of the mission to Chile are Hon. Bruce W. Sumner, presiding Judge of the Superior Court of Orange County, California and a member of the Judicial Council of California; Prof. Frank C. Newman of the law faculty of the University of California, Berkeley, where he was dean from 1961 to 1966. He is a consultant to Amnesty International and the International Commission of Jurists on matters relating to Human Rights proceedings that are now pending in the United Nations. Mr. Roger Plant, researcher at the International Secretariat, is acting as secretary of the mission. The delegation will leave Santiago the 7th November and will report back to the International Executive Committee as soon as possible.

Amnesty International
 International Secretariat
 Research Department - Latin America (Roger Plant)

November 1973.

SUBJECT: REFUGEES IN CHILE

REPORT ON THE SITUATION OF LATIN AMERICAN REFUGEES RESIDENT IN CHILE AT THE TIME OF THE MILITARY COUP OF SEPTEMBER 11TH. 1973.

(We have written this report because of the urgent need to emphasize the continuing grave plight of these refugees. We hope it will help all National Sections to continue to exercise pressure on their own governments to grant political asylum.)

1. BACKGROUND

Many Latin American refugees had been granted political asylum in Chile during the Allende Government. Although the exact figure is unknown, and was almost certainly unknown to the Allende Government, the figure is estimated at something between 13,000 and 15,000. Le Monde (23/4.9.73) divided the nationalities as follows:

Bolivians	4.000
Uruguayans	3.000
Argentinians	2.000
Brazilians	1.200
Cubans	987
Colombians	580
Peruvians	178
Mexicans	150
Venezuelans	36
Others	87

The Irish Times gave partial figures as follows:

Bolivians	6.000
Uruguayans	3.500
Brazilians	2.700

Other sources have estimated that there were at least 200 Dominicans, also large numbers of Haitians and Nicaraguans. Amnesty already has details of 20 Nicaraguans, for instance, detained in the National Stadium in Santiago.

These refugees had entered Chile in many different ways, and for many different reasons. The majority had been persecuted, or deported, by their own governments, and ran the risk of imprisonment, torture or even death if they returned to their countries of origin. Several had been cases adopted by Amnesty, who had moved to Chile after their release. Many others had been given asylum in Chile, when they had been released in exchange for diplomatic personnel kidnapped by opposition movements. Others, who had not been directly persecuted, had chosen to emigrate to Chile from the simple desire to escape from a totalitarian society and enjoy the political freedoms offered by the Allende Government.

The Allende Government did not have complete registers of the foreigners who had entered the country. Political refugees may have had a stamp which allowed them to enter Chile, but nothing else. Many were reluctant to apply for formal refugee status, fearing that this would have restricted their activities. It was comparatively easy to secure employment in Chile without formal registration. El Mercurio, a conservative Chilean newspaper, once stated that 543 foreigners were being employed by Public Administration in Chile: many of these 543 had certainly no refugee status. Many others had secured academic posts with comparative ease, or had worked in the large numbers of newspapers and political magazines that proliferated during the Allende government.

2. INITIAL REACTION AFTER THE COUP

Immediately after the coup of September 11th, 1973, the Chilean Junta began to display an attitude of extreme xenophobia. Leaflets were dropped all over Santiago urging Chileans to denounce to the nearest police or military authorities "all foreigners who had come to kill innocent Chileans". Attempts were made to link foreigners to all extremist activities that took place in Chile. El Mercurio (16.3.73) gave the texts of these leaflets as follows:

- "Marxist extremists were preparing to assassinate members of the Armed Forces and the Police.
- "The Armed Forces and Police have the obligation to safeguard the security of its members and civilians.
- "For this reason they will not hesitate to execute without delay terrorists who attack soldiers or bear arms".

and another leaflet:

- "The actions carried out by the Armed Forces and Police only pursue the good of Chile and Chileans, and therefore they have the support of civilians.
- "No compassion will be had with the foreign extremists who have come to kill Chileans.
- "Citizens: remain alert to discover them and denounce them to the nearest military authority".

