



SUMMARY 19/97
Part III

AUDIENCIA NACIONAL
JUZGADO CENTRAL DE
INSTRUCCION NUM. FIVE

NATIONAL COURT OF JUSTICE
CENTRAL COURT OF CRIMINAL
PROCEEDINGS NUMBER FIVE

MADRID

INTERNATIONAL LETTER ROGATORY

Central Court of Instruction
Number Five
National Court

D. BALTASAR GARZON REAL, JUDGE OF THE CENTRAL COURT OF
INSTRUCTION
NUMBER FIVE OF THE NATIONAL COURT LOCATED IN MADRID

TO THE COMPETENT JUDICIAL AUTHORITY OF THE UNITED STATES OF
AMERICA (U.S. ATTORNEY GENERAL) presents his compliments and has
the honour to inform you that this Court is now in charge of the
Summary instituted in July 1996 against Augusto Pinochet Ugarte
and others - for alleged offenses of terrorist actions, genocide
and torture -including murder, torture and kidnapping-. The
Central Court of Instruction Judge num. 6, D. Manuel García-
Castellón y García-Lomas, has decided on October 20, 1998, to
decline his jurisdiction on the said Summary. This decision has
been approved by the Plenary Session of the National Criminal
Court in its appeal writ of November 23, 1998.

On February 6th, 1997 a Rogatory Letter was sent to the Judiciary
Authorities of the United States. It was complemented on June
30th and September 28th of 1997.

Nevertheless, after that a series of limitations in the
fulfillment of the Rogatory Letters of the said Rogatory Letter
has been observed, it is necessary to send a complementary one
for the implementation of those
limitations as well as those aspects we will refer later.

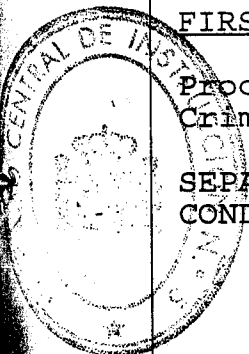
The representatives in those proceedings of the private and
popular accusations have asked to send this Rogatory Letter.

FACTS

FIRST

Proceedings: Summary 19/97
Crime: Terrorism, Genocide and others

SEPARATE ITEM III
CONDOR OPERATIVE





CENTRAL COURT OF INSTRUCTION NUMBER FIVE
NATIONAL COURT
MADRID

ADMINISTRACION
DE JUSTICIA

1. DECLARATION OF FACTS

I, BALTASAR GARZON REAL, Judge of the Central Court of Instruction number 5 of the National Court, DECLARE:

That AUGUSTO PINOCHET UGARTE, Chilean citizen, born in Valparaíso (Chile) on 25th November, with Chilean Identity Card number 1.128.923, married to Lucia Hiriart and father of five children - Inés Lucía, Augusto Osvaldo, María Verónica, Marco Antonio, and Jacqueline Marie - appears as accused in this Cause for the crimes of genocide, as defined in article 2 of the Convention for the Prevention and Repression of the Crime of Genocide of 9th December 1948, ratified by Spain and the United Kingdom, where it entered into force on 12th January 1951; and the crime of terrorism, developed through kidnappings, the taking of hostages followed by disappearances; and torture.

FACTS

FIRST: Augusto Pinochet Ugarte, born in Valparaíso, Chile on 25th November 1915, Chilean Identity Card No.1.128.923. Married to LUCIA HIRIART and father of Inés Lucia, Augusto Osvaldo, María Verónica, Marco Antonio, and Jacqueline Marie, at present detained for the purpose of extradition in London. On 11th September 1973 he headed a military coup whose result was the overthrow and death of the Constitutional President of Chile and the beginning of a most ferocious repression which extended from that date until 1990 reaching its climax in 1974 and 1975.

Mr. Pinochet Ugarte from his position of command, but in a different activity from the public function as President of the government council created and led in coordination with others who were responsible, military and civil, in Chile, the Argentine and other countries of the Southern Cone of the Americas a criminal Internacional organisation whose only purpose was to conspire, develop, and execute a systematic, criminal plan of illegal detentions, kidnappings, tortures followed by death, the forced displacement of thousands of people and the forced disappearance of some four thousand people of diverse nationalities - Chilean, Argentinean, Brazilian, Spanish, English, North-American, and others - for the purpose of achieving a series of politico-economic objectives which reaffirmed the bases of the conspiracy and instilled terror in the population as they witnessed the systematic elimination of all their leaders who were not in agreement with and were opposed to the criminal plan which had been designed.



MINISTERIO DE JUSTICIA

In this way the main aim of the conspirator was the partial destruction of the own national group of Chile composed by the ones who were opposed to them through the selective elimination of each sector leaders who integrated the group, through the arrest, kidnapping followed by disappearance, execution and tortures which inferred the victims of the group serious physical and mental damages.

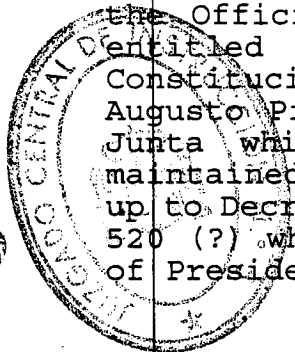
The criminal action was also addressed to the destruction of this group because their members were opposed to the official religious setting out of the government council, as it happened to the named "christians by the socialism" that they were utterly eliminated. As well as distorting the non theistic beliefs of the dominated group.

In the development of this criminal activity, different from the one carried out by the government he received the support and collaboration, as has already been said, of other Chilean military officers in positions of responsibility, such as Gustavo Leigh Guzmán, Manuel Contreras Sepulveda, Pedro Espinoza Bravo, Raúl Eduardo Iturriaga Newman, alias Luis Gutiérrez, and others from other countries within the framework of the so-called CONDOR Operative (Plan), designed for the physical elimination of political adversaries in any country which was a member of the Operative (Argentina, Chile, Paraguay, and Uruguay), or in any other in which they might be located, for example in Spain, the USA, Portugal, France, Italy, Costa Rica, through clandestine or open action, according to the country, of members of the Intelligence Services of Chile (DINA) or Argentina (SIDE) or military personnel who made special trips for the purpose.

SECOND: in the development of this criminal plan, Augusto Pinochet Ugarte, at the time Commander in Chief of the Army, on the 11th September together with others of the accused, while threatening armed force demanded at about 8.20 that the Constitutional President of the Republic of Chile Salvador Allende should surrender his command to the self-proclaimed and illegal @Junta of Commanders-in-Chief of the Armed Forces of Order@ (Junta de Comandantes en Jefe de las Fuerzas Armadas de Orden).

Faced with the refusal of the Head of State they attacked the Palacio de la Moneda @ the seat of the Presidency of the Republic @ by bombardment by artillery and planes, and at about 13.45 the infantry enters, finding the President dead.

On September 11th at night-time they constitute the @Governing Junta of Commanders in Chief of the Armed Forces and of Order@ (Junta de Gobierno de Comandantes en Jefe de las Fuerzas Armadas y de Orden) which was given expression in Decree Law 1/1973 dated 11.9.73, published in the Official Gazette (Diario Oficial) on the 18th of the same month entitled @Act of Constitution of the governing Junta@ (Acta de Constitución de la Junta de Gobierno) and there appears as its President Augusto Pinochet Ugarte although the effective powers are held by he Junta which will take decisions by unanimity. This situation is maintained by Decree-Law 527 of 17th June 1974 published on 26.6.74 and up to Decree-Law 806 of 17.12.74 which modifies article 7 of Decree-Law 520 (?) which refers to the President of the Junta holding the post of President of the Republic





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On the 11th September 1973, Augusto Pinochet, together with the other accused persons and in order to initiate the plan which had been drawn up, whose first step was completed with the military uprising orders the detention and subsequent disappearance @ they remain disappeared until the present day - of the following people, the majority of them co-workers (colaboradores) who were removed from the Palacio de la Moneda and taken to the Tacna Regimental barracks (Regimiento Tacna) where they were tortured and subsequently taken away to be, it appears likely, executed. Amongst them were 9 advisers and members of the Presidency of the Republic and 15 members of the G.A.P. (the President's Security Guard - Dispositivo de Seguridad del Presidente)

Jaime Barrios Meza, 47 years old, General Manager of the Banco Central and Adviser to the President;

Daniel Escobar Cruz, 37 years old, militant of the Communist Party, Head of the Cabinet (Gabinete) of the Subsecretary of Interior;

Egidio Enrique Huerta Corvalan, 48 years old, Intendant of the Palace;

Claudio Jimeno Grendi, 33 years old, sociologist, leader of the Socialist Party, adviser to the President;

Georges Klein Pipper, 27 years old, psychiatrist, leader of the Communist Party, adviser to the President;

Eduardo Paredes Barrientos, 34 years old, doctor, leader of the Socialist Party, adviser to the President

7. **Egidio Enrique París Roa**, 40 years, doctor, director of the Communist Party, presidential advisor.

8. **Hector Pincheira Nuñez**, 28 years, doctor, presidential advisor.

9. **Asensio Poupin Ossiel**, 38 years, lawyer, member of the Socialist Party Central Committee, presidential advisor;

10. **Manuel Castro Zamorano**, 23 years, journalist, member of G.A.P

11. **Sergio Contreras**, 40 years, journalist, member of the G.A.P.

12. **José Freire Medina**, 20 years.

13. **Daniel Gutierrez Ayala** 25 years.

14. **Oscar Lagos Rios**, 21 years, director of the Socialist Youth.

15. **Oscar Marambio Araya**, 20 years.

16. **Juan Mandiglio Murua**, 24 years.

17. **Julio Moreno Pulgar**, 24 years, orderly and telegraph operator.

18. **Jorge Orrego González**, 29 years;

19. **Oscar Luis Ramirez Barria**, 23 years;

20. **Luis Rodríguez Riquelame**, 26 years;

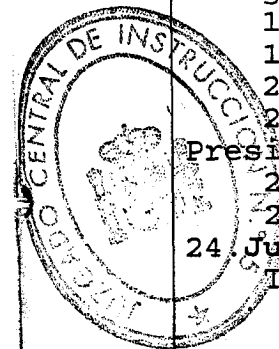
21. **Jaime Sotelo Ojeda** 22 years, Chief Presidential Escort;

22. **Julio Tapia Martínez**, 24 years;

23. **Oscar Valladares Caroca**, 23 years; and,

24. **Juan Vargas Contreras**, 23 years.

The last fifteen were members of the Socialist





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Party. All of them were bound hand and foot and transported in trucks from the Regiment to an unknown destination.

Another group of people, Socialist Party militants, was detained by the militarized police (Carabineros) at 8:45 on the day of 11.9.73:

25. Domingo Blanco Torres, 32 years;

26. Carlos Alfonso Cruz Zavalla, 30 years;

27. Gonzalo Jorquera Leyton, 27 years;

28. Enrique Ropert Contreras, 20 years, Socialist party militant, son of the Secretary of President Allende, Mirian Contreras

The last four detainees, were taken to the Santiago Administration (Intendencia) and from there to the Sixth station house of the militarized police (Carabineros). Their dead bodies, with the exception of Domingo Blanco, who remains missing, were found at the end of September on the bank of the Mapocho river, below the Bulnes bridge.

29. Antonio Aguirre Vázquez, 29 years; and,

30. Osvaldo Ramos Rivera, 22 years, members of the D.A.P., and socialist party militants, were taken from the Moneda Palace by the military to the Central Post where they disappeared by action of the military.

31. Francisco Lara Ruiz, 22 years; and,

32. Wagner Herid Salinas Muñoz, 30 years, both Socialist Party militants and members of the G.A.P. were intercepted in the outskirts of the city of Curicó the military which left them dead on the 5th of October 1973.

33. Guillermo Jesús Arenas Díaz, 25 years, accountant and socialist militant, taken to the Stadium of Chile and later to the National Stadium, remains missing;

34. Emperatriz del Transito Villagra, 38 years, housewife, disappeared while taking food to her husband;

35. Ivan Octavio Miranda Sepulveda, 28 years, mechanic, union leader, remains missing since 11.9.73;

36. Oscar Luis del Carmen Aviles Jofre, 28 years, municipal worker detained-- disappeared when he left the Moneda Palace where he had entered as a member of the security team for Minister Pedro Vúscovic. On the day of September 11 at 18:00 he was taken to the Tacna Regiment and secluded in a sector named Boxes where he was subjected to torture and maltreatment until 13.9.73, the date in which together with 26 or 27 other people bound hand and foot, he was taken from the regiment to an unknown destination. Subsequently, in 1994 his dead body was identified and the death certificate attributed the cause of death to thoracic trauma caused by bullets @in the public highway@ on the day of October 24, 1973;

37. Juan Garcés Portigliati, 20 years, member of G.A.P., disappeared at 8:40 in the proximity of the





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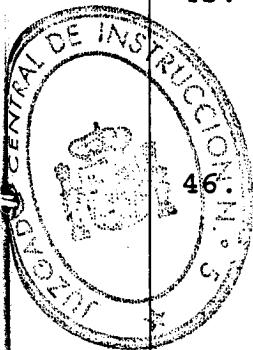
Moneda Palace, after he was detained by the militarized police (Carabineros) and taken together with others to the precinct of the Santiago Administration (Intendencia);

38. **Domingo Antonio Norambuena Inostroza**, 38 years, worker, detained and missing since this day (11th of September 1973) in the El Abanico Sector of the Province Bio-Bio, in the Monte Negro sawmill.
39. **José Adolfo Rojas Méndez**, 20 years, salesman, detained the 11 of September 1973 in Chillán around 21:00 in his house, by the military who took him to Infantry Regiment of Montaña no. 9, from where he was kidnapped and missing since 5:00 the next day; and
40. **Hector Daniel Urrutia Molina**, 22 years, Socialist Party Militant, student, member of the G.A.P., detained at 14:00 on the same day in the Moneda Palace by the military and taken to the Tacna Regiment, from where he was taken to an unknown destination; and,

THIRD: The repression and selective elimination of people of the same national group for ideological reasons, continued with the same or more virulence, and with more cold-bloodedness (frialdad) after September 12, 1973, according to the orders of the Government, consisting of, among others, Augusto Pinochet Ugarte, as President, Admiral José T. Merino Castro, Commander in Chief of the Navy, General Gustavo Leigh Guzman, Commander in Chief of the Air Force; and General Cesar Mendoza Durán, Director General of the militarized police (Carabineros), who continued to take decisions by unanimity until the 17 of December 1974, when August Pinochet was named President of the Republic (Law Decree 806 which modified Law Decree 527 on 17.6.74).

