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12/23/82 ID 237

Case Number: s199900006

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DECONTROL

Chile Project (#S199900030)
U.S. Department of State
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Exemption(s) _____

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ORIGIN ARA-16

INFO OCT-00 COPY-01 ADS-00 HA-08 /025 R

DRAFTED BY ARA/SC:DKEMP:MAS
APPROVED BY ARA/SC:RBHOWARD
ARA/RPP:RMARCUS
HA:MGREEN

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FM SECSTATE WASHDC
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CIA WASHDC 0000
NSC WASHDC 0000

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E.O. 12356: DECL: OADR
TAGS: SHUM, CI
SUBJECT: 1982 HUMAN RIGHTS REPORT - CHILE

REF: SANTIAGO 6191

1. ~~LIMITED OFFICIAL USE~~ - ENTIRE TEXT.
2. FOLLOWING IS TEXT OF REVISED HUMAN RIGHTS REPORT FOR 1982 WHICH REFLECTS COMMENTS MADE BY A NUMBER OF REVIEWERS WITHIN THE DEPARTMENT. REPORTS MUST BE AVAILABLE FOR FINAL SENIOR LEVEL REVIEW BY ARA (INCLUDING ARA/SC) AND HA BUREAUS BY WEDNESDAY, DECEMBER 29. -WE WOULD APPRECIATE AMBASSADOR'S FINAL REVIEW AND RECEIPT OF COMMENTS ON THE DRAFT BELOW BY COB, TUESDAY, DECEMBER 28. EMBASSY IS REQUESTED TO UPDATE DATA WHERE RELEVANT,

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TO INFORM DEPARTMENT OF ANY INACCURACIES OR MISLEADING STATEMENTS AND TO ADVISE IF THERE ARE ANY SPECIFIC FORMULATIONS WHICH SHOULD BE RECONSIDERED BECAUSE OF STRONG LOCAL SENSITIVITIES.

3. BEGIN TEXT.

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CHILE HAS BEEN RULED BY A MILITARY GOVERNMENT SINCE 1973 WHEN THE ARMED FORCES OVERTHREW THE ELECTED GOVERNMENT OF SALVADOR ALLENDE. THE MARCH 1981 CONSTITUTION APPROVED IN A SEPTEMBER PLEBISCITE, BY AN APPROXIMATELY TWO-THIRDS MAJORITY, PROVIDES FOR A FURTHER PERIOD OF EIGHT YEARS UNDER THE MILITARY GOVERNMENT OF PRESIDENT AUGUSTO PINOCHET WHO IS THE DOMINANT FIGURE IN THE GOVERNMENT. TRANSITION TO A CIVILIAN GOVERNMENT IS THE STATED GOAL. THE PROTECTION OF INDIVIDUAL RIGHTS SPELLED OUT IN THE NEW CONSTITUTION IS CIRCUMSCRIBED BY THE EXTENSIVE EXECUTIVE POWERS IN THE TRANSITORY PROVISIONS, PARTICULARLY ARTICLE 24. FURTHER, SOME CONSTITUTIONAL PROVISIONS, INCLUDING ELECTIONS FOR THE SENATE AND CHAMBER OF DEPUTIES, WILL NOT TAKE EFFECT UNTIL AFTER THE END OF THE EIGHT-YEAR TRANSITION. IN THE MEANTIME, THE MILITARY JUNTA EXERCISES THE LEGISLATIVE POWER OF THE STATE FOR THE GOVERNMENT OF CHILE.

THE CURRENT SITUATION CAME ABOUT WHEN, AS THE RESULT OF SEVERE ECONOMIC DISLOCATION AND INCREASING VIOLENCE IN THE EARLY 1970'S, BROAD OPPOSITION DEVELOPED TO THE ALLENDE GOVERNMENT AND THE ARMED FORCES, BREAKING WITH ITS TRADITION OF NON-INTERFERENCE IN POLITICS, ASSUMED POLITICAL POWER. THE TRAUMA OF THE ALLENDE PERIOD AND A BELIEF THAT HIS POLICIES WERE LEADING TO CIVIL WAR AND A MARXIST-LENINIST STATE CONTINUE TO INFLUENCE THE

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ATTITUDES OF MANY CHILEANS. THE HUMAN RIGHTS SITUATION IN CHILE HAS IMPROVED SIGNIFICANTLY IN COMPARISON WITH THE POST-COUP PERIOD, 1973-77, WHEN THE REGIME UNDERTOOK A SERIES OF STRONG REPRESSIVE MEASURES IN RESPONSE TO WHAT WAS PERCEIVED AS

A STATE OF VIRTUAL CIVIL WAR. RECENT TRENDS, HOWEVER, SHOW THAT THE PACE OF IMPROVEMENTS HAS SLOWED IN THE PAST TWO YEARS. HUMAN RIGHTS GROUPS CHARGE THAT THE GOVERNMENT CONSTRAINS PEACEFUL POLITICAL OPPOSITION AND RELIES EXCESSIVELY ON THE ARBITRARY ACTION OF POLICE AND SECURITY OFFICIALS TO SUPPRESS DISSENT. THE WASHINGTON OFFICE ON LATIN AMERICA ALLEGED IN AUGUST 1982 THAT REPRESSION HAD GROWN IN THE PERIOD FROM MAY 1981 TO MAY 1982. CHILE, NEVERTHELESS, HAS REGISTERED CONCRETE IMPROVEMENTS WITH REGARD TO A NUMBER OF CATEGORIES OF HUMAN RIGHTS VIOLATIONS. NO CONFIRMED DISAPPEARANCES HAVE OCCURRED SINCE OCTOBER 1977. ALTHOUGH ARRESTS FOR NON-VIOLENT POLITICAL OFFENSES AND ALLEGATIONS OF TORTURE CONTINUED IN 1982, THE NUMBER OF SUCH CASES HAVE DECLINED

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IN THE LAST THREE YEARS.

A CONTINUING "STATE OF EMERGENCY" HAS BEEN EXTENDED REGULARLY EVERY THREE MONTHS SINCE 1973. IT GIVES THE GOVERNMENT EXTRAORDINARY AUTHORITY TO DEAL WITH AN EXTREMIST THREAT, ALTHOUGH THE SAME POWERS ARE OFTEN USED AGAINST NON-VIOLENT DISSENTERS AS WELL. GOVERNMENT ACTIONS TAKEN UNDER THESE EMERGENCY POWERS ARE NOT SUBJECT TO JUDICIAL MODIFICATION. IN SEVERAL INSTANCES, HOWEVER, THE COURTS AND PRESS HAVE TAKEN POSITIONS DEFENDING HUMAN RIGHTS. POLICE DETENTIONS ARE AUTHORIZED PRIOR TO PUBLIC NOTIFICATION OF THE ARREST BUT IN MOST CASES SUCH DETENTIONS ARE LIMITED TO AN INVESTIGATORY PERIOD OF FIVE DAYS. IN GENERAL IT APPEARS THAT BOTH POLICE AND JUDICIAL PROCEDURES FOR AVOIDING INFRINGEMENTS OF CONSTITUTIONALLY GARANTEED RIGHTS HAVE ALSO IMPROVED

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RECENTLY.

THERE ARE, ON THE OTHER HAND, CONTINUED CREDIBLE REPORTS OF TORTURE AND ABUSE BY THE POLICE AND SECURITY FORCES. ACCORDING TO THE INTER-AMERICAN HUMAN RIGHTS COMMISSION, A LARGE PART OF THE RIGHTS AND LIBERTIES GARANTEED BY THE INTER-AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN ARE SEVERELY RESTRICTED. IN ADDITION, BOTH ADMINISTRATIVELY AUTHORIZED INTERNAL EXILE AND EXPULSION FROM THE COUNTRY ARE PERMITTED UNDER THE TRANSITIONAL ARTICLES OF THE CONSTITUTION AND HAVE BEEN USED BY THE GOVERNMENT. IN OCTOBER 1982, PRESIDENT PINOCHET ANNOUNCED THE FORMATION OF A COMMISSION TO REVIEW THE CASES OF THOSE CURRENTLY EXILED FROM CHILE. NEVERTHELESS, THERE HAVE BEEN SEVERAL NEW EXPULSIONS SINCE THE FORMATION OF THE COMMISSION.

POLITICAL PARTIES REMAIN FORMALLY DISSOLVED AND FREEDOM OF SPEECH AND ASSEMBLY ARE RESTRICTED, ALTHOUGH SOME

POLITICAL ACTIVITY AND CONSIDERABLE CRITICISM AND PRESS DISCUSSION ARE TOLERATED. LABOR UNION ACTIVITY IS RESTRAINED BUT COLLECTIVE BARGAINING AND A LIMITED RIGHT TO STRIKE WERE RESTORED IN 1979 UNDER A NEW LABOR LAW.