Spokesmen for the Junta denounced the presence of "11,000 armed extremists in the country" (Vanguardia, 29.9.73). The Military official claimed that 11,000 foreigners were involved in a plot to instigate civil war, a disaster that was averted only by the patriotic intervention of the Armed Forces.

In this tense atmosphere, many foreigners were afraid to leave their homes. Brazilians were frightened to speak openly, for fear of revealing their Brazilian accents. Many foreigners were detained, apart from thousands of Latin American refugees, many European and North Americans were detained in the atmosphere of xenophobia immediately after the coup. Although precise details of the deaths of foreigners are not yet available, it appears that many were shot by local policemen who misapprehensively interpreted the orders to exterminate marxists. One source reports that a police patrol shot a Uruguayan student in the Victoria Nucleonics factory complex in the outskirts of Santiago, simply because they discovered his Uruguayan identity. Five Uruguayan journalists are reported to have been shot when their nationality and political tendencies were discovered. Many of those initially detained in the National Stadium were foreign refugees. Indeed the first prisoners names received by Amnesty International were largely non-Chilean Latin Americans.

3. INTERNATIONAL INTERVENTION

In the first days after the coup, international organisations had no access to Chile, and foreign embassies were refused permission to visit their own nationals who were held in the National Stadium. The New York Times (21.9.73) reported that the German and Swedish embassies had been refused authorisation to visit their own detained nationals. An emergency delegation of the International Committee of the Red Cross was delayed for several days in Argentina before being allowed to cross the frontier into Chile. It was the first organisation allowed to visit detainees in the Stadium.

The representative of the United Nations High Commission for Refugees (UNHCR) was also delayed for several days. The High Commissioner addressed a cable to the Chilean Foreign Minister on September 13th, expressing grave concern at the news that refugees within the Mandate of the UNHCR were threatened, and that there were fears for their lives and their safety. He appealed for protection for them, and stressed that refugees should be treated in accordance with the provisions of the refugee conventions and legal instruments which Chile had ratified. On September 16th, he received a reply from the Chilean Foreign Minister, giving assurances that those refugees who had entered Chile in a regular way and who had not committed 'offences' would be treated in accordance with the principles of the conventions. No indication was given of what would constitute an 'offence'. The Foreign Minister mentioned that those who had committed 'offences' would be tried in Chile and, if found guilty, would not be threatened with expulsion or forced repatriation to their countries of origin. On September 20th., the UNCHR representative in South America, Mr. Oldrich Haselman, finally managed to reach Santiago from Buenos Aires. He soon had two meetings with the Chilean Foreign Minister, Vice-Admiral Ismael Huerta Diaz. Vice-Admiral Huerta strongly denied allegations that refugees had been repatriated to their countries of origin against their will. Although it had been widely reported in the international press that approximately 250 Bolivians had been repatriated to Bolivia, he stated that this was with the consent of those concerned.

As a result of these initial negotiations, techniques were established for dealing with the refugees in Chile, including the way they should be identified and their status regularised and the way they should be interviewed to find out what should be done in the future if they were unwilling or unable to remain in Chile. A special committee was then established - Comité Nacional de Ayuda a los Refugiados - (National Committee for Aid to Refugees) which is explained in section 4.

There were mixed reactions from foreign embassies, immediately after the coup. Some governments, as the Swedish, ordered their embassies in Santiago to open their doors immediately to those seeking asylum. Many Latin American Governments quickly took in large numbers of refugees. The London Times (1.10.73) reported that the Argentines already had about 400 people in their embassy, the Panamanians about 250, the Venezuelans about 100, and lesser numbers in the Colombian, Ecuadorian and Peruvian embassies. The Canadian, Swedish, Finnish and some other West European Embassies also had taken in a few refugees. On September 27th. the Swedish Foreign Minister said that Sweden was prepared to give asylum to 200 people who wished to leave Chile after the coup. An official communique published in Berne on September 24th. said that the Swiss government was willing to grant asylum to an unspecified number of refugees, and that the Embassy in Santiago was open to all those in danger (while priority would be given to Swiss nationals). Le Monde (22.9.73) reported that the Danish Foreign Minister, K.B. Andersen, had said that the Danish government would offer political asylum. There were also reports that the French and

Austrian governments would offer political asylum to unspecified numbers of refugees.