In this connection, the following names are cited:

41. **Benito Torres Torres**, 57 years, sanitary instalator, detained on 11.9.73 at 21:00 in Santiago by the militarized police (Carabineros) in his house, and killed the next day, his body found with a bullet in the thorax, abandoned in a place known as the Barrancos;
42. **Juan Manuel Lira Morales**, 23 years, employed and killed by a shot in the abdomen in the La Legua locality, by army; personnel
43. **Alberto Mariano Fonteta Alonso**, Uruguayan, 26 years, fisherman, detained 12 September, 1973, and has not appeared since;
44. **Julio Roberto Quintiliano Cordozo**, Brazilian, 29 years, engineer and communist party militant, arrested the 12 of September 1973 and taken to the Military School, where his track was lost
45. **Tito Guillermo Kumze Durán**, 42 years, employed, President of the Textile Burguer Union and socialist militant, detained by members of the 4th station house (Comisaría) of militarized police (Carabineros), and killed after being hit several times by bullets from a burst fired by one of the official members (funcionarios) of the group
46. **Drago Vinko Gojanovic Arias**, Chilean-Yugoslavian, 23 years, chauffeur for the embassy of the German Democratic Republic and communist militant. Detained 12.9.73 in his parents' house, he was then taken to his house which was searched,



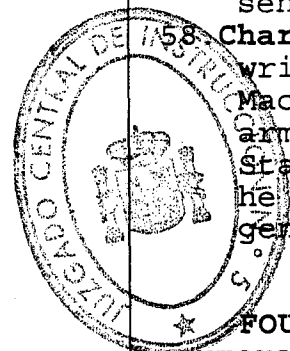


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after which the military took him to an unknown destination and he was later found dead with multiple wounds inflicted by firearms.

47. **Hugo Araya González**, 37 years, graphic reporter and socialist militant. Wounded by military fire when taking photographs on 12.9.73 and died.
48. **Luis Alberto Merchant Merchant**, 43 years, detained on the 13.9.73 in public by a military patrol, beaten by the military and taken in a vehicle, since when there has been no news of him.
49. **Ernesto Trambruan Riegelha.**(¿).. 49 years and communist militant, detained 13.9.73 in the early morning and taken to the 7th station house (Comisaria) and from there to the Ministry of Defence, since when there has been no news of him.
50. **Enrique Ernesto Morales Melzer**, 21 years old, chauffeur, death by bullet wound on 13.9.73 in the locality of José María Caro.
51. **Jorge Gutierrez San Martín**, 41 years, mechanic, death by bullet wound 12.9.73.
52. **Fernando Sofanor Flores Acevedo**, 42 years, bricklayer, died 13 of September 1973 in the locality of José María Caro, shot by a military patrol.
53. **Sócrates Ponce Pacheco**, 30 years, Ecuadorian, lawyer, detained on the 11 of September, by the militarized police (Carabineros) who transported him the Tacna Regiment. Taken to the Stadium of Chile, they called him on the loudspeaker at dawn on the 13 of September 1973 where he appeared dead in the outskirts of the stadium with eight bullet wounds.
54. **Gregorio Monica Argote**, 22 years, student and communist militant, was detained the 14 of September 1973 at his domicile by military troops, after having been liberated from the Stadium of Chile, and missing since.
55. **Herman Cea Figueroa**, 38 years, worker and communist militant, was detained the 11 of September 1973 in his workplace, and with many others, taken to the Stadium. On the 15 of September 1973 he was executed by the militarized police (Carabineros).
56. **Víctor Lidio Jara Martínez**, 40 years, singer, theater director and member of the Central Committee of Communist Youth, was detained between the 12th and 15th of September, 1973 by Army personnel. His body appeared on the 16 of September in the vicinity of the Metropolitan Cemetery together with five other bodies, amongst them the body of
57. **Littre Quiroga Carvajal**, lawyer, National Director of Prisons and communist militant, detained the 12 of September 1973 and sent to the Stadium of Chile 13. 9.73.
58. **Charles Edmund Horman Lazar**, 31 years, American, actor and writer. He was detained in his domicile in the Vicuña Mackenna sector on the 17 of September 1973 by a group of 5 army personnel. The same day he was confined in the National Stadium, where he was interrogated and tortured, after which he was executed on 18.9.73, his body being found in the general cemetery.

★ **FOURTH:** apart from those mentioned, in indicative form, the enumeration is continued of the victims who disappeared, were



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tortured or executed drawing on the Rettig Report and the Report of the National Corporation of Compensation and Reconciliation, grouped by sectors and differentiated in accordance with the periods which coincide with the appointment @ before and after @ of Augusto Pinochet Ugarte as President of the Republic on 17th December 1974, distributed in the headings which are shown on pages 9 to 297 of the Order of 3rd November 1998 proposing the extradition which is attached as an Annex 3.2.1. and which is taken as being reproduced to avoid reiterations

FIFTH: On 11th March 1974 the declaration of principles of the government of Chile was made known in which it was stated that the Junta considered that national unity was its most valued objective, and that it rejected any conception which implied and encouraged an uncompromising antagonism between social classes. The Government will exercise its principle of authority with energy, and will drastically sanction any outbreak of indiscipline or anarchy. The new order denotes the determination of governors to suspend and restrict public liberties, basing themselves on the basis of a certain concept of national security which implied the use of secret police organisms or of the armed forces themselves, repressing the parties, controlling trades unions activities and intervening in the Universities.

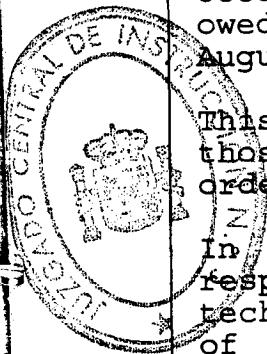
Within these dynamics the governing Junta created the Nacional Intelligence Directorate (DINA) by Decree Law 521 of 14th June 1974 and which took over from the Commission with the same initials and created in November 1973.

DINA, whose Director is designated by Supreme Decree is @ a military organization of technical-professional character, which depends directly of the governing Junta, and whose mission is will be that of bringing together all information at a national level, coming from different fields of action, for the purpose of producing the intelligence required for the formulation of policies, planning and for adopting measures whose purpose is to protect national security and the development of the country@

However, DINA depended directly on the President of the governing Junta until 17.12.74 and after that on the President of the Republic who in both cases was Augusto Pinochet Ugarte. Thus, there was no compliance with what was provided for in Decree Law 521 for the designation as Director of that organization of a General in service and the post of Executive Director was occupied throughout that period by Colonel Manuel Contreras, who owed loyalty and obedience, which was personal and absolute to Augusto Pinochet.

This criminal organization was destined to repress and eliminate those who were considered to be political enemies acting on orders emanating from the President.

In the period 1974-1977, DINA would be almost exclusively responsible for the repression which was carried out through the technique of the forced disappearance of persons. All these cases of detained-missing in this period were carried out on





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according to the same pattern of prior planning and central coordination @ designed by DINA in which agents were dressed in civilian clothes, were selected from the Armed Forces but acted outside the institutional command structure of those armed forces @ which revealed as a whole , a wish to exterminate certain categories of people; those to whom a leadership role was attributed of a political, religious, cultural, military, professional etc. Nature.

DINA was dissolved in August 1977 and was substituted by the National Centre for Information (CNI).

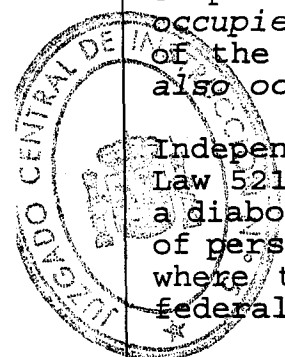
Simultaneously with DINA acted the so called Joint Command between the end of 1975 and end of 1976, principally in Santiago and is responsible for numerous disappearances.

Also active were the intelligence services of the distinct Armed Forces and Militarized Police (Carabineros) as for instance the SIFA (Intelligence Service of the Air Force, later called DIFA), the SICAR, the Intelligence Service of the Carabineros, and the SIN, Naval Intelligence Service, all of which were responsible for the forced disappearances, within the same general scheme of repression directed by the governing Junta.

As from the end of 1973, but especially as from 1974, DINA worked in the Argentine and later in other Latin American, and European countries and the USA. Between 1975 and 1976 a security organization was active created by the military officers in positions of responsibility at that time, amongst them Augusto Pinochet Ugarte, for cooperation in Intelligence Services in the Southern Cone, which included the services of Chile, Argentina, Paraguay and Uruguay for the purpose of developing joint activities of clandestine delivery of prisoners, kidnappings, disappearances, tortures and executions, lending logistical support, ceding facilities and centers of detention in which the representatives of the different participating Services, for instance the clandestine Detention Centre in Buenos Aires of Automotores Orletti, a true reception centre for Condor Plan prisoners.

SIXTH: As established by the National Commission of Truth and Reconciliation in its report on the repression in Chile, DINA, directed as from its creation, by Colonel Contreras is @an organism with faculties which are almost absolute@ which depends formally on the governing Junta@ although @in practice it responds only to the Presidency of the governing Junta @ the post occupied by Augusto Pinochet Ugarte @ and later to the Presidency of the Republic as from 17th December 1977@ @ a post which was also occupied by Augusto Pinochet Ugarte.

Independent of the specific functions of DINA specified in Decree Law 521, already referred to, what is certain is that it became a diabolic mechanism for disappearances, torture and elimination of persons, inside and outside Chile, especially in the Argentine where they made cooperation agreements with the SIDE and the federal police, which allowed the clandestine





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Transfer of prisoners particularly as from 24th March 1976, date of the military coup in the Argentine. It also established relationships with extremist organizations such as the Argentine @Triple A@, provided refuge to Cuban nationalists whom it later used to carry out attacks on Orlando Letelier and Ronnie Moffitt in Washington D.C.

Within the criminal activity of DINA and within the so called @Condor Plan@ are the 94 cases which are included in the Arrest Warrant on which this resolution is based and which are:

Edgardo Enrique Espinoza, a leading militant of MIR and brother of the deceased Secretary General of that party is kidnapped on 10th April 1976 in Buenos Aires (Argentina) when in the afternoon he goes out to a meeting of the Revolutionary Co-ordinating Junta (Junta Coordinadora Revolucionaria); he is put successively into the Argentine concentration camps El Olimpo, Campo de Mayo and the Navy Mechanics School (ESMA), close to the capital. According to the Rettig Commission this person enjoyed the protection of the UNHCR, was taken from the Argentinian detention centers to Villa Grimaldi in Santiago, and there has been no further news of him. Together with him was detained and remained disappeared the Brazilian citizen **Regina Marcondes** and various other people. On 23rd December 1975, that is four months before his capture, DINA had tried to tighten the circle around the MIR leader and various other people, ordering their agents abroad to bring him to Chile after capturing him. In addition a telex was put together which considered the mission as accomplished. The DINA depended directly on Augusto PINOCHET UGARTE

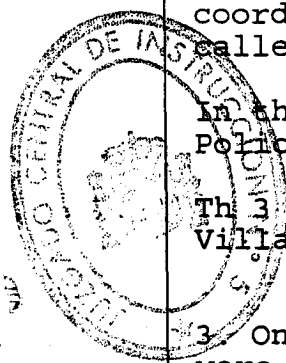
2. On 3rd April 1976 Luis Gonzalo MUÑOZ VELASQUEZ, ex-Secretary of the local section of the Socialist Party in San Bernardo and candidate for the post of Regidor, Juan Humberto HERNANDEZ ZASPE, ex-President of the Federation of Industrial and Technical Students (Feitech) and MANUEL JESUS TAMAYO MARTINEZ, sociologist, socialist leader, who worked in close collaboration with the members of the Central Committee of his Party, playing a liaison role between Carlos Lorca, Ricardo Lagos, also disappeared, and another socialist fraction, were detained together with other Chileans in the street in Mendoza.