IN 1975 THE GOVERNMENT EMBARKED ON A NEW SOCIO-ECONOMIC POLICY WITH A PROGRAM TO REDUCE THE ROLE OF GOVERNMENT, TO OPEN THE ECONOMY TO WORLD MARKET COMPETITION, AND TO REFORM FISCAL POLICY TO OVERCOME THE LARGE INFLATIONARY GOVERNMENT DEFICITS OF THE PAST. FOLLOWING A DIFFICULT

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READJUSTMENT PERIOD, THE ECONOMY EXPERIENCED A PERIOD OF STRONG GROWTH WITH DECLINING INFLATION AND UNEMPLOYMENT. THIS PATTERN PERSISTED THROUGH MID-L98L, AT WHICH TIME
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CHILE BEGAN TO SUFFER FROM THE ADVERSE EFFECTS OF THE INTERNATIONAL RECESSION AND ITS OWN OVERVALUED EXCHANGE RATE.

THE YEAR 1982 WAS CHARACTERIZED BY GROWING ECONOMIC PROBLEMS, WITH HIGH UNEMPLOYMENT. THE RECESSION HAS AFFECTED ALL STRATA OF SOCIETY BUT LOWER INCOME GROUPS HAVE BEEN THE MOST SERIOUSLY AFFECTED BY THE LOSS OF JOBS. MORE THAN 20 PERCENT OF THE POPULATION REMAINS BELOW THE POVERTY LINE. NEW PUBLIC WORKS PROJECTS ARE BEING INITIATED AND OLD ONES AUGMENTED TO HELP PROVIDE JOBS. IN ADDITION, SOCIAL SPENDING HAS GROWN TO ABOUT 59 PERCENT OF THE GOVERNMENT BUDGET AND IS NOW MORE CAREFULLY FOCUSED ON POORER SEGMENTS OF THE POPULATION. IMPORTANT EFFORTS IN HEALTH AND NUTRITION PROGRAMS HAVE SUBSTANTIALLY CUT INFANT MORTALITY OVER THE PAST DECADE. THE GOVERNMENT HAS INCREASED REAL EXPENDITURE LEVELS ON EDUCATION, WITH THE LARGEST AMOUNT DEVOTED TO THE PRE-PRIMARY, PRIMARY AND INTERMEDIATE LEVELS. (WOULD APPRECIATE EMBASSY CONDENSING ABOVE TWO PARAGRAPHS).

THE FIRST SIX MONTHS OF L982 WERE RELATIVELY FREE OF POLITICAL VIOLENCE BUT EXTREMIST VIOLENCE SHOWED A MODERATE INCREASE BEGINNING ABOUT MID-YEAR. BOMBINGS RESULTED IN ONE DEATH AND SEVERAL PERSONS INJURED. GROUPS ASSOCIATED WITH THE MOVEMENT OF THE REVOLUTIONARY LEFT -- ;MANY MEMBERS OF WHICH REPORTEDLY RECEIVED CUBAN TRAINING -- CLAIMED RESPONSIBILITY FOR MOST OF THESE INCIDENTS.

L.
RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. KILLING

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THERE HAS BEEN A CONTINUED DECLINE IN POLITICALLY

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MOTIVATED DEATHS WHEN COMPARED TO THE 1973-77 POST-COUP PERIOD. FIVE KILLINGS OCCURRED IN 1982 WHICH MAY HAVE HAD SOME DEGREE OF POLITICAL MOTIVATION. TWO PERSONS WERE KILLED IN JANUARY, WHEN GOVERNMENT SECURITY FORCES SHOT TWO MEMBERS OF THE MOVEMENT OF THE REVOLUTIONARY LEFT IN PUBLIC ARMED CLASHES RESULTING FROM INVESTIGATIONS INTO THE NOVEMBER 1981 ASSASSINATION OF THREE POLICE DETECTIVES. IN FEBRUARY 1982, CHILEAN LABOR LEADER TUCAPEL JIMENEZ WAS MURDERED. CONTINUING OFFICIAL EFFORTS TO FIND HIS KILLERS HAVE NOT BEEN SUCCESSFUL. ALLEGATIONS HAVE BEEN MADE THAT THE GOVERNMENT WAS RESPONSIBLE. IN MARCH, A FORMER COMMUNIST YOUTH LEADER, RENE BASOA, WAS KILLED, ALLEGEDLY BY FORMER COMRADES BECAUSE OF INFORMATION HE HAD GIVEN GOVERNMENT SECURITY FORCES. HIS KILLERS HAVE NOT BEEN FOUND. IN AUGUST A TWELVE-YEAR-OLD BOY WAS KILLED WHEN A BOMB EXPLODED. ON THE SAME DAY, BOMBS WERE PLACED IN THREE GOVERNMENT OFFICES, FOR WHICH THE MOVEMENT OF THE REVOLUTIONARY LEFT TOOK CREDIT. IN SEPTEMBER, A CARABINERO CORPORAL WAS SERIOUSLY WOUNDED IN A TERRORIST ATTACK UPON A POLICE STATION.

THE GOVERNMENT'S CONTROL OVER ITS SECURITY AND MILITARY FORCES IS STRONG. A POLICE DETECTIVE WAS ARRESTED, CHARGED, AND RELEASED ON BAIL FOR THE 1981 KILLING OF AN ALLEGED MOVEMENT OF REVOLUTIONARY LEFT MEMBER IN A REPORTED PUBLIC CONFRONTATION. HE IS STILL AWAITING TRIAL. IN JANUARY 1982, TWO GOVERNMENT SECURITY AGENTS WERE SENTENCED TO DEATH BY A CALAMA COURT FOR THE MURDER AND ROBBERY OF TWO BANK EMPLOYEES. THE DEATH SENTENCE WAS UPHOLD BY ALL APPEAL COURTS, INCLUDING THE CHILEAN SUPREME COURT, AND THE CONVICTED MURDERERS WERE EXECUTED.

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TERRORIST ATTACKS IN 1982 CONCENTRATED ON PROPERTY, PARTICULARLY BOMBINGS OF ELECTRICAL POWER STATIONS. AT LEAST 21 BOMBINGS OCCURRED IN 1982 AND OTHERS WERE ATTEMPTED. THE MOVEMENT OF THE REVOLUTIONARY LEFT GENERALLY CLAIMED CREDIT FOR THE ATTACKS, ALTHOUGH THERE IS ALSO SOME EVIDENCE OF COMMUNIST YOUTH INVOLVEMENT. CONSIDERABLE EVIDENCE EXISTS TO SHOW CUBAN AND EAST EUROPEAN TRAINING AND OTHER SUPPORT FOR TERRORIST GROUPS WHOSE ANNOUNCED OBJECTIVE IS TO OVERTHROW THE MILITARY REGIME AND REPLACE IT WITH A MARXIST-LENINIST REVOLUTIONARY STATE.

B. DISAPPEARANCE

THERE WERE NO ALLEGATIONS IN 1982 OF DISAPPEARANCES AT

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THE HANDS OF SECURITY OR TERRORIST ORGANIZATIONS. THE LAST REPORTED DISAPPEARANCE ATTRIBUTED TO GOVERNMENT SECURITY FORCES OCCURRED IN 1977. THE CHILEAN SUPREME COURT APPOINTED SPECIAL JUDGES IN 1979 TO INVESTIGATE MANY OF THESE DISAPPEARANCES, BUT NONE OF THE 635 CASES FROM THE PERIOD 1973-1977 HAVE BEEN RESOLVED. WHILE INVESTIGATIONS CONTINUE IN SOME CASES, IN OTHERS ACTION HAS BEEN SUSPENDED OR REFERRED TO MILITARY JUSTICE OFFICIALS WHEN MILITARY OR POLICE INVOLVEMENT WAS SUSPECTED. SOME FAMILIES OF THE DISAPPEARED HAVE APPEALED THE SUSPENSION OR REFERRAL TO THE MILITARY COURTS. TO DATE, THE APPEALS HAVE HAD LITTLE EFFECT IN RESOLVING THE WHEREABOUTS OF THOSE WHO DISAPPEARED. AMNESTY INTERNATIONAL, ACCORDING TO ITS 1982 REPORT, "CONTINUED TO WORK FOR THE RELEASE OF ABOUT 250 PRISONERS OF CONSCIENCE, INCLUDING MANY WHO HAVE DISAPPEARED SINCE 1973."