Nevertheless, the major problem has been securing adequate guarantees, and securing salvoconducto (safe-conduct) for the passage of refugees from Santiago to the countries concerned. The Swedish government, for instance, had taken the Trade Union leader Luis Figueroa in their embassy, and had agreed to grant him political asylum in Sweden. The Chilean government responded by putting a price on the head of Mr. Figueroa, and refusing to grant him safe-conduct out of Chile. The Chilean Government has now decided to declare many former supporters of Allende common criminals, and to refuse them the right of political asylum.

A further problem is that European countries are not signatories to the agreements of 1933 and 1954, under which Latin American countries laid down the rules for political asylum. As the Times reported (10.10.73), the situation is 'being studied' by both sides. It seems, however, that European Governments are not actively prevented from granting asylum, and it is mere choice that stops them doing so. The Swedish government has already succeeded in flying 20 people to Stockholm. Although the Norwegian embassy originally refused to take in those seeking asylum, it is now protecting Mario Palestro, the former Allende political leader who is currently one of the most wanted people in Chile. It is to be hoped that other European Governments will follow this example, and take more active steps in the immediate future.

Up to now, almost all the Chileans and other Latin Americans seeking asylum have been taken by Latin American embassies in Santiago. Some European embassies have taken in refugees for short space of time, and then handed them over to Latin American embassies. Many of those from the Mexican, Panamanian, Venezuelan, Argentine and Ecuadorian embassies have now been granted safe-conduct and flown out of the country (see Section 4 for the necessary conditions for the granting of Salvoconducto (safe-conduct)).

It appears that Mexico has given the most adequate treatment and protection to refugees. Many (including the wife of President Allende) were flown out very soon after the coup, in one of the first planes to leave Santiago. The Mexican newspaper Excelsior (27.9.73) reported that the Mexican Ambassador in Chile, Gonzalo Martínez Córdoba, arrived in Mexico City on September 26th. with 131 political exiles. Fifty six more still remained in the Mexican Embassy in Santiago. Amongst these 131, there were 64 Chileans, 30 Brazilians, 16 Bolivians and 21 Mexicans. It was announced that the further 56 would be brought to Mexico, as soon as salvoconductos could be obtained for them. On September 21st, a plane had arrived in Mexico with 74 political exiles (50 Chileans, 13 Mexicans, 6 Uruguayans, one German, one Ecuadorian, one Nicaraguan and one Argentinian).

It has now become clear, however, that many of those who have safely reached Mexico will soon have to leave that country. The Mexican Section of Amnesty International, after meetings with officials of the Mexican Government, have been given the following information. According to Article 15 of the Mexican Constitution, the Chileans will automatically be granted asylum in Mexico. The situation of the non-Chilean Latin Americans is far more precarious. At first it was reported that their application for asylum in Mexico had been denied, or at least limited to a very short time, three months at the utmost, being susceptible to revocation from one day to the other. It was later reported (12.10.73) that there was no danger of extradition for the non-Chileans and that their migratory status would be decided in the next days or weeks directly by the President of the Republic. Those who wished to leave Mexico immediately would receive travelling papers from the Mexican authorities, and a free plane ticket to the chosen country. An Inspector would accompany them to the chosen Embassy in order to help them obtain asylum from the country concerned, and they would also receive pocket money for the trip.

The Mexican Government has been outstandingly generous so far, and deserves special praise. It is nevertheless clear that many of those currently enjoying temporary asylum there will soon have to leave for other countries. Naturally enough, the refugees are only willing to leave if they are admitted to other countries in a satisfactory migratory status (as political refugees, immigrants or students), with the possibility to remain legally in their country of choice, and (if possible) with work permits.