The three were friends and had reached Argentina in the course of 1974, leaving Chile where they being sought for political reasons, they worked together in the company Modernflood of Mendoza and were in charge of reorganising a socialist coordinating body participating in the activities of the so-called Commission of consensus

In the military operative joint forces of the Argentine Federal Police and agents of the DINA.

The 3 detained persons were transferred overland from Mendoza to Villa Grimaldi at the end of April 1976.

3. On 15 April 1976 the following students and militants of MIR were detained in Buenos Aires: **Frida Elena LASCHAN MELLADO**,





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married to the Argentine student Miguel Angel ATHANSIU JARA and her recently born son **Pablo Athanasius Laschan**. The young couple had left Chile after 11th September 1973, after Frida Laschan an official of the CORA in Lautaro was detained by Carabineros in that city and charged by the military prosecutor's office. Both of them felt fear and that they were being watched in Argentina.

The Commission established the fact that this couple and their son were victims of forced disappearance in Argentina, in violation of their human rights, in the situation described above.

4. On 2nd July the detention took place in La Paz, Bolivia of the agricultural accountant **Julio del Transito VALLADARES CAROCA**. He was handed over, together with other Chileans, by the Bolivian authorities to the Chilean authorities in the Charaña frontier on 13 November 1976, and their track was then lost. The Ministry of the Interior recognized the detention and, although required to do so by the Court, refused to give the names of the agents who had detained them for reasons exclusively of security.

5. In the early morning of 16th July 1976 members of the Argentine Army detained in their apartment of the calle Cordoba in Buenos Aires the couple **Guillermo TAMBURINI and María Cecilia MAGNET FERRERO**. He, doctor of Argentine nationality, militant of the MIR, based in Chile for some years, who had fled from the repression unleashed after 11th September 1973. She, a Chilean militant of MAPU and a sociologist, had arrived in Buenos Aires at the end of 1973. Guillermo Tamburini was wounded by a bullet at the time of the arrest.

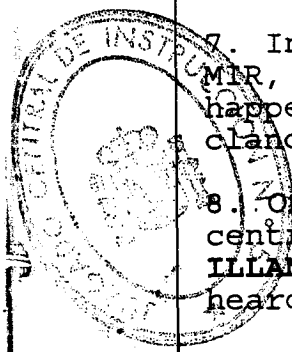
6. On 27th July 1976, 25 days after arriving in Argentina, **Luis Enrique ELGUETA DIAZ** was detained together with his companion and her sister, both of Argentine nationality. He had taken refuge in this country after being expelled from the School of Music of the University of Chile owing to his known participation in the MIR in Santiago.

Before leaving he left with a friend the address of a relation where they would stay in the Argentinian capital. His friend, Sergio Fuzalida, was detained in Santiago by the DINA on 28th June 1976, together with 6 other people, all of whom are disappeared.

The Rettig Commission established the victim, who was being intensely looked for in Chile after the action of the DINA which annihilated the group of his friends in Santiago was handed over to DINA agents in Buenos Aires.

7. In July 1976 **Miguel Ivan ORELLANA CASTRO**, militant of the MIR, who was exiled in Cuba, disappeared. The disappearance happened when the victim was on his way to Buenos Aires clandestinely to a political meeting.

8. On the 24th September 1976, the detention took place in the centre of Buenos Aires of the teacher **Rachel Elizabeth VENEGAS ILLANE**, militant of the MIR and from the moment nothing has been heard of her.





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9. In July 1976 the detention took place of **Patrick BIEDMA SCHADEWALDT**, the last of the MIR leaders linked to the Revolutionary Coordinating Junta which had been detected by the organs of security.

Of argentinian nationality but with residence fixed in Chile since 1968, the sociologist Patricio Biedma returned to Argentina after September 1973, owing to police persecution in Chile. He maintained his political activity within the Chilean MIR, working together with the principal leaders of the movement

There is evidence that Patricio Biedma was detained in a search in July 1976 in Buenos Aires and taken to various places amongst them @Automotores Orletti@, dependent on the SIDE @ the organism of state security with which the DINA maintained relations. In this place Patricio Biedma was interrogated by a Chilean military officer as is made clear in the testimony of various detained argentinians.

The fate of th sociologist is probably linked to that of Edgardo Enriquez and Jorge Fuentes. During their imprisonment Patricio Biedma Communicated with a witness his fear that he would be taken to Chile.

10. On 3rd August 1976 the detention took place in San Bernardo, before witnesses, of he militant communist **Eduardo Enrique HERNANDEZ CONCHA**, and nothing is known of where he was held or of his fate after his arrest.

11. On 10th January 1977 **José Luis APPEL DE LA CRUZ** was kidnapped by a group of armed civilian in a street of the city of Cipolletti, province of Neuquen, Argentina, before the eyes of his wife **Angelica DELARD CABEZAS** and of his daughter. Carmen Delard disappeared in the police station when she denounced the disappearance of her husband.

12. On 17th January, one week later, her sister **Gloria Ximena DELARD CABEZAS** was detained in her home in Buenos Aires together with her husband **Roberto CRISTI MELERO** and their two children. Gloria Delard was expecting her third child. The patrol of Federal Police agents took them to the Mechanics School of the Navy (ESMA) where they disappeared

The two sisters Carmen and Gloria Delard were students and militants of the MIR in the University of Concepción Persecuted in Chile after the 11th September 1973 they accepted the offer of a friend of the family, an ex army colonel, to help them to cross the frontier between Chile and Argentina, and settled in Neuquen and Buenos Aires respectively.

From the antecedents it appears that in the capture of the MIR leader there was participation of the Argentine security services who provided information about Jorge Fuentes@false passport

There are many testimonies about th presence of Jorge Fuentes in Villa Grimaldi where he was given some treatment for the scabies from which she was suffering at the same time that he was being tortured and subjected to degrading treatment



RACION
NOCIA

13. On 6th April 1977 he ex Director of Aeronautics at of the Chilean Air Force (FACH) **Jorge SAGAUTA HERRERA**, 51 years old, was detained by the argentinian security forces in the home of a friend in Buenos Aires. When they found in the course of a search a list of Chilean political prisoners he was taken away by agents who made him disappear.

14. On the 16th May 1977 th detention took place in Buenos Aires of the Swiss-Chilean student, **Alexei Vladimir JACCARD SIEGLER**, who had reached that country the day before, en route to Chile where he had planned to go next day.

According to information provided to the Commission, Alexei Jaccard was bringing with him money which he was to pay in when in Chile.

In the course of the same action, the detention took place of **Ricardo Ignacio RAMIREZ HERRERA**, responsible for the organisation and finances of the Communist Party of Chile in Buenos Aires and **Hector Heraldo VELASQUEZ MARDONES**, also a Chilean communist militant. The Chilean and Argentinian agents captured in one day the three Chilean citizens and five Argentinians who were members of the Chilean Solidarity Committee in Argentina who had provided shelter to those detained. The eight of them remain disappeared.

Alexei Jaccard is detained in the public highway and transferred to an area belonging to the Argentine Federal police where they were interrogated and then transferred to the Mechanics School of the Navy (ESMA) in Buenos Aires

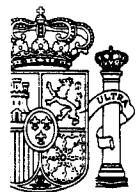
The particularly active role played by the DINA and the Government of Chile in this case began with the triple arrest in foreign territory with the complicity of the Argentinean security services and ends with th delivery of false information to the Swiss diplomats who were trying to find a Swiss national.

As regards Richard Ramírez th Chilean International Police provided false information to the Foreign Affairs Ministry of Argentina. Another report sent by the police to the Commission, concordant with the true facts, shows that the victim only traveled from Santiago to Germany in March 1976, date at which he was able to leave as a political exile in order to settle in Hungary.

Following the triple detention in Buenos Aires of the Chilean communist militants, the security agencies of Chile and Argentina used an arsenal of false documents and information to provide mutual cover faced with the pressure of the Swiss Government which insisted on knowing what had happened to one of their nationals in transit.

15. On 23rd May 1977 the detention took place of **Humberto CORDANO LOPEZ**, a nurse, member of the PC, exiled in Comodoro Rivadavia after 11th September 1973. The victim was detained on the day already mentioned close to the Hotel Céntrico of Comodoro Rivadavia. Member of the Chile Solidarity Committee of Argentina in this province, Humberto Cordano had made moves in support of detained Chileans and as a result he had been followed blatantly by DINA agents in this Argentine city.





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On 19th May 1977 the detention took place of **Oscar Lautaro HUERAVILO SAAVEDRA**, 23 years old, Chilean, living in Buenos Aires, employee, of no known militancy and of his Argentinian wife, **Mirta Monica ALONSO**, who was six months pregnant. This child was born in captivity and was recovered by his grandmother. The couple disappeared.

17. On 17th May 1977 the detention took place on the arrival of a flight on which they were traveling between Santiago and Buenos Aires, before posing the police control the Chilean couple formed by **Matilde PESSA MOIS** and **Jacobo STOULMAM BOERTNIK**, not militants and no political links

18. On 19th May 1977 the detention took place of **José Liberio POBLETE ROA**, member of the @Christians for Socialism@ community together with his wife of Argentinean nationality and his eight-month old daughter **Claudia POBLETE HLACZIK**. The couple and their daughter disappeared, and there are testimonies that speak of their presence in detention centers of el Banco and El Olimpo in Buenos Aires, where track of them was lost in 1979

19. On 11th September 1977 the detention took place in the neighborhood of Quilmes, Buenos Aires, Argentina of **Cherif Omar AINIE ROJAS**, student of chemistry in the University of that city, he had been living in Argentina since his childhood. The next day members of the Joint Armed Forces searched his home, taking with them his identity card.

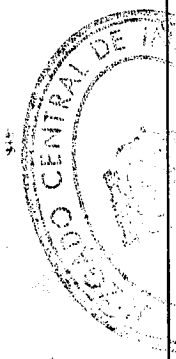
20. On 10th January 1978 the detention took place by Argentinian police of **Guido Arturo SAAVEDRA INOSTROZA**, student of the University of Buenos Aires and employee of Textil Gloria. He continues to be disappeared until today.

The young University student had kleft Chile after 11th September 1973 after having been detained in the Federico Santa Maria University of Valparaiso. The information available to the Rettig Commission enabled then to establish that he was the object of an illegal detention committed outside national territory by agents of the State of Chile or with their participation. In addition, they noted the high degree of communication existing between the security services of Argentina and Chile at that time.

21. In 1978 the detentions took place in Buenos Aires of the Chilean citizens **Raúl TAPIA HERNANDEZ**, **Jaime Nury RIQUELME GANGA** and **Luis ESPINOZA GONZALEZ**. They were exiles who were working legally in the Argentine and they disappeared in the context already referred to.

22. In April 1978 the disappearance took place of **Carlos Patricio ROJAS CAMPOS**, militant communist who had been persecuted in Calama and Tocopilla until 1977, when he took refuge in Buenos Aires, maintaining contact by letter regularly with his family. From that date there has been no news of him.

23. On 26th July 1978 the disappearance took place in Argentina of **Cristina Magdalena CARREÑO ARAYA**, militant communist. She had arrived in that country from Hungary at the beginning of the





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month. On the 24th of that month she revealed in the offices of CAS, part of the Catholic Church, that she worked in coordination with the UNHCR in th Federal capital and that she felt persecuted and asked for the status of refugee

24. On the 27th January 1979 the kidnapping took place of **Oscar Orlando OYARZUN MANZO**, militant of the Chilean PC, refugee in Argentina since 1974 by agents dressed in civilian clothes and killed in the outskirts of Buenos Aires.

25. On 19th February 1981 the detentions took place on the Chilean-Argentine frontiers in the sector of Paimún of **José Alejandro CAMPOS CIFUENTES**, student of nursing and **Luis QUINCHAVIL SUAREZ**, ex mapuche leader, both militants of the MIR, who tried to return to Chile clandestinely en the so called @Operation Return@. They had previously been condemned by Councils of War to penalties for the deprivation of liberty, which had been commuted by exile in 1975 whereby they were forbidden from returning to national territory.

The information which became known about these matters, related to the operation of the CNI resulted in the desarticulation of the guerrilla activities in the Neltume sector in 1981, led the Commission to establish that José Campos and Luis Quinchavil were detained by Argentine gendarmes on the frontier, who put them t the disposal of national security agents at the hands of whom they disappeared.

In addition, the following 11 people of Chilean nationality were illegally detained and are still disappeared:

Nelson Martín Cabello Pérez, 23 years, detained on 9th April 1976 in La Plata, Argentina together with his wife and brother-in-law

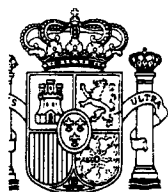
Oscar Julia Urra Ferrarese, 24 ears, detained at 13.30 on 22nd May 1976 in Buenos Aires, Argentina, together with his wife. Involved in this operation were staff of Aerolineas Argelinas. The couple were taken to the prison of Campo de Mayo and from there were taken to the military jail in Magdalena. The track was lost there.