C. TORTURE

ACCORDING TO INFORMATION PROVIDED BY THE VICARATE OF
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SOLIDARITY, A CHURCH AFFILIATED HUMAN RIGHTS ORGANIZATION, IN THE FIRST ELEVEN MONTHS OF 1982 49 PERSONS FILED COMPLAINTS OF TORTURE OR CRUEL AND UNUSUAL PUNISHMENT BEFORE THE COURTS; COMPARED WITH A 1981 TOTAL OF 68. THE WASHINGTON OFFICE ON LATIN AMERICA REFERSTO SOURCES WHICH REGISTERED 65 CASES OF TORTURE IN THE FIRST EIGHT MONTHS OF 1982. MOST INDIVIDUALS ALLEGED THAT THEY WERE SUBJECTED TO BEATINGS, ELECTRICAL SHOCKS OR THREATS, PARTICULARLY DURING THE FIRST DAYS OF THEIR DETENTION PRIOR TO ARRAIGNMENT. THE 1981 CONSTITUTION PROHIBITS "USE OF ALL ILLEGAL PRESSURE" AND "GARANTEES TO ALL PERSONS THE RIGHT TO LIFE AND TO THE PHYSICAL AND PSYCHIC INTEGRITY OF THE INDIVIDUAL", AND HIGH LEVEL GOVERNMENT OFFICIALS PUBLICLY AND PRIVATELY DENY THAT THE USE OF TORTURE IS AUTHORIZED. WHILE THE COURTS HAVE REQUIRED INVESTIGATIONS OF SOME COMPLAINTS, TO DATE NONE HAS BEEN OFFICIALLY SUBSTANTIATED. MOST CHARGES OF TORTURE WERE AGAINST THE NATIONAL CENTER FOR INFORMATION. TORTURE WAS GENERALLY ALLEGED TO HAVE TAKEN PLACE AT SECRET DETENTION CENTERS. SOME OF THE ALLEGATIONS OF TORTURE APPEAR CREDIBLE, AND AMNESTY INTERNATIONAL LISTS NUMEROUS CASES IN ITS 1982 REPORT.

D. CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

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HUMAN RIGHTS SOURCES REPORT A NUMBER OF ALLEGATIONS OF SERIOUS MISTREATMENT DURING 1982. WHILE MOST DETAINEES DO NOT FILE FORMAL CLAIMS OF MISTREATMENT, SOME PERSONS DETAINED DURING UNAUTHORIZED DEMONSTRATIONS OR ON SUSPICION OF PROSCRIBED POLITICAL ACTIVITIES HAVE COMPLAINED OF BEATINGS AND BEING FORCED TO REMAIN UNCLOTHED FOR EXTENDED PERIODS OF TIME. AMNESTY INTERNATIONAL HAS ON NUMEROUS OCCASIONS APPEALED TO THE

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CHILEAN GOVERNMENT FOR HUMANE TREATMENT OF PRISONERS.

UNTIL JANUARY 1981, PERSONS DETAINED IN PRISON FOR ILLEGAL POLITICAL OR TERRORIST ACTIVITIES WERE NORMALLY SEPARATED FROM COMMON CRIMINALS, IN KEEPING WITH AN INFORMAL AGREEMENT BETWEEN THE CHILEAN GOVERNMENT AND AN AD HOC WORKING GROUP OF THE UNITED NATIONS HUMAN RIGHTS COMMISSION (UNHRC). SINCE JANUARY 1981, IN CONFORMANCE WITH THE GOVERNMENT'S POSITION THAT THERE ARE NO POLITICAL PRISONERS IN CHILE, ALL VIOLATORS OF INTERNAL SECURITY LAWS HAVE BEEN LODGED IN THE SAME PENAL FACILITIES WITH OTHER OFFENDERS. THEY HAVE THE RIGHTS OF VISITATION AND COMMUNICATION WITH FAMILY, FRIENDS, LEGAL COUNSEL, AND REPRESENTATIVES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC). THERE HAVE BEEN NO ALLEGATIONS THAT PHYSICAL CONDITIONS IN CHILEAN PRISONS ARE WORSE NOW THAN UNDER PREVIOUS GOVERNMENTS.

E. ARBITRARY ARREST AND IMPRISONMENT

WHEN PEOPLE ARE DETAINED FOR POLITICAL ACTIVITIES, FRIENDS OR RELATIVES NORMALLY REPORT THE DETENTIONS, THE PRESS PUBLICIZES THEM AND THE GOVERNMENT SUBSEQUENTLY-ACKNOWLEDGES THEM. UNDER THE TRANSITORY PROVISIONS OF THE 1981 CONSTITUTION, SECURITY OFFICIALS MAY DETAIN INDIVIDUALS FOR INVESTIGATION FOR A PERIOD OF UP TO FIVE DAYS AND UP TO TWENTY DAYS IN CASES INVOLVING TERRORIST ACTS, INVOLVING DEATH, INJURY, OR KIDNAPPING. DURING THIS SPECIFIED PERIOD, SECURITY-OFFICIALS ARE NOT OBLIGATED TO HONOR WRITS OF HABEAS CORPUS (AMPARO). ALTHOUGH THE GOVERNMENT DENIES HOLDING POLITICAL PRISONERS, AS OF JUNE 1982 234 PERSONS WERE IN THE JUDICIAL PROCESS CHARGED WITH SEDITIOUS ACTIVITY OR WITH HAVING ILLEGAL ARMS, OF WHOM 131 WERE IN JAIL AWAITING TRIAL AND 103 WERE OUT ON BAIL. TWELVE OTHERS HAVE BEEN CONVICTED AND ARE CURRENTLY SERVING SENTENCES. MOST ARE

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ACCUSED OF VIOLATING EITHER THE INTERNAL SECURITY LAW OR THE ARMS CONTROL LAW. PEOPLE DETAINED FOR PARTICIPATING IN BANNED PUBLIC DEMONSTRATIONS OR ILLEGAL MEETINGS ARE OFTEN HELD UNDER EXECUTIVE DISCRETION FOR THE FULL FIVE DAYS. THEY MAY THEN BE RELEASED, AS IN THE LARGE MAJORITY OF REPORTED CASES, SENT INTO INTERNAL OR EXTERNAL EXILE, OR CHARGED WITH INTERNAL SECURITY VIOLATIONS. IN THOSE CASES REACHING THE COURTS, THE INVESTIGATING JUDGES MAY TAKE UP TO FIVE MORE DAYS TO DELIBERATE BUT, IN PRACTICE, THEY HAVE RARELY ISSUED INDICTMENTS. (PLEASE UPDATE FIGRES ON POLITICAL PRISONERS AS AVAILABLE).

ACCORDING TO THE VICARIATE OF SOLIDARITY, THERE WERE 976 SECURITY ARRESTS IN CHILE IN THE FIRST 11 MONTHS OF 1982. OF THESE, THE GREAT MAJORITY WERE RELEASED WITHIN FIVE DAYS OF THEIR ARREST WITHOUT CHARGES FOR LACK OF SUFFICIENT EVIDENCE. OF THE ;RRESTED WERE HELD FOR THE TWENTY DAYS AJTHORIZED IN CASES OF S'SPICION OF INVOLEMENT IN TERRORIST CRIMES, BUT ONLY WERE SUBSEQ;ENTLY CHARGED BEFORE THE COURTS. IN ADDITION, 41 PERSONS (INCLUDING SOME OF THE ABOVE) WERE INTERNALLY EXILED FOR PERIODS OF THREE MONTHS BY ADMINSTRATIVE ORDER NOT SUBJECT TO JUDICIAL REVIEW. MOST WERE SENT TO DISTANT VILLAGES FOR ILLEGAL POLITICAL ACTIVITIES. THE INTER-AMERICAN HUMAN RIGHTS COMMISSION HAS STATED THAT THE GOVERNMENT HAS RETURNED TO ITS PREVIOUS PRACTICE OF ARRESTING DISSIDENTS WITHOUT ANY REFERENCE TO DUE PROCESS OF LAW. (PLEASE SUPPLY LATEST FIGURES.)

WHILE THE NATIONAL CENTER FOR INFORMATION HAS LIMITED LEGAL AUTHORITY OF ARREST, IN PRACTICE IT HAS BEEN ABLE

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TO OBTAIN VAGUELY-WORDED WA RANTS WHICH GIVE IT CONSIDERABLE LATITUDE IN MAKING SEARCHES OR ARRESTS. UNDER THE NEW CONSITUTION, THE COURTS HAVE BECOME FIRMER IN DEMANDING A PROMPT ACCOUNTING FROM THE GOVERNMENT. THE EXEC;TIVE PUBLICLY AGREED TO A SUPREME COURT RULING IN MAY 1982 THAT THE NATIONAL CENTER FOR INFORMATION SHOULD COMPLY WITH COURT ORDERS. SINCE THE AGREEMENT, GOVERNMENT SECURITY FORCES HAVE GIVEN MORE PROMPT NOTIFVCATION-TO COURTS AND FAMILIES CONCERNING DETAINED

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PERSONS. THIS CONTRIBUTED TO A SIGNIFICANT DECLINE IN WRITS OF HABEAS CORPUS FILED IN SANTIAGO IN 1982.

