

OAS Study Hits Torture In Chile

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The Inter-American Commission on Human Rights has issued the most detailed and documented denunciation of human rights violations in Chile that has appeared since the military coup of September 1973.

In a report to the parent Organization of American States, the commission finds "extremely serious violations" of 10 fundamental human rights established by hemispheric agreements to which Chile is committed.

It cites physical and mental torture, retroactive imposition of unconstitutional punishments and total deprivation of political rights.

In accord with the commission's mandate, the 175-page report was submitted first to the Chilean government before presentation to the OAS Council last week.

Chile, objecting strongly to most of the report, submitted a 125-page rebuttal attacking "certain surprising and disturbing conclusions in conflict with the real state of affairs."

Most of the report is based on a 12-day visit to Chile ending Aug. 2, 1974, by five members of the seven-member Human Rights Commission, which is selected regionally by the OAS council, and six staff members.

"During the interrogations of prisoners, both in Santiago and outside Santiago . . . of the large number who stated

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that they had been subjected to torture, in some cases brutally with visible marks remaining, most of them asserted that the torture was not applied in the establishments where they were or had been detained, but in certain places where they were taken for that purpose," the report said.

The commission found in its widely scattered visits to prison camps that the torture was consistently alleged to have taken place in five specific military or police installations. The commission was denied permission to visit any of them.

The report notes that the Chilean Minister of the Interior expressed interest at the start of its visit in any findings that would document use of torture, which is formally prohibited.

"The commission is absolutely certain that a high-level and completely independent investigating commission designated by the government of Chile would not have the slightest difficulty in making the checks that the commission members were prevented from carrying out," the report says.

In rebuttal, Chile pointed out that all governments are permitted "to guard the security of certain places intimately related to national defense."

One of the five "torture centers," the Navy ship Esmerald, was on a Pacific cruise during the Commission's visit, the rebuttal notes. It adds that the commission should have so informed itself.

"This is a typical situation demonstrating the haste with which the report was prepared," the government response declared.

A member of the commission's staff said, however, that when members asked to visit the ship they were refused information even on its whereabouts.

The commission does acknowledge general cooperation by the Chilean authorities, except for the torture-center episode. The visitors were permitted free access to prisoners. Indeed, the report offers transcribed tape recordings in which prisoners accused the junta of criminal acts far beyond the scope of the commission's own denuncia-

tions.

The rebuttal makes it clear that the government and the commission rarely agree on what constitutes observation of the 10 rights allegedly violated.

They are the rights to life, personal safety, liberty, habeus corpus, due process, expression and information, assembly, association, opinion and equality before law, and political participation.

Several commission accusations charge abridgement of political rights. "None of the mass-communication media are free to disseminate thought inform the public," it says, and as to freedom of opinion and equality before the law, it declares that "Marxism is generically considered as a felony."

In its rebuttal, the Chilean government denies prohibiting anyone from holding Marxist ideas but states that dissemination of such ideas is illegal.

The question of voting rights is one of the few in which the Chilean reply uses specific data instead of interpretation of the military code of justice to question the report.

The commission denounces destruction by the junta of voter registration lists—parties and political activity have been suspended—and questions the junta's allegation that falsified lists had a large impact in 1973 congressional elections, in which Allende government parties increased

their popular support.

Any falsification could have been corrected far more easily than starting anew the task of national registration for 5 million voters, the report says.

The Chilean reply says the commission's figure of 5 million voters overstates the number by 1.2 million and rejects its dismissal of any impact that fraud may have had.

While the commission does not state flatly that the human-rights violations it encountered in dozens of interviews are continuing, it does summarize recent events that indicate that probability.

It points out that Chile is slowly releasing some former Allende officials held more than a year without charge, adding that in most cases they are exiled.

By the time of the commis-

sion's visit, numerous international groups of lawyers, civil libertarians and legislators had charged that torture, arbitrary arrests and imprisonment of followers of the late President Salvador Allende occurred after the coup.

While some of these groups made on the spot studies and some had reputations for impartiality, none had the commission's organizational safeguards for objectivity.

The commission's powers are limited, and it was ineffective in probing allegations of human-rights violations in Cuba and Brazil because the accused governments refused to let the commission into their countries.

Chile emphasized in its rebuttal that it offered full cooperation with the commission and with other groups investigating alleged human-rights violations. It professes equal concern on the part of the military government.

The rebuttal repeatedly accuses the commission of failing to take into account the Allende regime's alleged violations of human rights, when it is making judgments on actions taken to maintain order after his fall.

However, the commission says it is not within its duties to decide whether "this regime is more or less desirable than the previous regime." It does note that "neither the number nor the seriousness of complaints received during Allende's three years were cause for the commission to ask for an on-the-scene investigation.

The OAS Council, on receipt of the report and the Chilean rebuttal, sent both documents back to the com-

mission, which is expected to make both documents public by submitting them to the general assembly of the OAS in April.