Rafael Antonio Ferrada, 49 years, detained on 3rd August 1976 their home in San Martín, province of Buenos Aires, Argentina. His detention was denounced to the Court No. 2 of San Martín without obtaining response

José Francisco Pichulmán Alcapán, 20 years, detained on 12th August 1976 in his home in Neuquén (Argentina) by a group of military. According to witnesses he was seen for the 1st time by a guard on premises in Río Mayo

Juan Raul Pichulmán Alcapán, 24 years, detained on 27th January 1977 at his home in the locality of J.J. Gomez in Río Negro (Argentina) together with his wife by army staff, consisting of a group of 20 to 30 people who said they belonged to the "combined forces"





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Nelson Flores Ugarte, 28 years old, detained on 18th February 1977 in his home in Buenos Aires by a group of individuals heavily armed. The detention of this Chilean citizen was not recognized by the Argentine authorities, his whereabouts is not known

María Isabel Navarrete, 24 years, was detained on 17th May 1977 at the exit to the Faculty of Medicine

Reinaldo Miguel Pinto Rubio, 23 years, detained 18th June 1977 in Buenos Aires by a group of individuals. Resisted kidnapping but was shot and taken to Claypole station-house

Maria Angelica Pinto Rubio, 21 years, seen for last time in Buenos Aires on 10th February 1977. Apparently her detonations linked to that of her brother

José Luis de Maza Asquet, 27 years, detained on 1st November in the public highway in the city of Tucuman (Argentina) and disappeared. It has not been possible to determine his whereabouts

Juan Adolfo Coloma Machuca, detained on 11th December 1978 in Buenos Aires, together with his wife. Juan Adolfo Coloma, who was known as Hernán, was seen in a prisoners@camp in El Olimpo towards the end of 1979

Also the following people were kidnapped within the same organised scheme of physical elimination designed amongst others by Augusto Pinochet Ugarte

1976

Maria Eliana Acosta Velasco, of 34 years, Chilean nationality, was detained in La Plata Argentina on 28th September and interned in the detention centres known as BIM 3 and ARANA and disappeared in 1977

- Luis Adolfo Jaramillo Jaramillo, 42 years old, disappeared 26th November, Quilmes, Argentina

José Heriberto del Carmen Leal Sanhueza, 25 years old,, bachelor, university student, probably disappeared in Córdoba, Argentina

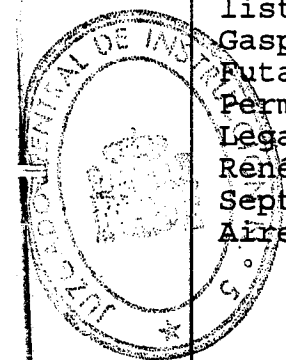
Luis Guillermo Guzmán Osorio, Chilean nationality, who disappeared in Argentina and who is listed by the permanent Assembly of Human Rights in that country

Enrique Lomas Pontigo, disappeared on 24th May in Buenos Aires, disappearance registered in UNHCR in Argentina

Luis Arnaldo Zaragoza Olivares, employee, detained in Argentina on 17th August, Argentina, disappeared since then as shown in lists of CONADEP and APDH of that country

Gaspar Medina Medina, 42 years old, detained 9th September in Futaleufú, Argentina, his disappearance is registered in the Permanent Assembly of Human Rights and in the CELS (Centre of Legal and Social studies of Argentina)

René Alejandro Moscoso Espina, fotograador detained on 15th September the factory where he worked GRAFFA S.A. of Buenos Aires, Argentina as registered by the Permanent Assembly of Human





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Rights and CONADEP

Salvador Cubillas Maturana, detained on 10th November in Buenos Aires, Argentina and disappeared on that date as shown in registers of APDH, of Argentina

Nora Mardikind of argentinian nationality married to Chilean Nelson Cabello, still disappeared

Susana Sola, argentine citizen married to Chilean Oscar Urrea and pregnant at the moment of her detention, still disappeared

Clara Haydée Fernandez, Argentine nationality married to Chilean Luis Elgueta, still disappeared since the date of kidnapping of her husband

Cecilia Maria Fernandez argentine nationality sister-in-law of the Chilean and disappeared since the same day as his disappearance

Esteban Badell, Argentine, married to Chilean M. Eliana Acosta, still disappeared since the same day that she disappeared

Julio Badell, brother of previous case and still disappeared since the same day that he disappeared

1977

Carmen Angelica Delard Cabezas, 24 years, 10th January, Cipolletti, Argentina

Maria Eugenia Escobar Silva, disappeared 18th February in Buenos Aires

Daniel Tapia Contardo, 26 years, detained 26th March in Buenos Aires, as registered in APDH and CONDEP

Hernan Leopoldo Caballero, 26 years, detained 26th March in Buenos Aires, data on files of APDH and CODP

Gastón Riquelme Cifuentes, detained 5th June, Argentina

Norma Riquelme Cifuentes, detained 5th June, Argentina, data files of APDH and CONADEP

Hernán Artemio Rojas Fajardo, plasterer, detained 7th June in Mar del Plata, Argentina and still disappeared, registered APDH and CONADEP

1978

Luis Alfredo Espinoza Gonzalez 25 years old detained 3rd December in Mendoza, Argentina, remains disappeared

Eduardo Kurt Fuentes, detained in January in Argentina according to files of APDH

Ester Elena Jimenez Torrealba, disappeared in January in Argentina, according to registers of UHCR, and remains disappeared

Rafael Eduardo Olloa Sanchez, detained in Argentine on 12th June, and still disappeared

Ruben Gomez Quesada, journalist, detained 30th December in Salta, Argentina since when still disappeared as shown in PDH

Susana Larubia, detained on 1st December in Buenos Aires and disappeared since then

1979

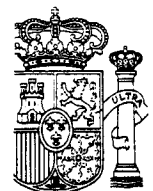
Juan Antonio Rodriguez, Chilean, detained 8th January in Mar del Plata, Argentina, since then still disappeared

Sylvia Lilian Almendras Zapata, disappeared in Argentine

Santiago Pedro Atellarra, disappeared in Argentina

Yolanda Barria Sntna, disappeared in Argentina

Omar José Ojeda Mer, disappeared in Argentina



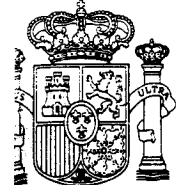
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Mario Juan Villa Colom, disappeared in Argentina
 Ricardo Lancelot Carvajal Vegas, disappeared in Argentina
 Gary Nelson Olomos Guzmán, disappeared in Argentina
 José Fernando Fanjul Maella, disappeared in Argentina
 Silvia Teresa Marambio Silva, disappeared in Argentina
 Angel Manuel Martinez Fernandez, disappeared in Argentina
 Luisa Aurora Arredondo Fernandez, disappeared in Argentina

SEVENTH: Within this same dynamic of action by the DINA are included those other cases which have occurred outside the frontiers of Chile and that are of two types but also included in the @Condor Plan@

1. Persons detained-missing in Chile whose documentation has appeared next to bodies found in Argentina

Date of disappearance	name	age
1. 27-MAYO-74,	Reyes González Agustín Eduardo,	23
2. 4-junio-74,	Cubillos Galvez Carlos Luis,	20
3. 15-junio-74,	Ziede Gómez Eduardo Humberto,	27
4. 17-junio-74,	Fioraso Chau Albano Agustín,	23
5. 18-junio-74,	Espinoza Méndez Jorge Enrique,	24
6. 25-junio-74,	Villarroel Gangas Víctor Man,	18
7. 8-julio-74,	Acuña Castillo Miguel Angel,	18
8. 8-julio-74,	Garay Hermosilla Héctor Marci,	18
9. 10-julio-74,	Toro Romero Enrique Segundo,	28
10. 10-julio-74,	Uribe Tamblay Bárbara Gabriela,	20
11. 10-julio-74,	Van Yurick Altamirano Edwin,	20
12. 13-julio-74,	Buzzio Lorca Jaime Mauricio,	21
13. 13-julio-74,	Alvarado Borgel María Inés,	21
14. 14-julio-74,	Contreras Gonzalez Abundio Al,	28
15. 15-julio-74,	Chacón Olivares Juan Rosendo,	29
16. 15-julio-74,	Elgueta Pinto Martín,	21
17. 15-julio-74,	Lara Petrovich Eduardo Enrique,	35
18. 15-julio-74,	Moreno Fuenzalida Germán Rodol,	25
19. 15-julio-74,	Villagra Astudillo José Caupol,	40
20. 17-julio-74,	Quiñones Lembach Marcos Esteb,	26
21. 18-julio-74,	Reyes Piña Daniel Abraham,	24
22. 19-julio-74,	Poblete Cordova Pedro Enrique,	27
23. 20-julio-74,	Guajardo Zamorano Luis Julio,	22
24. 20-julio-74,	Muñoz Andrade Leopoldo,	22
25. 23-julio-74,	González Pérez Rodolfo Valen,	19
26. 25-julio-74,	Ibarra Toledo Juan Ernesto,	21
27. 25-julio-74,	Núñez Espinoza Ramón Osvaldo,	20
28. 26-julio-74,	Chavez Lobos Ismael Darío	
29. 27-julio-74,	Olivares Graindorge Jorge Alejandro,	23
30. 29-julio-74,	Machuca Muñoz Zacarías Antonio,	22
31. 30-julio-74,	Alarcón Jara Eduardo Enrique,	49
32. 30-julio-74,	Lazo Lazo Ofelio de la Cruz,	43
33. 31-julio-74,	Chanfreau Oyarce Alfonso René,	23
34. 1-agosto-74,	Montecinos Alfaro Sergio Sebas,	28
35. 5-agosto-74,	Jorquera Encina Mauricio,	19
36. 6-agosto-74,	Andreoli Bravo María Angélica,	27
37. 6-agosto-74,	Dockendorff Navarrete Muriel,	22

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38. 15-agosto-74, Espejo Gómez Rodolfo Alejandro, 18
39. 15-agosto-74, Gaete Farías Gregorio Antonio, 24
40. 15-agosto-74, González Inostroza Galo Hernán, 27
41. 15-agosto-74, González Inostroza María Elena, 22
42. 16-agosto-74, Salcedo Morales Carlos Eladio, 21
43. 17-agosto-74, Cabezas Quijada Antonio Sergio, 29
44. 21-agosto-74, Arevalo Muñoz Víctor Daniel, 26
45. 22-agosto-74, Arias Vega Alberto Vladimir, 19
46. 22-agosto-74, Tello Garido Teobaldo Antonio, 25
47. 22-agosto-74, Espinoza Pozo Modesto Segundo, 32
48. 23-agosto-74, Aguilera Peñaloza Stalin Artu, 41
49. 24-agosto-74, Maturana Pérez Juan Bautista, 29
50. 24-agosto-74, Olmos Guzmán Gary Nelson, 34
51. 26-agosto-74, Bravo Núñez Francisco Javier, 24
52. 27-agosto-74, Binfa Contreras Jacqueline, 28
53. 28-agosto-74, Barría Araneda Antonio Arturo, 38
54. 29-agosto-74, López Díaz Violeta del Carmen, 40
55. 5-septiembre-74, Bustos Reyes Sonia de las Merc, 30
56. 6-septiembre-74, Chaer Vasquez Roberto, 21
57. 6-septiembre-74, Llanca Iturra Mónica Chyslaine, 23
58. 6-septiembre-74, Morales Chaparro Edgardo Agust, 38
59. 7-septiembre-74, Aedo Carrasco Francisco Eduardo, 63
60. 7-septiembre-74, Retamales Briceño Asrael Leona, 44
61. 10-septiembre-74, Perez Vargas Carlos Freddy, 25
62. 13-septiembre-74, Jara Castro José Hipólito, 24
63. 14-septiembre-74, De Castro López Bernardo, 36
64. 14-septiembre-74, Durán Rivas Luis Eduardo, 29
65. 14-septiembre-74, Lagos Hidalgo Sergio Hernán, 30
66. 14-septiembre-74, Merino Molina Pedro Juan, 20
67. 16-septiembre-74, Carrasco Díaz Mario Edrulfo, 18
68. 16-septiembre-74, Palomino Benítez Vicente Segundo, 30
69. 16-septiembre-74, Zúñiga Tapia Héctor Cayetano, 27
70. 17-septiembre-74, Villalobos Díaz Manuel Jesús, 22
71. 17-septiembre-74, Gallardo Agüero Nestor Alfonso, 24
72. 20-septiembre-74, Gajardo Wolff Carlos Alfredo, 34
73. 20-septiembre-74, Fuentes Riquelme Luis Fernando, 23
74. 23-septiembre-74, López Stewart María Cristina, 22
75. 25-septiembre-74, Calderón Tapia Mario Eduardo, 31
76. 25-septiembre-74, Salinas Argomedo Ariel Martín, 26
77. 3-octubre-74, Andrónicos Antequera Jorge Eli, 24
78. 4-octubre-74, Andrónicos Antequera Juan Car, 23
79. 7-octubre-74, Miranda Lobos Eduardo Francis, 27
80. 24-octubre-74, Martínez Hernández Eugenia del, 25
81. 30-octubre-74, Droully Yurich Jacqueline Paul, 24
82. 31-octubre-74, D'Orival Briceño Jorge Humb, 26
83. 31-octubre-74, Salinas Eytel Marcelo Eduardo, 31
84. 16-noviembre-74, Reyes Navarrete Sergio Alfonso, 26
85. 17-noviembre-74, Castro Salvadores Cecilia Ga, 23
86. 19-noviembre-74, Pizarro Meniconi Isidro Migue, 21
87. 25-noviembre-74, Arroyo Padilla Rubén David, 29
88. 26-noviembre-74, Silva Peralta Claudio Guillier, 23
89. 27-noviembre-74, Silva Camus Fernando Guillermo, 61
90. 27-noviembre-74, De la Jara Goyeneche Feliz, 24
91. 29-noviembre-74, Bueno Cifuentes Carmen Cecilia, 24
92. 7-diciembre-74, Palominos Rojas Luis Jaime, 23
93. 8-diciembre-74, Cid Urrutia Washington, 25
94. 9-diciembre-74, Bustillos Cereceda María Teresa, 25
95. 9-diciembre-74, Peña Solari Mario Fernando, 21