F. DENIAL OF FAIR PUBLIC TRIAL

CHILE'S CIVILIAN JUDGES ARE CAREER OFFICIALS AND MOST

SERVED IN THE JUDICIARY BEFORE THE PRESENT GOVERNMENT TOOK POWER IN 1973. SINCE 1978, MOST VIOLATIONS OF THE PRESENT BAN ON POLITICAL ACTIVITY AND MOST CASES RELATING TO ALLEGED HUMAN RIGHTS ABUSES HAVE BEEN HANDLED IN THE CIVILIAN COURT SYSTEM. FIRST INSTANCE JURISDICTION FOR THE PROSECUTION OF PROSCRIBED POLITICAL ACTIVITIES LIES WITH REGULAR CIVILIAN COURTS, WHOSE PROCEEDINGS ARE CONDUCTED IN ACCORDANCE WITH CHILE'S CIVIL CODE TRADITION. AS THROUGHOUT LATIN AMERICA, THERE IS NO TRIAL BY JURY, AND RELIANCE IS ON THE WRITTEN RECORD RATHER THAN ORAL TESTIMONY. IN THE CIVILIAN COURTS OF FIRST INSTANCE, A JUDGE SERVES MULTIPLE FUNCTIONS: AS PROSECUTOR, SOMETIMES AS DEFENSE ATTORNEY, AND ULTIMATELY AS THE ONE WHO DECIDES INNOCENCE OR GUILT. DECISIONS MAY BE APPEALED UP TO THE SUPREME COURT.

ARMS CONTROL VIOLATIONS GO BEFORE A MILITARY PROSECUTOR. HE CARRIES OUT AN INVESTIGATION AND THEN MAKES RECOMMENDATIONS TO A MILITARY JUDGE, WHO ISSUES THE DECISION. APPEALS MAY BE MADE TO A MILITARY COURT OF TWO

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CIVILIAN JUDGES AND THREE PROFESSIONAL MILITARY JUDGES AND, IN THE LAST RESORT, TO THE SUPREME COURT. DEFENDANTS HAVE THE RIGHTS OF ANY CHILEAN CITIZEN BEFORE THE LAW, INCLUDING THE RIGHT TO LEGAL COUNSEL OF THEIR CHOICE. CRITICISMS OF THE FUNCTIONING OF THE COURTS FOCUS ON THE PERCEIVED GENERAL UNWILLINGNESS OF JUDGES TO ASSERT A VIGOROUSLY INDEPENDENT ROLE OR, WITH RARE EXCEPTIONS, TO CHALLENGE EFFECTIVELY THE LEGALITY OF ACTIONS BY THE EXECUTIVE UNDER EMERGENCY POWERS. AMERICA'S WATCH PUBLISHED A THOROUGH REVIEW OF HOW THIS SYSTEM APPLIED TO SPECIFIC CASES.

THE GOVERNMENT ISSUED A DECREE IN FEBRUARY 1981 GRANTING JURISDICTION OVER ATTACKS ON GOVERNMENT PERSONNEL TO A MILITARY COUNCIL OF WAR ACTING UNDER WARTIME PROCEDURES WHICH LIMIT DEFENDANTS' RIGHTS. USE OF THESE SPECIAL PROCEDURES HAS BEEN APPEALED TO THE SUPREME COURT IN THE CASE OF SELF-DESCRIBED TERRORIST GUILLERMO RODRIGUEZ MORALES, BUT A DECISION HAS NOT YET BEEN HANDED DOWN.

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THE DECREE WAS INVOKED ONLY ONCE IN 1981 AND NOT AT ALL IN 1982. OTHERWISE, THERE ARE NO SPECIAL COURTS FOR SECURITY VIOLATIONS.

G. INVASION OF THE HOME

THE 1981 CONSTITUTION PROHIBITS SEARCHES OF THE HOME AND INTERCEPTION OF PRIVATE COMMUNICATIONS AND DOCUMENTS EXCEPT AS DETERMINED BY LAW. PROVISIONS IN THE PENAL

CODE REQUIRE SEARCH WARRANTS ISSUED BY EITHER A JUDGE OR MILITARY PROSECUTOR FOR SPECIFIC LOCATIONS. IN PRACTICE, HOWEVER, SUCH SEARCHES ARE CARRIED OUT UNDER A GENERAL ORDER ISSUED BY THE JUDGE OR PROSECUTOR. HUMAN RIGHTS

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ORGANIZATIONS REPORT THAT IN A NUMBER OF SEARCHES LEGAL REQUIREMENTS, SUCH AS THE DISPLAY OF A WARRANT, HAVE NOT BEEN OBSERVED.

2. RESPECT FOR CIVIL AND POLITICAL RIGHTS, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

THE 1981 CONSTITUTION GUARANTEES FREEDOM OF EXPRESSION AND OF THE PRESS. ALTHOUGH THERE ARE NO CONSTITUTIONAL PROVISIONS FOR GOVERNMENT CENSORSHIP, CONTROL IS EXERCISED UNDER THE AUTHORITY OF ARTICLE 24 OF THE 1981 CONSTITUTION. THE GOVERNMENT, USUALLY THROUGH INFORMAL CHANNELS, REGULARLY ADVISES PRINT, RADIO AND TELEVISION EDITORS WHEN THEIR COVERAGE IS CONSIDERED TO DEPART TOO FAR FROM OFFICIAL POLICY. TO FORESTALL SUCH NOTIFICATION, SELF-CENSORSHIP IS WIDELY PRACTICED BY THE MEDIA, WITH MOST EDITORS ADOPTING A CAUTIOUS APPROACH TO EDITORIAL COMMENTARY. NEVERTHELESS, ARTICLES CRITICAL OF CERTAIN GOVERNMENT POLICIES APPEAR REGULARLY IN LEADING PUBLICATIONS. THE CRITICISM IS USUALLY GENERAL AND NOT DIRECTED AGAINST THE HEAD OF STATE OR MINISTERS BY NAME. UNDER ARTICLE 24, THE MINISTER OF INTERIOR HAS RESTRICTED MEDIA COVERAGE OF ACTS OF TERRORISM AND INTERNAL STATE SECURITY CASES AND FORBIDDEN PUBLICITY ON THE PRIVATE ACTIVITIES OF HIGH RANKING GOVERNMENT OFFICIALS. HE ALSO CAN PREVENT THE PUBLICATION AND DISTRIBUTION OF NEW PUBLICATIONS. (PLEASE ADD INFORMATION OF FREEDOM OF SPEECH, WIRETAPPING, SURVEILLANCE, ETC.)

IN 1982, ONE NEWSPAPER EDITOR WAS CHARGED WITH GIVING UNDUE PUBLICITY TO A TERRORIST ACT. ALTHOUGH HE WAS

DECLARED INNOCENT BY A CHILEAN COURT, THE GOVERNMENT CLEARLY DEMONSTRATED ITS WILLINGNESS TO PROSECUTE SUCH CASES. A PUBLISHING HOUSE WAS TOLD IT COULD NOT PRINT OR DISTRIBUTE A COLLECTION OF PREVIOUSLY PUBLISHED ECONOMIC

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ARTICLES BY OPPOSITION WRITERS. THE CASE IS BEING APPEALED IN THE COURTS. TWO RADIO STATIONS WERE DISCOURAGED BY THE GOVERNMENT FROM BROADCASTING PROGRAMS IN WHICH PROMINENT CRITICS OF THE GOC WERE INCLUDED AMONG OTHER GUESTS. THE GOVERNMENT SHUT DOWN A MONTHLY OPPOSITION-ORIENTED MAGAZINE, CLAIMING IT HAD VIOLATED THE TERMS OF ITS LICENSE TO PUBLISH WHICH WAS LIMITED

SOLELY TO ISSUES OF INTERNATIONAL AFFAIRS. THE CASE IS IN THE COURTS WHERE A PREVIOUS GOVERNMENT ATTEMPT TO LIMIT THE MAGAZINE'S COVERAGE WAS FORESTALLED IN LATE 1981.