Those who reached Argentina appear to have met with far less satisfactory conditions. A hundred and sixteen Chilean and non-Chilean Latin American refugees (many of them Brazilian) were flown out to Buenos Aires and were immediately held at the Ezeiza airport. The Belgian section of Amnesty International received news that they would soon be deported from Argentina, and immediately began a joint campaign with the Belgian League for the Rights of Man to pressurise the Belgian Government to receive many of these refugees. It was later reported in Intercontinental Press (... 73) that they would have to leave the country within 72 hours. It was then confirmed through a telegram received by the Swedish section of Amnesty International (19.10.73) that the refugees would have to leave Argentina within 48 hours. At the time of writing this article, their fate is still unknown. It was reported by the London periodical Latin America Weekly (19.10.73) that they would in fact be allowed to remain in Argentina. "Foreign exiles living in Argentina have been particularly alarmed by the treatment meted out to refugees from Chile. After holding 300 prisoners for more than a week in Ezeiza airport, the Government said somewhat grudgingly they could stay in Argentina but must live in Misiones, Corrientes or Patagonia". It is certain, therefore, that, even if they are allowed to remain in Argentina, these and other refugees will experience far from satisfactory living conditions. They may even run the grave risk of being deported to their countries of origin (as Brazil) where they may expect further harassment and imprisonment.

Similar difficulties have been encountered in Venezuela and Ecuador. It has been reported that over 20 refugees from Chile have been detained in Ecuador, and others have been interrogated by the Venezuelan security force, the DISIP. Amnesty is not yet aware if refugees will be able to remain in the two countries last mentioned.

It is clear that, even if Latin American Governments take on the initial responsibility of granting asylum in their Santiago embassies and flying people out of Chile, the task of providing lasting and satisfactory asylum rests with European and other governments. The gravity of the problem is emphasised by the recent appeal of Prince Sadruddin Aga Khan, United Nations High Commissioner for Refugees, to 31 countries. The British Daily Telegraph reported (18.10.73). "Prince Sadruddin Aga Khan, UN High Commissioner for Refugees, yesterday asked 31 countries, including Britain, to provide resettlement opportunities for 1000 refugees in Chile who might wish to migrate. This initial figure might increase considerably, he said". The final figure, in fact, might well be nearer 10,000 if the Chilean Government pursues its rigorous anti-Marxist policies.

4. NATIONAL COMMITTEE FOR AID TO REFUGEES.

By a few days after the coup of September 11th., virtually all the Latin American Embassies in Santiago were heavily guarded. Other Latin American Embassies refused to do anything. One refugee in Mexico reported to our Mexican Section that one Latin American ambassador looked on while four

country of preference in case of repatriation, etc. (ie. all relevant details). The forms are then sent to officials at the Ministry of the Interior. On the basis of the information received, the Ministry of the Interior can come to one of three decisions.

1. THE PERSON MAY REMAIN IN CHILE.
2. THE PERSON MUST LEAVE CHILE BUT WILL RECEIVE A SALVOCONDUCTO (safe-conduct) TO LEAVE FOR THE COUNTRY OF PREFERENCE.
3. THE PERSON HAS COMMITTED A CRIME WHILE IN CHILE AND MUST STAND TRIAL BY COURT MARTIAL.

5. CRITICISMS OF THE NATIONAL COMMITTEES TO AID REFUGEES

In the international press, there have been widespread criticisms of the formation and functioning of these committees. In the "safe havens" (to be distinguished from the Registration Centres, there are literally no guarantees for the safety of the refugees. As the International Herald Tribune reported (6/7.10.73) "Even before the publication of the Decree, 1200 foreign exiles had registered in the centres and 320 had received sanctuary at a monastery in a village on the outskirts of Santiago. The refugees at the monastery, however, expressed concern over 'loopholes' in the decree, which declares that the Chilean authorities cannot enter the sanctuaries without the permission of the Minister of Interior, the chief provincial official or 'in specified and urgent cases ... the refugees' fear was justified to some extent Wednesday night when the military entered one of the church registration centres and demanded to know who was there. There were no refugees present at the time."