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96. 9-diciembre-74, Neira Muñoz Marta Silvia Adela, 29
97. 10-diciembre-74, Peña Solari Nilda Patricia, 23
98. 10-diciembre-74, Silva Saldívar Gerardo Ernesto, 23
99. 12-diciembre-74, Eltit Contreras María Teresa, 22
100. 12-diciembre-74, Ortiz Moraga Jorge Eduardo, 20
101. 12-diciembre-74, Radrigan Plaza Anselmo Osvaldo, 25
102. 13-diciembre-74, Herrera Cofre Jorge Antonio, 18
103. 14-diciembre-74, Labrador Urrutia Ramón Isidro, 24
104. 20-diciembre-74, Joui Petersen María Isabel, 19
105. 31-diciembre-74, Robotham Bravo Jaime Eugenio, 23
106. 1-enero-75, Martínez Meza Agustín Alamiro, 27
107. 2-enero-75, Marchant Villaseca Rodolfo Ar, 29
108. 6-enero-75, Urbina Chamorro Jilberto Patri, 25
109. 7-enero-75, Contreras Hernández Claudio En, 27
110. 7-enero-75, Sandoval Rodríguez M. Angel, 26
111. 10-enero-75, Flores Pérez Julio Fidel, 22
112. 18-enero-75, García Vega Alfredo Gabriel, 30
113. 29-enero-75, Molina Mogollones J. Enrique, 29
114. 7-febrero-75, Ugaz Morales Rodrigo Eduardo, 22
115. 13-febrero-75, Vasquez Saenz Jaime Enrique, 27
116. 14-febrero-75, Cortes Joo Manuel Edgardo del, 28
117. 14-febrero-75, Ríos Videla Hugo Daniel, 21
118. 14-febrero-75, Acuña Reyes René Roberto, 22
119. 20-febrero-75, Perelman Ide Juan Carlos

2. Acts performed in Europe, U.S.A., Argentina and Paraguay within the @Condor@ operations directed by the DINA under the orders of General Manuel Contreras and President Augusto Pinochet Ugarte.

1.- On September 30, 1974, in Buenos Aires (Argentina), the Commander-in-Chief of the Chilean army and Vice-President of the Republic, General Carlos PRATS GONZALEZ, and his wife Ms. Sofía CUTHBERT, Chiarleoni were killed by DINA agents, by an anti-tank bomb launched against their motor vehicle.

2.- In October 1975, in Rome (Italy) the Vice-President of Chile Mr. Bernardo Leighton, founder of the Christian Democrat Party, and his wife Ms. Anita FRESNO, were victims of an attack planned and executed by DINA agents in collaboration with agents of the Italian terrorist group AVANGUARDA NAZIONALE, and, in particular, Stefano delle Chiaie. Both survived with serious physical sequels.

3.- In 1975 DINA agents traveled to France to locate and follow the movements of Chilean exiles, specifically Senator Carlos Altamirano and to perform joint operations with criminal organisations operating in France (the Corsa Brotherhood).

4.- In November 1975, Augusto Pinochet met Stefano Delle Chiaie in Madrid one month after the latter perpetrated the attack on Bernardo Leighton in Rome.

5.- On September 21, 1976, in Washington D.C., the Chilean ex-Minister for Defence Mr. Orlando Letelier and a U.S. citizen, Ms. Ronni Moffit were killed by DINA agents who placed a bomb under

the former@s vehicle.

6.- In December 1976, an attempt was made to murder Senator Carlos Altamirano in Madrid by DINA agent William Townley and others. The agent had received the order by telephone from the head of the DINA, Pedro Espinoza Bravo. However, the agent did not carry out the action as he considered it @suicidal@ given the victim@s security measures.

7.- In the same period DINA agents traveled to Portugal to prepare attacks which were frustrated since preparations were discovered by the CIA.

8.- Guillermo Roberto Beausire Alonso, with British and Chilean nationality, an economics student, was detained on November 2, 1974 in Ezeiza Airport (Buenos Aires) by the Argentinean police who handed him over to the DINA who placed him in various detention centres, José Domingo Cañas Villa Grimaldi, Venda Sexy or la Discoteque, where trace was lost of him on June 2, 1975.

9.- Jean Yves Claudet Fernández, French-Chilean, was detained on November 1, 1975 in the Liberty hotel in Buenos Aires and quickly executed in Argentina by the DINA.

10.- Jorge Isaac Fuentes Alarcón, detained on May 16, 1975, together with Amilcar Santucho and taken to Asunción and from there to Villa Grimaldi where he arrived with sequels of the torture. He has been missing since then.

EIGHT: In August 1977, the DINA was dissolved and replaced by the *Central Nacional de Informaciones* (National Intelligence Bureau) (CNI), which until November 1977 initially retained the same structures and even the same personnel as the DINA. From November 1977 until the middle of 1980 the number of disappearances and deaths of victims of the repression fell. From 1980 onwards it reacted to the action of other armed organisations by more severe repression; while the number of disappearances dropped, those which did occur were performed on a much more selective basis affecting members of the Republican Left-wing Movement (MIR), FPMR and Communist Party (PC).

As in the case of its predecessor, DINA, the CNI is a government body located at the Ministry of the Interior, which performs intelligence work and acts unlawfully abroad in a manner similar to the DINA. In the aforementioned report most of the 160 deaths which occurred between 1978 and 1990 are attributed to it, other organisations of the Security Bodies and Forces also being engaged in repression, such as the Avenging Martyrs Commando (COVERMA) and the Directorate of Communications of the Militarised Police (Carabineros) (DICOMCAR).

NINE: As regards the methods of repression and, in particular, the performance of torture, abuse and mistreatment, the system was universal and widespread from the time of detention without deference to age or gender, but it was particularly intense in the case of certain groups such as the



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Jews.

I/ From the time of the military coup and in subsequent months, the treatment received by the detainees varied, and remained that way during the periods of detention in the detention centres, which operated with the authorisation and consent of the Governing Junta, presided over by Augusto Pinochet, using varied techniques, from simple violent and continuous blows causing fractures and bloodshed, as well as keeping the detainees prostrate on the ground or standing, naked, under constant light or with the head covered by a hood, sprayed upon, partitioned off, or in niches, in other words in narrow cubicles in which it was impossible to move; denial of food, water, clothing or similar needs; suspension by the arms in the air; semi-asphyxia by water, foul-smelling substances and excrement; the application of electricity to the testicles, tongue and vagina; systematic rape, simulations of shootings and other sophisticated methods of torture such as that known as the @pan de arará@ which consisted of the hanging of the body for a prolonged period.

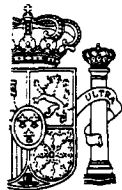
The following were the centres in which torture was most persistently performed: the old airport at Cerro Moreno, in Autofagasta; Ships owned by or under the control of the Naval Forces, in Valparaíso; Mariquiña Island and Fuerte Borgoño, in Concepción; the Maquelma Air Base at Tomingo, and various regiments, police stations, barracks and air centres and airships throughout the entire country, the National Stadium, the Chilean Stadium and the Santiago Air Force Academy, the Rahue police station in Osorno, or the Pisagua Prisoners@ Camp, in which Nelson Márquez Augusto, member of the Communist Party, was executed on January 18, 1974. The torture was so awful that he went mad, tried to escape and after being captured was executed.

The torture was supervised and directed by hooded doctors who attended the victims so that they did not die as a result of the torture.

II/ Between 1974 and 1977, the following detention and torture centres operated:

DINA Enclosures:

1. Tejas Verdes, 2. Cuatro Alamos. Persons not belonging to the DINA did not have access. There were a series of small cells for solitary confinement; 3. Londres no. 38, located in the centre of Santiago, this was the DINA@s most important detention and torture centre in which there were special devices designed for sessions of torture on the detainees. In this centre there was an area known as The Tower within which about ten compartments of 70x70 centimetres and two metres in height were built, with a low door so that one had to enter on one@s knees. There was a torture chamber in this Tower. Most of the detainees who went there were not seen return; another area was the @Chilean Houses@, wooden constructions, in which the individual had to remain standing. The @Corvi Houses@, little wooden drawers built within a large room in which one had to remain standing for several days.



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The torture sessions were performed by specialised agents, and other officials carried out the interrogation, but sometimes the former also participated.

The most usual method was @the grill@ consisting of a metal table on which the victim was laid naked and his extremities tied and electrical shocks were applied to the lips, genitals, wounds or metal prosthesis; also two persons, relatives or friends, were placed in two metal drawers one on top of the other so that when the one above was tortured the psychological impact was felt by the other; on other occasions the victim was suspended from a bar by the wrists and/or the knees, and over a prolonged period while held in this situation electric current was applied to him, cutting wounds were inflicted or he was beaten; or the @dry submarine@ method was applied, i.e. placing a bag on the head until close to suffocation, also drugs were used and boiling water was thrown on various detainees to punish them as a foretaste for the death which they would later suffer. 6. La Discoteque or la Venda Sexy; 7. Implacante, 8. Venecia Barracks, all in Santiago; 9. General Barracks at C/ Belgrano no. 11; and 10. Rinconada Maipu, both near Santiago; 11. DINA Clinics; 12. Colonia Dignidad, owner of the property or @El Lavadero@ where DINA agents performed torture and had various detainees disappear; 13. La Casa de Parral in the city of the same name, 14. Military Hospital and other areas of the Armed and Security Forces.

SIFA and Joint Commando Enclosures:

Among the most notable are the following:

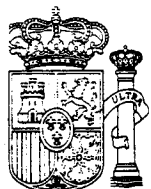
1. The Air Force Academy (AGA) from the end of 1973 to the end of 1974. The average number of detainees in 1974 ranged from 70 to 80. Torture was performed on the second floor or in the chapel, and consisted of placing splinters or other sharp objects under the nails, the @pan de arará@ hanging, hooded heads and blows of every kind. Among the persons who suffered these methods were General Bachelet and José Luis Baeza Cruces, member of the Central Committee of the Communist Party.

2. Casa de Apoquindo, in Santiago; 3. Cerrillos Hangar; 4. Nido 20; 5. Nido 18; 6. Remo Cero: Anti-air Artillery Regiment at Colina; 7. La firma.

III/ Between August 1977 and 1990, the CNI, DICOMCAR and COVEMA systematically performed torture on detainees on a more selective basis than the DINA. The main methods continued to be: electricity applied to sensitive areas of the body, immersion of the head in water until near suffocation and blows. The torture sometimes led to the victim@s death.

TEN: The following are given as examples of what was an entire system of torment, suffering and abuse:

1. A British Catholic priest Mr. Michael WOODWARD.



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The martyrdom of Father Woodward is summarised by the newspaper The Observer, in article by Jo Beresford on February 16, 1975; which is very accurate, according to an account by Claudio Herrera, exiled in England, who was detained with the priest.

Of the 800 prisoners on the boat, a dozen of them were priests. Miguel Woodward was considered by Naval Officers to be the most dangerous of the prisoners. He had belonged to a group called @Christian for Socialism@ and had worked for more than ten years in the poorest areas of Valparaíso, helping people to find work and organising classes for children.

The prisoners were tortured in groups. The sessions always began with a shower for the prisoners. Then, while they were still wet, electrodes were affixed to different parts of their bodies and electric shocks applied. Then they hurled their bodies against tables and they were flogged.

Fr. Woodward@s arms were broken in two by a hammer, and they beat his body until he was black all over. There was no food on the ship for days, although they sometimes fed them beans infected with worms. Fr. Woodward@s broken arms and ribs were left unattended, and he and the other priests were accused on accused of sleeping with women. He walked with his body damaged internally and eventually died.

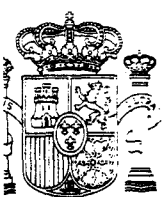
Other prisoners received less brutal treatment, but all of them received electric shocks and their elbows were systematically dislocated by the torturers.

2. Dr. Eduardo PAREDES BARRIENTOS, a medical surgeon by profession and adviser to the President of the Republic, Mr. Salvador Allende. He was detained on September 11, 1973 in the Presidential Palace together with others. He was driven at 6.00 p.m. to the Tacna Regiment, in two military vehicles. He remained in this Enclosure ... until ... 13. The members of the group, consisting of the advisers to the President of the Republic and members of the GAP (personal escort), with their hands and feet tied, were placed in military trucks and taken from the Regiment to an unknown destination. However, the military vehicle headed for Peldehue, to property allocated to the Tacna Regiment, where they were possibly executed and buried.

The remains of EDUARDO PAREDES BARRIENTOS were identified in July 1995 when a common grave was discovered in yard 29 of the general cemetery in Santiago. The autopsy revealed the torture to which he had been subjected after he was detained by agents acting for the State. They had fractured his vertebral column, pelvis, wrists, ribs, skull, and inflicted homicidal burns @with a blowtorch or flame-thrower- on the thorax, bodies, throat and part of the face, which left black marks on the bone structure, even on the teeth@.