ONE NEWSPAPER IS GOVERNMENT-OWNED, BUT ALL THE REST ARE OWNED BY PRIVATE INDIVIDUALS OR GROUPS. THE GOVERNMENT OWNS A RADIO NETWORK WHICH HAS STATIONS THROUGHOUT THE COUNTRY. THE LARGE MAJORITY OF RADIO NETWORKS ARE PRIVATELY OWNED. TWO OF THEM REGULARLY BROADCAST OPPOSITION POINTS OF VIEW AND ARE CRITICAL OF THE GOVERNMENT. THE GOVERNMENT OWNS THE ONLY TRULY NATION WIDE TELEVISION NETWORK, ALTHOUGH FOUR UNIVERSITIES OPERATE STATIONS WHICH BROADCAST IN VARIOUS CITIES. THE MANAGERS OF THESE STATIONS OSTENSIBLY OPERATE WITH A TONOMY, BUT USE CONSIDERABLE DISCRETION AND GENERALLY AVOID CRITICISM OF THE GOVERNMENT. (CONDENSATION OF TWO PREVIOUS PARAGRAPHS WOULD BE HELPFUL)

IMPORTED BOOKS ARE SUBJECT TO GOVERNMENT APPROVAL. INDIVIDUALS DISTRIBUTING PUBLICATIONS CONSIDERED SUBVERSIVE ARE SUBJECT TO ARREST AND PROSECUTION. ALL FILMS MUST OBTAIN APPROVAL FROM A FILM CENSORSHIP BOARD, WHICH AUTHORIZES CUTS OF POLITICALLY ORIENTED SCENES. SOME FILMS ARE NOT PERMITTED TO ENTER CHILE.

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OCCASIONALLY, ISSUES OF US AND OTHER FOREIGN NEWS MAGAZINES ARE CONFISCATED UPON ENTRY. IN ALL OF THESE CASES, THE PRINT MEDIA AND RADIO STATIONS INFORM THE

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PUBLIC OF SUCH GOVERNMENT ACTIONS. THE INTER-AMERICAN PRESS ASSOCIATION NOTED ONCE AGAIN IN 1982 THAT BASIC FREEDOM OF EXPRESSION EXISTS IN CHILE, BUT ADDED THAT REQUIRING GOVERNMENT APPROVA- OF NEW PUBLICATIONS LIMITS FULL PRESS FREEDOM. (CAN EMBASSY PROVIDE QUOTE?).

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

MOST PUBLIC MEETINGS REQUIRE PRIOR APPROVAL OF THE LOCAL MILITARY ZONE COMMANDER, AND IN PRACTICE, PERMISSION IS REGULARLY DENIED WHEN THE SUBJECT IS POLITICALLY SENSITIVE, ALTHOUGH SMALL, INCONSPICUOUS OPPOSITION PARTY MEETINGS HAVE BEEN TOLERATED. POLITICAL GROUPS ESPOUSING MARXISM ARE OUTLAWED. MORE CENTRIST GROUPS HAVE THEIR RIGHT OF FREE ASSEMBLY RESTRICTED. STUDENT POLITICAL ACTIVITY IS ALSO RESTRICTED, ALTHOUGH THE RIGHT TO ELECT STUDENT GOVERNMENT REPRESENTATIVES WAS RESTORED AT THE UNIVERSITIES IN 1979. A LAW PASSED IN 1981, HOWEVER, VIRTUALLY PROHIBITS ALL POLITICAL ACTIVITY IN THE COUNTRY'S STATE-SUPPORTED UNIVERSITIES.

MANY TRADE UNION RIGHTS, SUSPENDED AFTER THE MILITARY TAKEOVER IN 1973, WERE REINSTATED IN JULY 1979 BY A SERIES OF DECREE LAWS KNOWN AS THE "LABOR PLAN," ALTHOUGH THESE RIGHTS ARE OFTEN LIMITED. THE TRADE UNION MOVEMENT HAD LITTLE EFFECTIVE PARTICIPATION IN THE FORMULATION OF THE LABOR PLAN AND LITTLE OR NO INFLUENCE IN GOVERNMENTAL DECISIONS. TRADE UNION ORGANIZATIONS CAN ELECT THEIR LEADERS, WITH CERTAIN LIMITATIONS. PLANT LEVEL COLLECTIVE BARGAINING HAS RESUMED FOR THE LARGE MAJORITY OF PRIVATE SECTOR UNIONIZED WORKERS, ALTHOUGH NOT FOR THE CIVIL SERVICE AND CERTAIN OTHER SECTORS. THE RIGHT TO STRIKE IS LIMITED TO 60 DAYS, AFTER WHICH

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WORKERS ARE CONSIDERED TO HAVE VOLUNTARILY RESIGNED THEIR JOBS. THE RIGHT TO STRIKE DOES NOT APPLY TO DESIGNATED STRATEGIC INDUSTRIES, SUCH AS PUBLIC UTILITIES. MANAGEMENT IS LEGALLY PERMITTED TO HIRE "STRIKEBREAKERS." FOLLOWING THE ABOLITION OF THE LABOR COURTS IN 1981, NO SPECIAL GRIEVANCE PROCEDURE EXISTS AND ALL LABOR CASES ARE HANDLED BY THE REGULAR COURTS. (INFORMATION ON THE IMPORTANCE OF LABOR UNIONS AND THE PERCENTAGE OF WORKERS ORGANIZED WOULD BE APPRECIATED.)

THE SCOPE FOR BARGAINING HAS BEEN LIMITED TO WAGES, BENEFITS PAID IN CASH OR IN KIND AND CERTAIN COMMON CONDITIONS OF EMPLOYMENT, SUCH AS SAFETY. UNTIL JUNE

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L982, WORKERS WERE GUARANTEED THEIR EXISTING WAGE AND BENEFIT PACKAGE, PLUS ANY INCREASE IN THE CONSUMER PRICE INDEX. THE LATTER REQUIREMENT TO ADJUST FOR INFLATION IS BEING RECONSIDERED IN ORDER TO PERMIT REAL BUT NOT NOMINAL WAGES TO DECLINE SO THAT 'NEMPLOYMENT CAN BE REDUCED. AFTER SUBSTANTIAL INCREASES DURING THE PERIOD L976-8L, REAL WAGES DECLINED BY ABOUT TEN PERCENT IN L982.

THE GOVERNMENT MUST PUBLISH A YEARLY LIST OF "STRATEGIC" ENTITIES WHICH ARE FORBIDDEN TO STRIKE BUT ARE ALLOWED TO BARGAIN COLLECTIVELY. APPROXIMATELY 30 WERE LISTED IN L98L AND L982. MOST OF THOSE LISTED ARE PJBUBLIC UTILITIES; THE ONLY MAJOR EXCEPTIONS ARE THE GOVERNMENT-OWNED CHUQUICAMATA COPPER MINE AND THE PETROLEUM INDUSTRY. FOR THESE COMPANVES, FAILURE TO REACH AGREEMENT DURING NEGOTIATIONS LEADS TO BINDING ARBITRATION.

THE CIVIL SERVICE IS ALLOWED TO FORM ASSOCIATIONS BUT NOT UNIONS. IT DOES NOT HAVE THE RIGHT TO BARGAIN

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COLLECTIVELY OR TO STRIKE. THE PARITIME SECTOR, INITIALLY EXCLUDED FROM THE LABOR PLAN, WAS INCLUDED IN IT WITH THE PROMULGATION OF SPECIAL LAWS IN JUNE AND

SEPTEMBER L98L. THE DOCK WORKERS NATIONAL ;NIONS, AS PREVIOUSLY CONSTITUTED, AND THE UNION CARD WHICH SEVERELY RESTRICTED ACCESS TO PORT JOBS, DISAPPEARED IN L982. NATIONAL DOCKWORKERS UNIONS WERE REPLACED BY SMALL INDEPENDENT UNIONS ESTABLISHED IN INDIVIDUAL PRIVATE COMPANIES WHICH CONTRACT SHIP HANDLING SERVICES.

OFFICIAL CONSTRAINTS ON LABOR UNIONS INCLUDE THE BLOCKING OF EFFORTS DIRECTED TOWARD THE FORMATION OF NATIONAL UNIONS, WHICH HAD BEEN HIGHLY POLITICIZED IN THE PAST. ORGANIZED LABOR CONTINUES TO PRESS FOR A FULL INVESTIGATION OF THE DEATH OF LABOR LEADER TUCAPEL JIMENEZ. INDIVIDUAL LABOR LEADERS HAVE SOMETIMES BEEN DISMISSED JNDER CIRCUMSTANCES S GGESTING THAT THEY LOST THEIR JOBS BECAUSE OF CRITICISM OF MANAGEMENT OR OF THE GOVERNMENT. PROFESSIONAL GROUPS AND ASSOCIATIONS HAVE NOT BEEN HINDERED IN THEIR OPERATION, BUT THEIR POWERS HAVE BEEN LIMITED BY RECENT DECREE LAWS WHICH WERE AIMED AT ELIMINATING COMPULSORY LICENSING PRIVILEGES. REG;LAR LABOR UNIONS ARE PERMITTED TO MAINTAIN RELATIONS WITH RECOGNIZED NON-MARXIST INTERNATIONAL BODIES IN THEIR FIELDS.