The English Guardian expressed similar concern in an article entitled 'COLD COMFORT IN THE SAFE HAVENS' (2.10.73). It stressed the constant nervousness felt by those in the refugee havens. It expressed the hope that the forthcoming decree by the Minister of the Interior, General Oscar Bonilla, would "go some way to assuage the fears of those who fear the sanctuaries are unprotected". As has already been seen, the Decree of October 3rd, did nothing to assuage those fears.

The facts speak for themselves. Information given to Amnesty International (received directly from Santiago this week) shows that the registration centres have been largely a failure. Of the centres in Santiago, only four remain open. Approximately 1000 people have registered so far, out of many thousands who were expected to do so. The fears of the others are natural. It is certainly true that those refugees whose papers were in order, and who had no Marxist inclinations, registered quickly. A cross section was taken of 400 people who had registered with the National Committee for Refugees. In the first category (detainees in the Stadium) approximately 400 were expelled from the country, and 48 were to be tried by Juicio Militar (Court Martial). In the second category, approximately 300 were allowed to stay in Chile, and only one was to be tried by Juicio Militar. It appears, therefore, that those who register have a better chance of escaping court martial, long terms of imprisonment and a possible death sentence. Nevertheless, it has to be remembered that nobody facing a probable Court Martial would be unwise as to present him(her)self to one of these Registration Centres. In the xenophobic and anti-Marxist atmosphere, few of the many thousands of Latin American Marxists in Chile are likely to hand themselves over to a system that acts as an efficient screening process and intelligence centre for the Chilean Government. The low number of registrations is in itself revealing. At a time when all the previous members of the Allende government are detained pending trial solely for their political activities, the fears of Brazilians, Bolivians, Uruguayans and others are easily understandable.

On October 30th. Amnesty International learned from a Brazilian who had been able to leave Chile for Germany, that all foreigners have now been removed from the National Stadium, and are in camps under UN patronage. According to the information received, passes out of the country for the refugees are now being arranged, and assurances have been given that there is not threat that the foreigners will be returned to their country of origin. Although this is of course extremely encouraging, it is important to note that this information has not as yet been confirmed, and that even if all of the refugees are permitted to leave Chile, it is still vitally important to arrange jobs and accommodation for them.

N.B. All governments should be urged to respond to the appeal of the High Commissioner for Refugees. Amnesty Sections are encouraged to continue to intervene at the highest possible level with their own Governments in order to obtain guarantees of political asylum.

APPENDICES

1. Full text of Decree No. 1308, authorising the function of the National Committee for Aid to Refugees.
2. Text of the form to be filled in by refugees, in the registration centres under the auspices of the National Committee for Aid to Refugees.

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REPUBLIC OF CHILE
MINISTRY OF THE INTERIOR
CABINET SECTION

AUTHORIZATION FOR OPERATION
OF NATIONAL COMMITTEE FOR
AID TO REFUGEES

DECREE No. 1308
Santiago, October 3, 1973

Whereas: That it is the intention of the governing junta to comply with all the treaties and international conventions subscribed to by Chile.

That Chile has adhered to the Convention on the Status of Refugees, approved in Geneva on the 28th of July, 1951 and the Protocol prepared by the United Nations on the same subject, of January 31, 1967;

That there are at the present time a large number of foreigners, many of them holding refugee status, who are in an irregular situation under Chilean law;

That the High Commission for Refugees of the United Nations has offered its aid and collaboration to deal with all of the problems involving or related to these refugees;

That the collaboration with the aforementioned Commission has been channeled through the National Committee for Aid to Refugees to which it is agreed total official support of the Government is granted;

And given the provisions of Decree Law Number 1, of September 11, 1973,

The governing Junta is in accord and decrees:

1) That the operation of a National Committee of Aid to Refugees is authorised in the country for a period of three months.