- Gladys Nelida Díaz Armijo.

In 1973 the president of the union of journalists of Santiago. She was detained on February 20, 1975 together with



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Juan Carlos Parelman, who is missing since that date. She was taken to Villa Grimaldi, also known as Terranova, -through which approximately 3,000 persons passed and 800 of whom disappeared-. Ms. Díaz was detained in this centre for two years and three months. During the first three months she was subjected to sessions of torture by electric shocks for periods of three or four hours with intervals of one or two hours lying and tied on a metal grill. She did not receive any food or drink during the first three days. Later, a karate expert hit her and split four of her ribs, causing a broken eardrum and internal and external hemorrhaging. She lay dying for three days but she recovered sufficiently to be tortured again by hanging her from the roof by the hands during a day and a half while they gave her electric shocks.

Later they injected drugs, pentothal and curare into her for three months; by alternating the electric shocks, the interrogation and the supply of drugs, she suffered respiratory failure on two occasions. All the sessions were supervised by medical personnel in order to calculate the amount of electricity which she could bear. She lost 15 kilos as a result of the torture.

For three months she was only allowed to sleep one full night, and all other nights she was allowed to sleep a maximum of two hours. She was not allowed to wash or attend to her menstruation, and was locked in the Tower, which she had to enter by crawling like an animal with her eyes covered, handcuffed and with her feet chained.

While Ms. Díez was in Villa Grimaldi the agents beat 21-year old Cedomil Lausic to death with chains, making her and two other prisoners watch him dying for three days. Isidro Arias, a cellist of the Philharmonic Orchestra was executed by a shot in the head in the doorway of her cell.

Afterwards Ms. Díez was taken from Villa Grimaldi and when transferred to Tres Alamos was again tortured on three occasions.

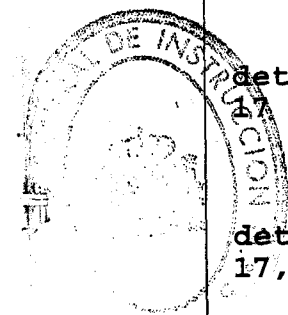
In 1975 they coincided with detainees in Villa Grimaldi called Michelle Peña, of Spanish nationality detained with Carlos Lorca, head of the Socialist Party, who was 8 months pregnant, and together with her, Carolina Witt, of Chilean nationality. The three are missing, including the child.

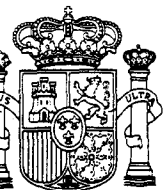
ELEVENTH: The cases of cruelty causing death to persons under 18 years of age must also be mentioned in this resolution:

A) Deaths with disappearance

In the areas of Laja and San Rosendo 19 persons were detained by the Laja Militarised Police between September 13 and 17, 1973. Among them were two minors:

- Mario Manuel BECERRA AVELLO, 18 years old. He was detained by members of the Laja Militarised Police on September 17, when he was about to take a train to Curacautín.





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- Juan Carlos JARA HERRERA, 17 years old. He was detained by Laja Militarised Police on September 17, 1973.

All were moved during the night of September 18, supposedly to the Los Angeles Regiment, where they never arrived.

On October 11, 1973, their bodies were discovered by locals in a sand pit in Fundo San Juan, located on the road between Laja and Yumbel. The Yumbel Court ordered the withdrawal of the bodies and their subsequent burial in Yumbel Parish Cemetery.

The Archbishop of Concepción filed criminal proceedings in the Criminal Court of Laja on July 24, 1979, against the Militarised Police of that town. The Court of Appeal of Concepción appointed a Circuit Judge. This allowed the victims to be identified and decided that they had been executed by the Laja Militarised Police on September 18 in the place where their remains were found.

On March 18, 1989, the Circuit Judge decided that he did not have jurisdiction and the case passed to the Ad hoc Military Prosecutor's Office of Concepción and was finally dismissed on June 9, 1980 by the judge of the 3rd Military Court. This dismissal was approved by the Supreme Court of December 3, 1981. An amnesty was given to the authors of the murders in 1978.

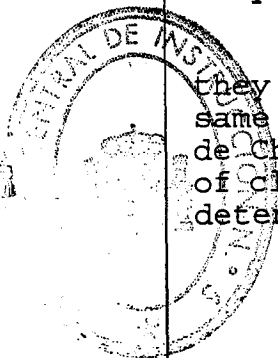
- On September 20, 1973, Roberto HUAIQUI BARRIA, 17 years old, was killed.

- This individual had left Lago Ranco on September 11, 1973 together with others in order to go to Argentina. When they were crossing the River Nilahue they were shot dead from a small aircraft piloted by civilians. The youth's body fell into the river and was dragged by the current and was never recovered.

- On September 24, 1973, members of the San Bernardo Infantry Regiment came to the El Escorial de Paine vineyard and detained four workers who were driven to a football stadium where they were forced to lie on the ground. They were moved to the Infantry regiment and were then bound and placed on a lorry bound for the Cerro de Chena detention centre. Among those arrested were the minors Héctor CASTRO SAEZ, 18 years old; Gustavo Hernán MARTINEZ VERA, 18 years old and Ignacio del Tránsito SANTANDER ALBORNOZ, 17 years old.

- On October 3, 1973, an operation was carried out in which three agricultural workers were detained in the locality of Paine. Members of the San Bernardo Infantry Regiment moved them to the Cerro Chena Detention Centre. Among them were Carlos Manuel ORTIZ ORTIZ, 18 years and Victor Manuel ZAMORANO GONZALEZ, 18 years.

In December the Forensic Service informed relatives that they had been buried in yard 29 of the General Cemetery. On the same date locals discovered human remains in the area of Cuesta de Chada. The relatives managed to identify most of the remains of clothing which the detainees were wearing on the date of their detention. The remains were sent to the Forensic Service.





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In September 1990, the Judge of the Court of Appeal, Germán Hermosilla, constituted this Department to identify the remains which were not identified since 1974. Among the bodies recognised were Héctor Castro Sáez and Victor Manuel Zamorano González.

- On October 3, 1973, the brothers Juan Enrique Rodríguez Aqueveque, 20 years old and Florentino Aurelio Rodríguez Aqueveque, 17 years old.

Days later the family found the body of Juan Enrique in the Forensic Institute. The protocol of the autopsy states that another person was found in the same place and was not properly identified from which it may be presumed that it was Florentino Aurelio. Both bodies showed multiple bullet wounds.

- On October 7, 1973, eleven persons belonging to three families of peasants in the Isla de Maipo section were detained in their respective residence by Militarised Police. Although the agents did not have a detention order, their homes were searched, the family members frightened and in some cases unnecessary violence was inflicted. The detainees were moved to the Lieutenant@s Headquarters of Isla de Maipo.

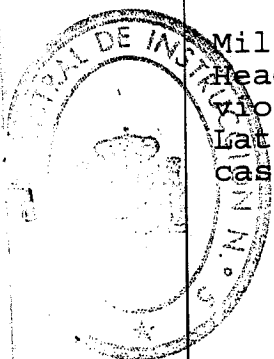
On the same day, four youths were found in the Isla de Maipo Square by Military Police, and were moved to the same Lieutenant@s Headquarters, among them two minors José HERRERA VILLEGAS, 17 years old and Iván ORDÓÑEZ LAMA, 17 years old.

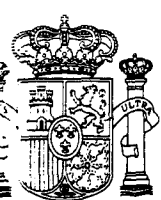
The search by relatives was unsuccessful. However, an anonymous report of which the Catholic Church became aware at the end of 1978 informed of the existence of human remains in an abandoned mine in Lonquén. A judicial investigation was commenced by the Circuit Judge Adolfo Bañados.

On April 4, 1979, the Circuit Judge issued a resolution declaring himself incompetent to continue to hear the proceedings and the case was sent to the Second Military Court of Santiago. This resolution contained various recitals in which it was established that the bodies buried in the lime pit were those of the fifteen detained on October 7, 1973, in Isla de Maipo and the death of these persons was due to the @interference and direct responsibility@ of the Chief of the Lieutenant@s Headquarters at that time, @without prejudice to the fact that others under his command may be affected...@

Subsequently, the Military Prosecutor@s Office accused the Militarised Police Officers serving at the Lieutenant@s Headquarters at Lonquén of committing the offence of unnecessary violence causing the death of the detained already identified. Later judgment was delivered totally and finally dismissing the case against the accused of the offence of unnecessary violence.

- Eliseo Maximiliano TROCANAO VALENZUELA, 18 years old.





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He was detained on October 10, 1973 in the area of Trafún during a joint operation by uniformed and civilian personnel and taken to the Villarica bridge on the River Toltén, where he was executed. His body was never found.

- Modesto Juan REINNATE RAIPAN, 18 years old.

He was detained on October 10, 1973 in the area of Trafún during a joint operation by uniformed and civilian personnel and taken to the Villarica bridge on the River Toltén, where he was executed. His body was never found.

Deaths by execution

- On September 12, 1973, Mercedes del Pilar CORREDERA REYES, 8 years old, died in Santiago a victim of bullet in the left knee.

- On September 14, 1973, Santiago Angel Gabriel MOYA ROJAS, 15 years old died.

The victim was going home with a friend before curfew, met a military patrol which detained them and they submitted. Later they ordered them to run and they shot them. The victim died instantly.

- On September 14, 1973, Claudia Andrea VALENZUELA VELAZQUEZ, 6 years old, was executed in Talca. In the same circumstances his parents were killed and his two younger brothers injured.

The background information collected by this Commission shows that the house was raided in the night by the Militarised Police and the victims were executed inside.

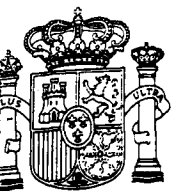
- On September 16, 1973, Ricardo del Carmen SEPULVEDA BRAVO, 16 years old, was executed together with his two brothers in Los Nogales (Santiago).

The police officers entered by force the residence of the persons affected beating the occupants and raiding the dwelling. They took the three brothers to the corner. There they executed them in the presence of witnesses.

- On September 18, 1973, members of the Militarised Police detained Gabriel Marcelo CORTEZ LUNA, aged 17, at his home. He was moved to the Second Police Station at Chillán. A month later the family discovered that he had been buried in the cemetery. He was disinterred and identified by relatives. The body was found to have bullet holes in the head.

On September 19, 1973, Luis Gilberto MATAMALA VENEGAS, aged 16 was executed.

Members of the Militarised Police of the San Joaquín Lieutenant's Headquarters forcefully took the youth to Isabel Riquelme de Santiago. Without even asking him his name, they



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shot him, leaving him seriously wounded and withdrew immediately. He died when he was moved to the Red Cross.

- On September 19, 1973, Segundo Enrique THOMES PALAVECINOS, aged 15, died.

That day the youth took a bus which was intercepted by the Militarised Police who detained all the male passengers.

The body found on the public highway showed multiple bullet wounds, as stated in the death certificate.

- On September 19, 1973, Ernesto Manuel MORENO DIAZ, 18 years, died in Tocopilla.

On September 18, he had been detained together with another youth by the Militarised Police in order to be moved to the Police Station there.

The next day their bodies were delivered to the city's Hospital Morgue, and the explanation was given that the death occurred in the course of an escape attempt. The state of the bodies showed that the youths had died as a result of blows and bullet wounds.

The Commission for Truth and Reconciliation concluded that the death of both detainees constituted a totally unlawful execution for which agents of the State were responsible.

On September 21, 1973, Santiago Patricio Enrique MANRIQUEZ NORAMABUENA, aged 17, was executed in Santiago.

On the previous day he was detained by the Militarised Police of the Fourth Police Station, who also raided his house and took away books.

On September 22, 1973, the youth's body was located with multiple bullet wounds. Beside the body were the books which the captors had taken from the minor's residence.

- On September 21, 1973, Military Police from the Walker Martínez de Santiago Police Station, detained three persons in their homes, including Manuel José GONZALEZ ALLENDE, aged 16.

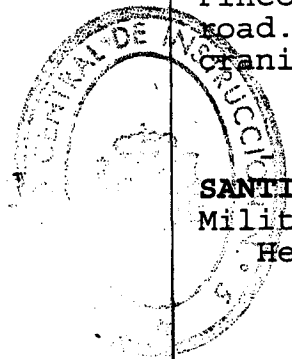
According to witnesses, the uniformed personnel were inebriated and during the detention raided the house of the persons in question. The following day the victims' relatives found their bodies on the banks of the River Mapocho.

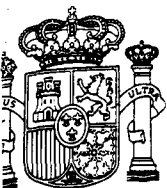
- On September 23, 1973, Santiago Fernando Isidro VERA ORTEGA, aged 18, was executed.

He had been detained in his home in La Pincoya in the course of a collective raid on dwellings. All the detainees were taken to the town stadium and then to a Militarised Police unit in La Pincoya. Later his body was found on the General San Martín road. The date of his death is September 23. His body showed cranial and thoracic bullet wounds.

On September 24, 1973, Roberto Hernán CACERES SANTIBAÑEZ, aged 16, was executed after being detained by Militarised Police personnel.

He was taken to the Fourth Militarised Police Station. Days





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later his body, sent by the Military Prosecutor's Office was found in the Forensic Institute, showing multiple bullet wounds.