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IN 1982, THE INTERNATIONAL LABOR ORGANIZATION (ILO) MAINTAINED THE SAME POSITION ON CHILE AS IT HAD IN 1981. IT REJECTED A CREDENTIALS CHALLENGE FROM EAST BLOC COUNTRIES BUT CONTINUED TO EXPRESS ITS CONCERN ABOUT THE VIOLATION OF ILO CONVENTION 87 ON THE FREEDOM OF ASSOCIATION AND THE PROTECTION OF THE RIGHT TO ORGANIZE.

C. FREEDOM OF RELIGION

CHILE, PREDOMINANTLY A CATHOLIC COUNTRY, RESPECTS FREEDOM

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OF RELIGION. A NUMBER OF PROTESTANT DENOMINATIONS AND OTHER GROUPS ARE ACTIVE. THE JEWISH COMMUNITY REPORTS FULL FREEDOM AND TOLERANCE.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL,

EMIGRATION, AND REPATRIATION

CHILEANS ARE FREE TO LEAVE THEIR COUNTRY. AS MANY AS ONE MILLION CHILEANS LIVE ABROAD, PRINCIPALLY FOR ECONOMIC REASONS. OVER HALF THIS NUMBER HAVE RESIDED FOR MANY YEARS IN ARGENTINA. IN THE JUDGMENT OF INTERNATIONAL ORGANIZATIONS DEALING WITH MIGRANTS, THE VOLUME OF

SKILLED AND UNSKILLED WORKERS RETURNING TO CHILE NOW SLIGHTLY EXCEEDS THE NUMBER LEAVING. MOST OF THE CURRENT MIGRANTS SEEM TO BE MOTIVATED BY ECONOMIC RATHER THAN POLITICAL FACTORS.

IT IS ALSO TRUE, HOWEVER, THAT MANY THOUSANDS LEFT CHILE FOR POLITICAL REASONS WHEN THE CURRENT GOVERNMENT TOOK POWER; HUNDREDS SOUGHT ASYLUM IN FOREIGN EMBASSIES, AND OTHERS LEFT SUBSEQUENTLY. THE GOVERNMENT WAS EVENTUALLY WILLING TO GRANT SAFE CONDUCT PASSES TO PEOPLE WHO OBTAINED ASYLUM AND WANTED TO LEAVE CHILE AND, IN MOST CASES, THEY WERE ALLOWED TO KEEP THEIR CHILEAN CITIZENSHIP AND PASSPORTS. MANY OTHERS WERE CONVICTED OF INTERNAL SECURITY VIOLATIONS AND HAD JAIL SENTENCES COMMUTED TO EXILE. OTHERS WERE SIMPLY EXPELLED FROM THE COUNTRY. THE NUMBER OF PEOPLE EXILED EXTERNALLY HAS DECREASED MARKEDLY IN RECENT YEARS. DURING 1982 FOUR CHILEANS WERE FORCED TO LEAVE THE COUNTRY.

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IN RECENT YEARS, THERE WERE SEVERAL CASES OF ADMINISTRATIVELY DECREED EXILE OF WELL KNOWN POLITICAL FIGURES, INCLUDING THE FORMER PRESIDENT OF THE CHRISTIAN DEMOCRATIC PARTY, ANDRES ZALDIVAR, AND HUMAN RIGHTS ACTIVIST LEADER JAIME CASTILLO. IN EACH OF THESE CASES THE GOVERNMENT HELD THAT THE INDIVIDUAL HAD VIOLATED THE BAN ON POLITICAL ACTIVITY. THE EFFORTS OF BOTH ZALDIVAR AND CASTILLO TO RETURN TO CHILE WITHOUT GOVERNMENT AUTHORIZATION HAVE BEEN REBUFFED. IN LATE 1982, SEVERAL PROMINENT CHILEAN LABOR LEADERS WERE ALSO EXPELLED.

GOVERNMENT DECREES REQUIRE THOSE WHO ARE EXILED OR WHO ARE CONSIDERED TO HAVE LEFT CHILE ILLEGALLY TO FILE A PETITION WITH A CHILEAN CONSUL, IF THEY SEEK TO RETURN, AND TO PROMISE TO REFRAIN FROM POLITICAL ACTIVITY. THE INTERIOR MINISTRY REVIEWS ALL PETITIONS AND, IN NEARLY ALL CASES, THE COURTS HAVE UPHELD INTERIOR MINISTRY DECISIONS BARRING INDIVIDUALS FROM RETURNING. THE GOVERNMENT HAS RELEASED NO CURRENT FIGURES ON PETITIONS ACTED UPON BUT LOCAL IN-COUNTRY REPRESENTATIVES -OF INTERNATIONAL REFUGEE ORGANIZATIONS ESTIMATE THE YEARLY NUMBER OF RETURNEES AT 800-1,000 PERSONS. IN ITS 1982 REPORT, THE INTER-AMERICAN HUMAN RIGHTS COMMISSION NOTED THAT WHILE THE NUMBER OF CHILEANS EXILED HAS DECREASED OF LATE, THE PRACTICE CONTINUES AND IS A VIOLATION OF THE INTER-AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN.

IN LATE OCTOBER 1982, PRESIDENT PINOCHET ANNOUNCED THE FORMATION OF A HIGH LEVEL COMMISSION TO REVIEW CASES OF EXILES. THE STATED PURPOSE OF THE REVIEW WAS TO ALLOW THE RETURN OF ALL CHILEANS IN EXILE WHO ACCEPT THE LEGITIMACY OF THE CURRENT GOVERNMENT AND THE 1981 CONSTITUTION AND WHO RENOUNCE THOSE ACTIVITIES WHICH LED TO THEIR EXILE. IT IS

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ESTIMATED THAT FROM 10,000 TO 30,000 CHILEANS LEFT THE COUNTRY VOLUNTARILY OR INVOLUNTARILY FOR POLITICAL REASONS.

CHILE HAS ACCEPTED A FEW REFUGEES IN RECENT YEARS AND MAKES REGULAR, MODEST FINANCIAL CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AIDING REFUGEES.

E. FREEDOM TO PARTICIPATE IN THE POLITICAL

PROCESS

CHILE IS RULED BY A MILITARY GOVERNMENT HEADED BY A POWERFUL PRESIDENT WHO HAS THE SOLE EXERCISE OF EXECUTIVE POWER. PORTIONS OF THE 1980 CONSTITUTION, INCLUDING PROVISIONS RELATING TO POLITICO-CIVIC RIGHTS AND PROTECTIONS, AS WELL AS ELECTIONS, WILL NOT GO INTO EFFECT UNTIL 1989. THE JUNTA HAS LEGISLATIVE AUTHORITY, SUBJECT TO PRESIDENTIAL APPROVAL. PARTISAN POLITICAL ACTIVITY IS LEGALLY BANNED. IN 1973, THE GOVERNMENT PERMANENTLY DISSOLVED THE PARTIES FORMING THE UNIDAD POPULAR POLITICAL FRONT AND ALL OTHER MARXIST PARTIES. A 1977 DECREE LAW INDEFINITELY DISSOLVED ALL REMAINING PARTIES. THERE WAS UNIVERSAL SUFFRAGE IN THE SEPTEMBER 1980 PLEBISCITE AND VOTING IS REQUIRED BY LAW, BUT NO ELECTIONS ARE SCHEDULED UNTIL CONGRESSIONAL VOTES IN 1990. OPPOSITION ELEMENTS CRITICIZED THE ABSENCE OF ELECTORAL REGISTERS OR OTHER ACCEPTABLE SAFEGARDS DURING THE 1980 PLEBISCITE, AND THEIR INABILITY TO PUBLICIZE FULLY THEIR OBJECTIONS TO THE PROPOSED CHARTER. FREEDOM HOUSE, IN ITS 1981 REPORT, CLASSIFIED CHILE AS "PARTLY FREE."

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NOTWITHSTANDING THE FORMAL BAN ON POLITICAL ACTIVITY, THE NON-MARXIST PARTIES ARE ABLE TO OPERATE OPENLY ON A LIMITED BASIS. MARXISTS FOUND ENGAGING IN POLITICAL ACTIVITIES ARE GENERALLY DETAINED, EXPELLED OR INTERNALLY BANISHED TO A DISTANT TOWN FOR VIOLATING THE INTERNAL SECURITY CODE OR THE 1973 LAW PROHIBITING MARXIST ACTIVITY.