This Committee will have its central headquarters in the city of Santiago, but will be able to establish regional offices in other areas of the country when the exact sites of these offices are determined, which should be informed within a period of twenty four hours.

Persons who work for the National Committee will not receive remuneration from the Chilean government.

2) The National Committee for Aid to Refugees will have as its sole task, to cooperate with the Chilean government in the resolution of the problems which affect the foreign refugees in our country, giving them material aid, helping them to leave the country through legal avenues, for the country of their choice, or regularising their presence in the country.

3) For the completion of this task, the National Committee, in its central headquarter as well as in its regional offices, will organise Information Centres and Centres of Refuge and Lodging.

In the Information Centres information will be available concerning the work of the Committee and the rights due to the refugees, who wish to make use of its services.

In the Centres of Refuge and Lodging, those refugees who are illegally in the country and who wish to go abroad will be received. Their stay in the centres will be temporary only and while they are in the centres, so officials will be permitted to enter the Centres without previous authorisation from the Ministry of the Interior or from the administrator of the province except in certified or urgent cases.

Without detriment of the above, if, during his presence in such a Centre, the Chilean government demands that a refugee be turned over to the authorities because there exists a well-founded presumption that he has committed a common crime, that foreigner will immediately cease to be protected by the Committee.

4) All administrative authorities, of fiscal, semi-fiscal, or autonomous bodies or of private organisations of whatever nature, will be obliged to render the maximum cooperation in order that the National Committee can complete its objectives as quickly as possible.

5) The Ministry of Foreign Affairs, at the request of the National Committee, authorises a certificate which will state - if such is the case - that a refugee is in the process of regularising his presence in the country. This certificate which will be granted without prejudice to others which may be authorised by other authorities, will be valid for 8 days only, but will be renewable.

Note, record, communicate and publicise this decree.

(Signed) Augusto Pinochet Ugarte
General of the Army
President of the governing
Junta

(Signed) Ismael Huerta Diaz
Vice-Admiral
Ministry of Foreign
Relations

(Signed) Oscar Bonilla Bradanivic
Division General
Ministry of the Interior

Appendix 2

National Committee of Aid to Refugees
Santiago de Chile

Surname(s)	Christian name(s)
Nationality or origin	Birth date
Country and place of birth	Sex
Profession or occupation	
Can you give your address?	
Dependents	Spouse
Children	
Others	
Date, place and means of entrance into the country	
Entrance documentation	
Present	
Reasons for entrance	
Place of work and work description	
Source of income	
Description of your problem	
What are you applying for?	
In case of resettlement, country of preference	
Committee responsible	Date
	Authorised signature

Section reserved for government authorities

Amnesty International

Letter sent by the Secretary General of Amnesty International to General Augusto Pinochet on December 31st, 1973

General Augusto Pinochet,
Edificio Diego Portales,
SANTIAGO,
Chile

31st December, 1973

Dear General Pinochet,

I enclose the report of the Amnesty delegation that visited Santiago from 1st to 8th November, 1973.

The Amnesty delegation was composed of two distinguished American lawyers, one a judge and the other an expert in Human Rights Laws. They visited Santiago without preconceived ideas. They were well received and able to carry out their enquiries with considerable freedom. I thank the Chilean Government for its decision to permit our organisation to visit Chile. I feel however obliged to say that, contrary to some statements issued by Chilean Governmental officials abroad, there is substantial evidence of a persistent and gross violation of the most fundamental human rights.

The International Executive Committee of Amnesty International, at its meeting in Paris on 11th December, studied this report, and has asked me to make the following recommendations to the Government of Chile.

1.

Amnesty International, always opposed to the death penalty in any form, has been appalled by the many summary executions which continued even while the Amnesty delegation was in Chile. We have also been extremely disturbed to hear reports of continuing executions since the return of the delegation from Santiago. As indicated in the report, we are equally concerned by the many reports of prisoners killed "while trying to escape". Executions, always repugnant, are most so when there has been no trial and no appeal in a civil court. Again we urge that all executions cease including those pursuant to the judgement of the Courts Martial. We urge too that Article 6.4 of the U.N. Covenant on Civil and Political Rights, assuring the right to seek pardon or commutation of the sentence, be respected, and that lists of those executed be published.