- On September 27, 1973, a minor Juan Patricio PALMA RODRIGUEZ, aged 17, died in Santiago.

The person in question had disappeared near his home on September 11, 1973, in the course of an operation in which various persons were detained. The youth's body appeared near the Metropolitan Cemetery and the cause of death was a bullet wound. The victim's body was never seen by the family and was buried in yard 29 of the General Cemetery in Santiago.

- On September 28, 1973, Omar Enrique BALBOA TRONCOSO, aged 18 and Patricio Humberto PARRA QUINTILLA, aged 14 died.

They were executed after being detained in their homes in Villa La Cisterna No. 1 by Air Force members belonging to the EL Bosque Air Base.

The Forensic Institute informed their relatives that the bodies of both had appeared at the side of the Metropolitan Cemetery with multiple bullet wounds and that they were buried in yard no. 29 of the General Cemetery.

- On October 1?, 1973, Miguel Angel RIOS TRASLAVIÑA, aged 16, Rogelio Gustavo RAMIREZ AMESTICA, aged 18, and Marco Orlando RIOS BUSTOS, aged 15, were executed after being detained by a military patrol in an establishment where they played @taca-taca@.

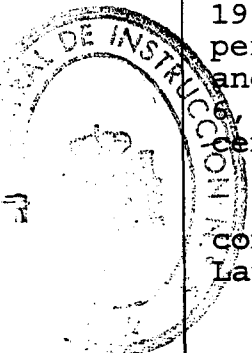
The youths were taken out to the street in the presence of neighbours. They were beaten by uniformed personnel and forced to run, and two of them were peppered with bullets then. The third continued running until he reached the Iquique bridge, where he was killed by another patrol.

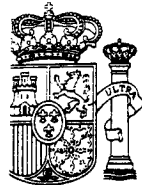
- On October 5, 1973, Luis COTAL ALVAREZ, aged 15, was executed in Angol. Group No. 64 of the military authority informed that they had shot two terrorists who attacked the barracks.

The military detained him on a public highway during curfew. According to witnesses, both detained were driven to a warehouse under construction where they were beaten and executed by various shots from firearms. The bodies were abandoned that night and collected the next night by a military vehicle. They were never handed over to their relatives.

- On October 6, 1973, Héctor Enrique HERNANDEZ GARCES, aged 17, was killed. He was detained by the military on September 27, 1973 in his home. In the course of a military operation performed in la Maestranza de Ferrocarriles de San Bernardo, another 10 persons were detained. All were executed on October 6, 1973 by members of the army in the Chena Cerro detention centre by multiple shots.

- On October 8, 1973, a patrol arrived at his home, consisting of members of the Army and Militarised Police of Lautaro accompanied by a civilian from the area arrived at the





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home of Julio Augusto ÑIRIPIL PAILLAO, aged 16,. They executed him in the yard; his mother collected the body and buried it. His death was not officially certified.

- On October 9, 1973, in the district known as @Baños de Chihúío@, Army personnel killed 17 people, among them the minor **Fernando Adrián MORA GUTIERREZ**, aged 17.

That day a military convoy formed by members of the @Cazadores@ and @Maturana@ Regiments, both based in Valdivia, consisting of various jeeps and trucks and approximately 90 persons, undertook a journey to the southern part of the Maderero Panguipulli Complex.

In the districts of Chabranco, Curriñe, Llifén and Futrono, the military detained peasants in their homes and places of work or received them from the hands of the Militarised Police. By night they drove them to a country estate, owned by a civilian, called @Baños de Chihúío@. The prisoners were taken about 500 metres from the house on the estate, where they were executed.

The next day a witness identified various victims there and noted that most of the bodies had cuts on their hands, fingers, stomach and throat their throats had been cut and their testicles cut off, but here were no signs of bullet wounds.

The bodies of the executed remained at the scene of the execution for several days, covered only by some branches and tree trunks. They were buried about fifteen days later by military personnel in graves of varying dimensions.

On a date which could not be determined, but sometime at the end of 1978 or the beginning of 1979, civilians went to the house on the Chihúío estate and demanded that the owner show them where the graves were located. These civilians, as well as others who accompanied them, dug for a whole night in the place where the graves were situated and moved the remains to another unknown place.

On October 13, 1973, Héctor Eugenio ARRAYA GARRIDO, aged 18, was executed.

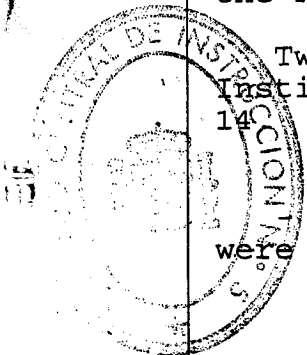
That day together with another he had been detained by Army personnel belonging to the Yungay Regiment, who carried out an operation in La Pincoya 1. According to our testimony, he was imprisoned in the enclosure where the Fifth Ordinary Regiment was quartered.

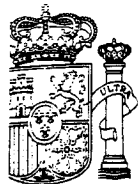
The next day his body was located in the Forensic Institute. It showed multiple bullet wounds to the cranium and thorax.

- On October 13, 1973, Victor Iván VIDAL TEJEDA, aged 16, died. He had been detained by military personnel in La Pincoya who took him to the town stadium and later presumably to where the Fifth Ordinary Regiment was quartered.

Two months later his mother found a file in the Forensic Institute on her son, who had been transferred there on October 14.

In the early morning of October 14, 1973, eight persons were executed by Militarised Police personnel. Among them were





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Elizabeth LEONIDAS CONTRERAS, aged 14, who was pregnant and Jaime Max BASTIAS MARTINEZ, aged 17.

On October 13, 1973, Militarised Police patrol detained a group of people in the presence of witnesses. They were taken to the 20th Police Station of Puente Alto and later to the 4th Police Station in Santiago.

On October 14, 1973, they were placed on a jeep and taken to the banks of the River Mapocho as far as the Bulnes bridge. There, in the presence of witnesses, they forced them to leave the vehicles. They shouted to them to start running and immediately began to shoot them.

On October 15, 1973, Sergio Manuel CASTRO SAAVEDRA, aged 15, was executed.

That same day he had been detained at his home in the Renca commune, by Army and Militarised Police Personnel.

The body appeared on Quilicura hill, in a place very near to the place of detention, showing a bullet wound in the abdomen.

14 persons were executed in Antofagasta on October 19, 1973.

Among the 14 persons executed on October 14, 1973 there was a minor: Darío Armando GODOY MANSILLA, aged 18, detained in Tocopilla and later moved to Antofagasta Prison.

- On October 19, 1973, 26 persons were executed by military personnel on the road between Calama and Antofagasta, including the minor José Gregorio SAAVEDRA GONZALEZ, aged 18. Detained on September 24, 1973, his whereabouts were unknown until September 29, when he was taken to the Military Prosecutor's Office. He was tried and sent to the south of parallel 38.

On October 20, 1973, an official announcement from the @Jefe de Plaza@ stated that 26 detainees in the Calama Prison had been killed by military personnel who were transporting them to Antofagasta Prison when they tried to escape.

The Commission for Truth and Reconciliation concluded that the Calama shootings were performed unlawfully in a cruel and brutal manner.

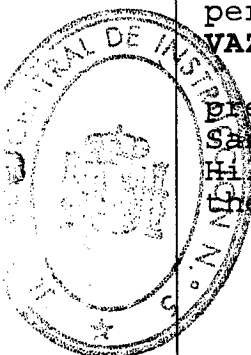
- On October 20, 1973, 4 persons were executed, among them minors: Carlos Octavio CHAMORRO SALINAS, aged 18 and Miguel Angel PONCE CONTRERAS, aged 18.

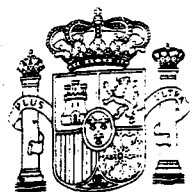
They were detained in San Gregorio by Militarised Police personnel.

That same day four corpses appeared in various places in Santiago with numerous bullet wounds.

- On October 21, 1973 two brothers were shot by Army personnel, one of whom was a minor: Miguel Angel VALDIVIA VAZQUEZ, aged 16.

They were detained in their home in San Bernardo, in the presence of witnesses, by a military patrol belonging to the San Bernardo Infantry Regiment. They were driven to the Cena Hill. There they were ordered to run while they began to shoot them and they died in that same place.





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- On October 23, 1973, Arica press provided information concerning the death of **Luis Pedro SOLAR WELCHS**, aged 18. According to this information, the youth was surprised by an Army patrol within a duly signpost military area. While in custody he attempted to snatch the weapon from a sentry in order to shoot him, which required another to execute him immediately.

- On October 25, 1973, three youths, among them two minors: **Juan Bautista FIERRO PEREZ**, aged 17 and **Pedro FIERRO PEREZ**, aged 16 were executed in Valdivia by Militarised Police and probably Army personnel.

They were detained on October 20, 1973 in their homes by Militarised Police and Army personnel and taken to the Gil de Castro Lieutenant's Office. The three were executed.

- In October 1973, four people were detained who were detained in Puerto Saavedra. In three of the cases, the events occurred on the night when a military contingent arrived there from Temuco. The bodies were abandoned and found by their relatives in the Imperial River with numerous bullet wounds.

Among them were the minor **Francisco Segundo CURAMIL CASTILLO**, aged 18.

- On November 8, 1973, by judgment of the Council of War of Valdivia, three persons accused of attacking the Gil De Castro Militarised Police Headquarters were executed. Among them are two minors, **Cosme Ricardo CHAVEZ OYARZUN**, aged 18 and **Víctor Joel GATICA CORONADO**, aged 18.

- On November 26, 1973, five persons were executed in Santiago among them the minor **Juan Domingo ARIAS QUEZADA**, aged 17.

On November 27, residents in El Arrayán heard the ascent of a heavy vehicle, around 4.00 h. And numerous shots. That same day the dead bodies of the five were found by a local person.

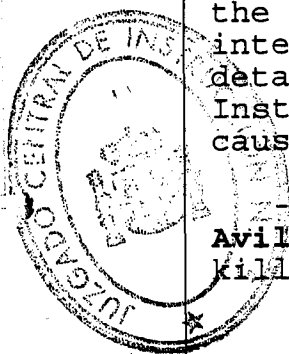
The autopsy found that they died as a result of numerous heavy calibre bullets. Two of them were tied up.

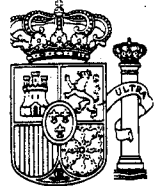
According to relatives the group probably tried to take shelter in an embassy, but were surprised by a military patrol who probably detained them.

- On December 19, 1973, the minor **Demetrio Max ALVAREZ OLIVARES**, aged 17.

He had been detained by intelligence personnel at his home on December 3, 1973. Together with him other left-wing supporters were detained, all of whom were driven to the Central Headquarters of the Intelligence Police, afterwards to the Public Prison and finally to the Buin Regiment to be interrogated. In the latter place trace was lost of the detainees, and their bodies appeared in the Forensic Institute. The autopsy disclosed a bullet wound as the cause of death.

- On March 8, 1974, Santiago **Waldo Antonio Riquelme Avilés**, aged 22 and **Nicolás FLORES MARDONES**, aged 18 were killed. Both were detained in the course of raids on





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dwelling in Quinta Bella by members of the Buin Regiment. Days later, their bodies were found in a stream in an area known as Camino La herradura.

The autopsy showed bullet wounds from shots through the back as the cause of death.

- On October 21, Iván Nelson OLIVARES CORONEL, aged 18 was killed. That day DINA agents arrived at his home during curfew. Olivares fled taking refuge in a neighbour's garden. He was found by agents who shot him, they wrapped him in a sheet and took him away in a van.

- On March 24, 1976, the minor Patricio Amador ALVAREZ LOPEZ, aged 17 was killed in Santiago.

The previous night he had been detained opposite the Liceo Nocturno No. 4 together with three other youths. A few blocks away the detainees were released by their captors except the individual in question.

The victim's body appeared the next day in the Forensic Institute, where he was taken by the Militarised Police and it was verified that the cause of death was a bullet wound and that the body showed considerable bruising to the head, thorax and extremities.

- On July 1?, Members of the Militarised Police carried out a raid on a building at calle Mamiña no. 150 in Santiago, and the dead bodies of the sisters Margarita Eliana and María Paz Martín Martínez was found together with the 18-year old youth Isidro SALINAS MARTÍN, daughter of one of them.

After considering the data collected, the Commission for Truth and Reconciliation reached the conclusion that the two sisters and the daughter were executed by the Militarised Police.

C) Deaths through torture

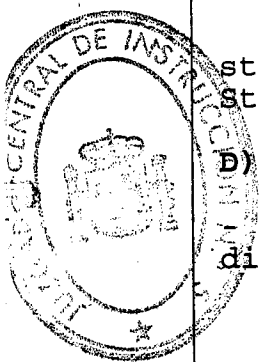
- Gonzalo Elías FREZ GALLARDO, aged 18, died on 24 March 1984, victim of excessive use of force on the part of personnel from the Chile Investigations Department when he presented himself to the offices of this body in La Ligua, since his family had told him they were looking for him. The cause of his death was cervical and cranial injuries caused by third parties. (Page 330)

- On 24 June 1989 Marcos QUEZADA YAÑEZ, aged 17 was arrested in the street by the Militarised Police of Curacautín. She was taken to their installations and died some hours later as a result of "shock, probably caused by electricity" according to the post mortem report.