WOMEN FORM PART OF THE GOVERNING STRUCTURE, INCLUDING SOME WHO HOLD MINISTERIAL PORTFOLIOS. THE ONLY SIZEABLE MINORITY, THE MAPUCHE INDIANS, HOLD PUBLIC OFFICES ONLY RARELY BUT THAT IS CONSIDERED TO BE MORE THE RESULT OF CUSTOM, LACK OF EDUCATION AND GEOGRAPHIC ISOLATION THAN ANY DELIBERATE ATTEMPT TO EXCLUDE THEM FROM PUBLIC OFFICE. THERE HAVE BEEN NO PROBLEMS OF NATIONALITY, CITIZENSHIP OR STATELESSNESS IN RECENT YEARS. (PLEASE PROVIDE ADDITIONAL INFORMATION ON WOMEN IN POLITICAL AND PUBLIC LIFE.)

3. GOVERNMENT ATTITUDE REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED

VIOLATIONS OF HUMAN RIGHTS.

IN JULY 1978, THE GOVERNMENT ALLOWED MEMBERS OF A SPECIAL AD HOC WORKING GROUP OF THE UNITED NATIONS HUMAN RIGHTS COMMISSION (UNHRC) TO CONDUCT A VISIT TO CHILE. ALTHOUGH THE GROUP SUBSEQUENTLY DISBANDED, A SPECIAL RAPPORTEUR WAS APPOINTED TO SUBMIT HUMAN RIGHTS REPORTS ON CHILE TO THE COMMISSION AND TO THE UNITED NATIONS GENERAL ASSEMBLY. THE GOVERNMENT HAS OFFICIALLY COMMUNICATED TO UN AUTHORITIES YEARLY SINCE 1979 ITS OBJECTION TO AND REFUSAL TO COOPERATE WITH THE UNHRC'S SPECIAL

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RAPPORTEUR, CONTENDING THAT CHILE'S SPECIAL STATUS HAS NO LEGAL OR MORAL VALIDITY AND IS UNJUSTIFIABLE DISCRIMINATION AGAINST CHILE. THE GOVERNMENT HAS ALSO REFUSED TO COOPERATE WITH THE INTER-AMERICAN HUMAN RIGHTS COMMISSION.

IN 1978 AND 1980, THE GOVERNMENT ALLOWED VISITS BY DIRECT CONTACT MISSIONS FROM THE ILO TO CHECK ON ALLEGED ABUSES OF TRADE UNION RIGHTS, PARTICULARLY FREEDOM OF ASSOCIATION. WHILE THE CASES REMAIN PENDING, ILO REPORTS SPECIFICALLY NOTED THE COOPERATION OF THE GOVERNMENT IN THE INVESTIGATIONS.

IN THE YEARS FOLLOWING THE 1973 CHANGE OF GOVERNMENT, THE INTERGOVERNMENTAL COMMITTEE FOR MIGRATION BECAME ACTIVE IN CHILE, CONDUCTING A PROGRAM GIVING CONVICTED POLITICAL PRISONERS AN OPPORTUNITY TO SERVE OUT THEIR SENTENCES THROUGH EXILE IN LIEU OF PRISON. THE CHILEAN GOVERNMENT COOPERATED IN MAKING THIS PROGRAM POSSIBLE. INCLUDING THOSE DEPARTING FOR ECONOMIC REASONS AND WITH FAMILY MEMBERS, THE COMMITTEE MOVED SOME 20,000 PEOPLE OUT OF CHILE, THE VAST MAJORITY IN THE YEARS IMMEDIATELY AFTER 1973. AMNESTY INTERNATIONAL, THE LAWYERS' COMMITTEE FOR INTERNATIONAL HUMAN RIGHTS AND OTHER NON-GOVERNMENTAL ORGANIZATIONS HAVE EXPRESSED SPECIAL CONCERN OVER CHILE. ALTHOUGH THE GOVERNMENT CONTENTS THAT VIRTUALLY ALL OF THE REPORTS PRODUCED BY THESE FOREIGN ORGANIZATIONS EXAGGERATE OR DELIBERATELY DISTORT THE SCOPE AND VOLUME OF ABUSES, IT HAS PERMITTED VISITS BY THEIR REPRESENTATIVES. THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) ALSO REGULARLY VISITS CHILE.

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THE CATHOLIC CHURCH HAS TAKEN THE LEAD IN DEFENDING HUMAN RIGHTS AND SUPPLYING LEGAL COUNSEL TO THOSE ACCUSED OF POLITICALLY-RELATED CRIMES AND TO ALLEGED VICTIMS OF HUMAN RIGHTS ABUSES. THE CHURCH'S HUMAN RIGHTS GROUP, THE VICARIATE OF SOLIDARITY, MONITORS THE HUMAN RIGHTS SITUATION FROM CHURCH OFFICES SPREAD THROUGHOUT CHILE AND ISSUES MONTHLY REPORTS ON. THE VICARIATE HAS BEEN EFFECTIVE IN PROTECTING AND DEFENDING SIGNIFICANT NUMBERS OF PEOPLE OVER THE YEARS. ITS ACTIVITIES HAVE RESULTED IN VISIBLE TENSIONS BETWEEN THE GOVERNMENT AND THE CHURCH, AND DISAGREEMENT WITH THE CHURCH POSITION BY MORE CONSERVATIVE CATHOLICS. SOME CHURCH ACTIVISTS AND HUMAN RIGHTS LAWYERS HAVE BEEN ANONYMOUSLY THREATENED.

THE CHILEAN COMMISSION FOR HUMAN RIGHTS, NOW FOUR YEARS OLD, HAS ALSO PUBLICIZED ALLEGED ABUSES AND SPOKEN OUT STRONGLY AGAINST THEM, AS WELL AS ISSUING MONTHLY REPORTS ON THE HUMAN RIGHTS SITUATION IN CHILE. IT AND THE OTHER HUMAN RIGHTS GROUPS OPERATE OPENLY ALBEIT CAUTIOUSLY, IN CHILE. SOME MEMBERS HAVE EXPERIENCED HARASSMENT IN THE FORM OF ARRESTS AND SEARCHES. IN AUGUST 1981 THE COMMISSION'S PRESIDENT, JAIME CASTILLO WAS FORCED INTO EXILE AND HAS NOT BEEN PERMITTED TO RETURN.

A GROUP OF EIGHT ALLEGED MEMBERS OF THE PROSCRIBED CHRISTIAN;LEFT (IZQUIERDA CRISTIANA) POLITICAL ORGANIZATION, SENTENCED TO 541 DAYS OF EXILE IN AUGUST, INCLUDED TWO HUMAN RIGHTS COMMISSION OFFICIALS. HOWEVER, IN DECEMBER THE SUPREME COURT REVERSED THE LOWER COURT DECISIONS, ANNULLED THE EXILE SENTENCES OF EXILE AND PLACED THE EIGHT ON PROBATION.

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4. ECONOMIC, SOCIAL, AND CULTURAL SITUATION.

GOVERNMENT INTERVENTION IN THE CHILEAN ECONOMY REACHED A PEAK DURING THE ALLENDE YEARS (1971-1973)

WITH SERIOUSLY ADVERSE ECONOMIC RESULTS. THE PRESENT GOVERNMENT HAS INTRODUCED FREE MARKET-ORIENTED ECONOMIC POLICIES AND HAS TAKEN STEPS IN THE DIRECTION OF REDUCING THE ROLE OF THE STATE IN THE ECONOMY. MAJOR ECONOMIC POLICY CHANGES IMPLEMENTED BY THE PRESENT GOVERNMENT HAVE INCLUDED: OPENING THE ECONOMY TO FOREIGN COMPETITION, SELLING NATIONALIZED COMPANIES TO THE PRIVATE SECTOR AND REQUIRING THOSE COMPANIES REMAINING UNDER STATE CONTROL TO OPERATE MORE COMPETITIVELY AND WITHOUT SUBSIDIES. IT HAS ENDED PRICE CONTROLS AND GOVERNMENT REGULATIONS, REDUCED THE GOVERNMENT PAYROLL, AND ELIMINATED EXCESSIVE FISCAL DEFICITS. THE TAX SYSTEM HAS BEEN OVERHAULED, CAPITAL RESTRICTIONS LIBERALIZED AND DISCRIMINATORY TREATMENT OF FOREIGN INVESTMENT LARGELY ELIMINATED.