2.

The report of our delegation has convinced us that torture has taken place on a large scale, and was still continuing at the beginning of November. (Subsequent reports indicate that it continues even now). Chile has ratified the International Covenant on Civil and Political Rights, 1966, Article 7 of which states that:- "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". The use of torture cannot be justified. It must be stopped, and torturers punished. Your Government have declared that this is their intention but there is no evidence of such action. We therefore recommend that immediate steps be taken and proclaimed to establish tribunals of enquiry into allegations of torture and that international observers be invited to participate.

3. International law, as noted, outlaws not only torture, but also "cruel, inhuman, and degrading treatment or punishment". In this context we therefore recommend that prisoners should no longer be held incommunicado, that families and others concerned (for example, El Comité para la Paz) be advised as to the place of detention as well as appropriate facilities provided for visits. We also recommend that lists of detainees be published forthwith, in order to assuage the fears of people who do not know where relatives and friends are detained, or even whether they are detained.

4. Article 14 of the 1966 Covenant clearly requires that the right to counsel must be respected. That means that lawyers should have access to prisoners, even before charges are filed, and that there be an opportunity to talk confidentially to the client, as well as ample time and facilities for preparation of the defence. Further, prisoners must be able to choose counsel of their choice, not merely those recommended by the military of the Colegio de Abogados. Funds should be available for those who cannot finance their own case.

Retroactive legislation which creates crimes of actions which were not criminal when committed is an affront to any system of justice, especially one of long-standing high standard such as that of Chile. In conformity with this principle Amnesty International recommends that the decision to try former ministers of the Allende Government should be rescinded.

5. Continuing preventive detention, as that of the many hundreds of prisoners in the camp of Chacabuco, is a further violation of international law (see Article 9 of the same Covenant). Amnesty International accordingly recommends that prisoners against whom charges are not filed, preparatory to trial, be released immediately. The statements made to our mission that preventive detention would continue are deplorable, against the declared policy of your Government, and should be withdrawn.

6. In my original letter of 11th October 1973 addressed to Foreign Minister Huerta Diaz outlining the purposes of the mission, I made special reference to the need for financial help for purposes of relief for families and legal representation for prisoners. While various agencies at national and international levels may be able to assist in this, there is a need for substantial funds which should come in part from official sources.

7. Following the recent expulsion of the Swedish Ambassador from Santiago, it would be highly desirable for the Chilean Government to renew its assurances to respect the right of asylum, and it should be re-affirmed that governmental obligations extend to the many foreigners who, under classical definitions, may technically not be "refugees" but nonetheless are protected by modern Human Rights Law.

Finally, we enclose with our report the copy of my original letter of 11th October to Foreign Minister Huerta Diaz, spelling out the terms of reference of the mission; the copy of a letter from Professor Newman to the Colegio de Abogados of Santiago, in which he declared many of his major concerns to the Colegio; and the copy of a letter from several Chilean lawyers to the Colegio de Abogados (2nd November 1973). We feel that the recommenda-

tions at the end of this letter admirably spell our own concerns, most of which were requests made by me in New York in the initial discussions with Foreign Minister Huerta Diaz and Ambassador Bernstein. I trust, Your Excellency, that such recommendations will be heeded, and that the coming months will witness a real attempt to respect the Rule of Law that has been so much professed by the Chilean authorities.

Respectfully yours,

Martin Ennals.
Secretary General

c.c. Vice-Admiral Ismael Huerta Diaz, Minister of Foreign Affairs
General Oscar Bonilla, Minister of the Interior
Dr. Gonzalo Prieto Gandara, Minister of Justice
Dr. Alejandro Silva Bascunan, President of the Colegio de Abogados
Dr. Enrique Urrutia Manzano, President of the Supreme Court