FROM 1976 UNTIL LATE 1981, THE CHILEAN ECONOMY ACHIEVED RAPID RATES OF GROWTH IN THE GROSS NATIONAL PRODUCT WHICH AVERAGED IN EXCESS OF SEVEN PERCENT PER ANNUM, PLUS STEADY PROGRESS IN REDUCING THE TRADITIONAL PROBLEM OF INFLATION, WHICH DECLINED TO ZERO BY MID-1981, AND SIGNIFICANT PROGRESS IN CREATING JOBS. PER CAPITA GNP REACHED \$2,160 IN 1980. BY MID-1981, HOWEVER, CHILE'S OPEN ECONOMY WAS SEVERELY BUFFETED BY THE ADVERSE INTERNATIONAL ECONOMIC CONDITIONS. EXPORT EARNINGS (PARTICULARLY

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COPPER RECEIPTS) FELL IN 1981 BY MORE THAN 20 PERCENT AND FINANCING REQUIREMENTS ON THE COUNTRY'S LARGE FOREIGN DEBT ROSE IN THE FACE OF UNPRECEDENTEDLY HIGH INTEREST RATES. ECONOMIC ACTIVITY THAT HAD BEEN TO SLIP IN THE LATTER PART OF 1981 AND THEN DECLINED PRECIPITOUSLY THROUGH MID-1982 BY WHICH TIME UNEMPLOYMENT HAD RISEN TO OVER 23 PERCENT. THIS HAS HAD SEVERE EFFECTS ON LARGE SEGMENTS OF THE POPULATION, IN CHILE AS ELSEWHERE.

IN AN EFFORT TO ALLEVIATE THE BURDEN-OF THE ECONOMIC DECLINE, THE GOVERNMENT INCREASED SPENDING ON SOCIAL PROGRAMS SUCH AS UNEMPLOYMENT COMPENSATION. IT HAS ALSO EXPANDED A MINIMUM EMPLOYMENT PROGRAM, ESTABLISHED A MODEST SUBSIDY FOR PRIVATE ENTERPRISES TO HIRE NEW WORKERS, INTENSIFIED LOW-INCOME HOUSING PROGRAMS AND INITIATED A NATIONWIDE PUBLIC WORKS PROGRAM. IN MID-1982, THE CHILEAN GOVERNMENT ANNOUNCED NEW HOUSING PROGRAMS TO STIMULATE EMPLOYMENT AND ADDRESS THE HOUSING PROBLEMS OF THE

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POOR. WHILE LIMITED, THESE PROGRAMS ARE AIMED AT LOWER INCOME GROUPS AND SHOULD HELP ALLEVIATE, TO CUSHION TO SOME DEGREE, THE SEVERE IMPACT OF THE ECONOMIC RECESSION.

FOR MANY YEARS, CHILE, WITH ITS 11,275,000 (1982) PEOPLE AND 1.7 PERCENT POPULATION GROWTH RATE, HAS HAD ONE OF THE MORE EXTENSIVE SOCIAL SERVICE NETWORKS IN LATIN AMERICA. THE PRESENT GOVERNMENT HAS MADE EFFORTS TO IMPROVE THIS NETWORK BY DEVOTING THE MAJOR PORTION OF ITS BUDGET (59 PERCENT IN MID-1982) TO SOCIAL EXPENDITURES. THESE HAVE REACHED THE HIGHEST-LEVEL IN CHILEAN HISTORY, MEASURED EITHER IN ABSOLUTE OR PER CAPITA REAL TERMS. AT THE SAME TIME THE GOVERNMENT HAS ATTEMPTED TO MAKE ITS SOCIAL PROGRAMS MORE EFFECTIVE BY FOCUSING ITS EFFORTS ON THE POOREST

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SECTORS OF THE POPULATION AND IT HAS DECLARED THE ELIMINATION OF "EXTREME POVERTY" TO BE A PRIMARY SOCIO-ECONOMIC OBJECTIVE. ESTIMATES OF CHILEANS LIVING UNDER CONDITIONS OF "EXTREME POVERTY" RANGE FROM 14 TO 23 PERCENT OF THE POPULATION.

HEALTH AND NUTRITION PROGRAMS HAVE LED TO REDUCTIONS IN THE INCIDENCE OF MALNUTRITION IN THE INFANTILE-POPULATION (SOME ONE MILLION CHILDREN UNDER SIX YEARS OF AGE) FROM 15.4 PERCENT IN 1975 TO 11.56 IN 1980. THERE HAVE BEEN STEADY DECLINES IN INFANT MORTALITY-FROM 71.1 PER THOUSAND LIVE BIRTHS IN 1972 TO A RATE OF 27.2 IN 1981. AVERAGE LIFE EXPECTANCY AT BIRTH HAS INCREASED FROM 64 YEARS TO 67.1 YEAR OVER THE SAME PERIOD. IN 1977 THE RATION OF CALORIE SUPPLY FOR CHILEANS RELATIVE TO NUTRITIONAL REQUIREMENTS WAS 109 PERCENT. EIGHTY-FOUR PERCENT OF THE POPULATION HAD ACCESS TO A SAFE WATER SUPPLY IN 1979.

THE GOVERNMENT HAS INCREASED FUNDING AT ALL LEVELS OF EDUCATION, PARTICULARLY FOR PRE-PRIMARY, PRIMARY AND INTERMEDIATE LEVELS. THE PRIMARY SCHOOL ENROLLMENT RATIO WAS 119 PERCENT IN 1979 (I.E. ENROLLMENT IN PRIMARY EDUCATION EXCEEDS THE -PRIMARY SCHOOL AGE POPULATION BY 19 PERCENT). THE ADULT LITERACY RATE IS HIGH AND ROSE FROM 88.1 PERCENT IN 1970 TO 94.2 PERCENT IN 1980. IN THAT YEAR, A SPECIAL ADULT LITERACY CAMPAIGN WAS INITIATED IN ORDER TO FURTHER INCREASE FURTHER THE LITERACY RATE.

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ALTHOUGH SCHOOL ATTENDANCE IS INTENDED TO BE COMPULSORY THROUGH THE EIGHTH GRADE, THE 4.33 AVERAGE NUMBER OF YEARS OF SCHOOL ATTENDANCE FOR THE TOTAL

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POPULATION IS LOW. GOVERNMENT PROGRAMS ATTEMPT TO IMPROVE THIS AVERAGE BY LINKING SPECIAL FAMILY WELFARE PAYMENTS FOR THE CHILDREN OF THE POOR TO SCHOOL ATTENDANCE. SCHOOL FEEDING PROGRAMS ARE ALSO VIEWED AS A MEANS OF ENCOURAGING SCHOOL ATTENDANCE AMONG THE POOR.

VESTIGES OF LEGAL DISTINCTIONS BETWEEN THE SEXES REMAIN IN CHILE. FOR EXAMPLE, THE LEGAL RETIREMENT AGE FOR WOMEN REMAINS FIVE YEARS LOWER THAN THAT FOR MEN. NONETHELESS, TRADITIONAL ATTITUDES TOWARD THE ROLE OF WOMEN IN SOCIETY HAVE BEEN CHANGING GRADUALLY OVER THE YEARS AND HAVE CONTRIBUTED TO THE REMOVAL OF SOME CONSTRAINTS ON A WOMAN'S ACCESS TO EDUCATION AND EMPLOYMENT. WOMEN NOW CONSTITUTE ROUGHLY 30 PERCENT OF THE LABOR FORCE AND 39 PERCENT OF THE UNIVERSITY STUDENT POPULATION. MIDDLE AND UPPER CLASS WOMEN GENERALLY HAVE GOOD ACCESS TO ENTRY-LEVEL PROFESSIONAL JOBS BUT WOMEN DO NOT OCCUPY A PROPORTIONAL SHARE OF UPPER LEVEL DECISION-MAKING POSITIONS. IN THE CURRENT GOVERNMENT, THERE IS ONE WOMAN CABINET MINISTER AND SEVERAL JUST BELOW THE MINISTERIAL LEVEL.

SIMILARLY, THERE IS NO LEGAL DISCRIMINATION AGAINST MINORITY GROUPS. THE DISTINCTION OF CHILE'S MAPUCHE INDIANS AS A MINORITY DEPENDS MORE ON ECONOMIC STATUS WHICH IS INFLUENCED BY EDUCATIONAL, CULTURAL AND RESIDENTIAL FACTORS RATHER THAN OFFICIAL POLICY. IN FACT, OFFICIAL, NON-DISCRIMINATORY POLICY TOWARD THE MAPUCHES, WHICH ENTAILS GRANTING INDIVIDUAL FAMILY LAND TITLES RATHER THAN MAINTAIN RESERVATION STATUS, HAS BEEN CRITICIZED FOR NOT RECOGNIZING CULTURAL DIFFERENCES. DAM

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