The youngster did not commit suicide, as the official version stated but died as a result of tortures applied by agents of the State.

D) Deaths through other causes

On 13 September 1973 Reinaldo Patricio ROSAS ASENJO, aged 17, died.





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The victim was at a meeting in a private house in the city of Osorno when a military patrol burst in with the intention of arresting those present. Reinaldo Rosas tried to flee and the soldiers shot him, leaving him mortally wounded. He died the same day, 13th September.

- On 15 September 1973 Juan Fernando VASQUEZ RIVEROS, aged 15, died.
- On 13 September before the curfew hour had been reached in Santiago, and while a Platoon of Militarised Police was raiding the Ferroliza Trade Union's premises, the victim was walking in the street nearby. Without any warning to stop the police opened fire on him, causing gunshot wounds from which he later died in hospital.
- On 17 September 1973 a father and his 17 year old son, José Dominguez GOMEZ CONCHA were killed in the house where they lived by a couple of militarised police. Numerous witnesses testified that there was no provocation whatsoever on the part of the victims. The police who killed the men forced the family to bury them within a two hour period, obliging the family members to carry out the burial.
- On 26 February 1974 a military patrol arrested Vasco Alejandro ORMEÑO GAJARDO, aged 18, at his home. His body was found on waste land near Landa, with a bullet wound. Later a member of the police, admitted before the Military Attorney that he had arrested and killed this young man.
- On 20 July 1974 Daniel CACERES PEREDO, aged 17, a mentally handicapped youth, died.

According to witnesses' statements, the victim was wounded by a military patrol in front of the San Bernardo Hospital. The youth escaped from the medical centre where he was being treated and captured again by a military patrol, who caused him further injuries after he had already been detained. He died later in hospital and the cause of death was gunshot wound.

- Lorena del Pilar ESCOBAR LAGOS, aged 3, died in Santiago on 8 October 1978. Military police burst into the house of an uncle of the infant firing their guns.
- Luis Fernando RIQUELME CASTILLO, aged 14, died on 4 August 1985 as a result of gunshot wounds, inflicted by agents of the militarised police, without any provocation whatsoever.

María Cristina GUTIERREZ GUTIERREZ, aged 16, died on 7 March 1986 as a result of excessive force at the hands of Agents of the State.

- Ramón Leopoldo DUARTE REYES, aged 18. Died on 30 October 1988 when being arrested in the street in Llolleo. Cause of death gunshot wound.

TWELFTH Within the general scheme of selective elimination of individuals, people were also eliminated for reasons of race or religion.



A) For Racial Reasons

1. José Guillermo Purran Treca, aged 37, leader of the Callaqui Native Community.

2. and 3. Juan de Dios Rubio Llancao and his brother Julio Alberto Rubio Llancao aged 38 and 36 respectively, leaders of the Calañicu Native Community, and

4. José María Tramamil Pereira, aged 47, chief of the Trapa Trapa Community were arrested and disappeared on 12 September 1973 in Santa Barbara in the province of Bio Bio.

5. José Domingo Llabulen Pilquinao, aged 44, belonging to the Mapuche ethnic group, was arrested in Lantaro on 11 October 1973 and has never been seen since.

6. Antonio Aminao Morales, aged 49, small scale farmer, president of the JAP and Mapuche leader was arrested on 11 September 1973 and then freed. However he was arrested again on 24.9.1973 and disappeared.

7. Luis Quin Chavil Suarez, ex Mapuche leader and a militant in the Republican Left Wing Movement MIR was arrested on the Argentine-Chile border on 19 February 1981 by Argentinean officials who handed him over to Chilean authorities and he has never been seen since.

B) For Religious Reasons

The repression had a special impact on the citizens of Jewish ascent in Chile and the tortures applied were even more severe because of their Jewish origins.

The cases that are related are:

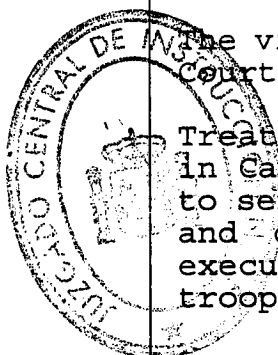
- David Silberman Gurovich - kidnapped, tortured and disappeared.

According to the testimony of Monsignor Fernando ARIZTIA, current President of the Episcopal Conference of the Catholic Church in Chile that is officially registered in the Court's file, Augusto Pinochet knew of the detention of David Silberman.

David SILBERMAN GUROVICH, engineer and ex-General Manager of the Cobre-Chuqui Company during the Popular Unity Government disappeared on 4 October 1974.

The victim had been sentenced to 13 years in prison by the Calama Court-martial.

Treated differently from the rest of the individuals sentenced in Calama David Silberman was sent to the Santiago Penitentiary to serve his sentence (various of the persons who were sentenced and collaborators of David Silberman in Cobre Chuqui were executed independently of any procedures in October 1973 by a troop of military that had arrived from Santiago under the orders





of General Arellano Stark).

In a complex operation involving the supplanting of identities, telephone tapping, forgery of documents and other manipulations David Silberman was kidnapped from the penitentiary by DINA agents.

The victim remained in the José Domingo Cañas Centre where he was intensively tortured. He was later taken to Cuatro Alamos, from where he disappeared towards the end of October.

(Page 333)

- Diana Frida Aron Svigilsky kidnapped, tortured and disappeared.

On 18 November 1974, Diana Frida ARON SVILISKY was arrested in the street in the district of Ñunoa and suffered bullet wound as a result of the arrest.

- Carlos Berger Guralnik,

aged 30, lawyer and journalist, manager of El Loa radio station and Head of Public Relations of Chuquicamata. Arrested on 11 September in the El Loa Radio Station installations, subjected to Court-martial on 29 September, and sentenced to sixty days in prison. He was executed while serving this sentence.

- Luis A. Guendelman Wisniak,

On 2 September 1974 Luis Alberto GUENDELMAN WISNIAK was arrested in his home in the district of Las Condes by agents of the DINA who brought with them a friend of Luis Alberto who was later set free.

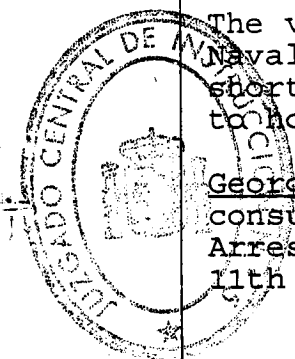
Luis Guendelman remained in the DINA installations and was last seen being tortured in Cuatro Alamos. In July 1975 the DINA tried to pass off a body found in Argentina as the remains of Luis Guendelman in a manoeuvre meant to mislead known as "Operation Colombo".

- Manuel Elías Jana Santibañez.

The ex-mayor of Cañete during the previous Government and militant of the Socialist Party died on 17 February 1975 after being arrested on 13 February 1975 following a meeting with the Intendent of Arauco. His body was found in the Talcahuano Naval Hospital and handed over in a sealed coffin.

The victim had been arrested in the gymnasium of the Talcahuano Naval Base where he was taken out of his place of confinement shortly before his death, alive and supposedly being taken away to hospital.

Georg Max Klein Pipper, 27 years, medical psychiatrist, consultant of the President of the Republic of Chile. Arrested in Presidential Palace, tortured and disappeared since 11th September 1973.





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Abraham Muskatbit Eidelstein

19th September 1974 at 3.. a.m., they arrived at Abraham@MUSKATBLIT EIDELSATEIN, publicist, sector Casas Viejas, 12 armed persons, they kidnapped him. His body, shot down, was found some hours later in a sewage canal nearby, near the way to Longuén. The same night, armed persons tried to kidnap lawyer Luis Toro of the Vicaría the Solidaridad.

These facts are imputed to the Police Commando called @11 de September@.

Jorge H. Muller Silva,

The 29th of November 1974, on their way to their work, were arrested in a public area, Jorge Hernán MULLER SILVA and his fellow worker in Chile Films, Carmen Cecilia BUENO CIFUENTES. Both were taken to the Villa Grimaldi and after to Cuatro Alamos, from where they disappeared in the hands of DINA.

Raúl Pellegrín Friedmann, tortured and murdered.

The 21st of October 1988 a group of PFMR, at the command of top leaders Cecilia MAGNI CAMINO and Raúl PELLEGRIN FRIEDMANN, attacked the small village of Los Queñes, where a Carabineros official died; after they escaped to the mountains.

Some days after, the 28th of October 1988, in the river Tinguirica, the soulless body was found of Cecilia MAGNI and the 31st the body of Raúl Pellegrin.

After the autopsy documents, both bodies had bruises and signs of the application of electricity.

Concerning the body of Raúl Pellegrin, his death was considered to be a result of suffocation in water and bruise in the thorax and back thorax area, probably caused by hard blunt instruments, considering its profoundness and the absence of superficial wounds.

Matilde Pessa Mois. kidnapped, tortured and disappeared.

The 29th of may 1977 was arrested at her arrival from a Santiago-Buenos Aires flight, before they passed International Police control, the couple from Chile Matilde PESSA MOIS and Jacobo STOULMAN BOERTINK, not militant nor with any political relations. From that moment they disappeared. After their arrest the couple was booked into The Winston Palace Hotel of Buenos Aires, by that time, used by the Security services of Argentina.

Juan Carlos Perelman Ide, kidnapped, tortured and disappeared.

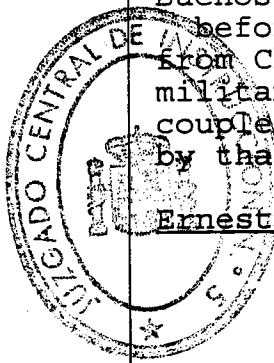
The 20th of february 1974, was arrested the also MIR militant Juan Carlos PERELMAN IDE, with his partner who was released afterwards and could declare on their presence at Villa Grimaldi.

Jacobo Stoulman Boertnik, kidnapped, tortured and disappeared.

The 29th of may 1977 was arrested at his arrival of the Santiago-Buenos Aires flight,

before they passed International Police control, the couple from Chile Matilde PESSA MOIS and Jacobo STOULMAN BOERTINK, not militant nor with any political relations. After their arrest the couple was booked into The Winston Palace Hotel of Buenos Aires, by that time, used by the Security services of Argentina.

Ernesto Traubmann Riegelhaupt, kidnapped and disappeared.





The 13th of September 1973, disappears Ernesto TRAUBMANN RIEGELHAUPT, from Checoslovaquia, 49 years, public relations employee of the National Mining Company (Enami). He was arrested in the early morning of the same day by Carabineri. Both were taken to the 7th Comisaría of the Defence Ministry.

Although their family did all that was within their possibilities, they did not receive any information of where they were. The victim did not leave the country either.

José Joaquín Valenzuela Levi.

In the early morning of the 15th of June 1987, in the Calle Pedro Donoso of the commune Conchalí, took place the last episode where died the largest number of persons, among others José Joaquín VALENZUELA LEVI, student.

The official version comments the existence of a confrontation in which the above victims died, and another person could escape.

Ricardo Ignacio Valenzuela Pohorecky. Died.

The facts took place in the morning of the 15th of June 1987, when he was arrested in the street, in the calle Alhué de Santiago, at a several meters distance from the house of his mother, Ricardo Ignacio VALENZUELA POHORECKY, economist. Without opportunity to render, CNI agents that were waiting for him, shot him and caused his death.

THIRTEEN: Among the victims of Augusto Pinochet's repression, are several Spanish citizens, and Spanish descents, some of them are:

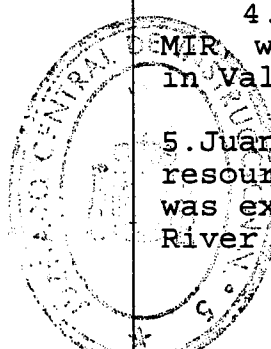
1. Carmelo Luis Soria Espinoza, Spaniard, UN employee, militant of the Socialist Party, was arrested the 15th of July 1976 and executed the 16th of July 1976, his body was found the 17th of July in the Canal El Carmen.

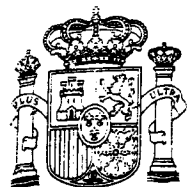
2. Antonio Llidó Mengual, Spanish priest, related to MIR, was arrested in October 1974, he was held in the Centro José Domingo Cañas and taken to Cuatro Alamos where he disappeared in the hands of DINA.

3. Michelle Peña Herreros, fiancée of Ricardo Ernesto Lagos, was arrested at the end of June 1975, Spanish nationality, 8 months pregnant and militant of the Socialist Party, was held in La Torre La Villa Grimaldi, suffered tortures and afterwards disappeared as her partner did, in hands of DINA. The child was born during her detention, and no information about it was obtained ever after.

4. Enrique López Olmedo, of Spanish nationality, member of MIR, was executed the 11th of November 1977, after being arrested in Valparaíso at the end of October by persons of the Armada.

5. Juan Alsina Hurtos, Spaniard, catholic priest and human resources manager in the Hospital San Juan de Dios de Santiago, was executed the 19th of September 1973 on the riverside of the River Mapocho by persons of the Yungay regiment.





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6. Antonio Elizando Ormaechea of Spanish nationality and MAPU militant, and his wife Elizabeth Mercedes Rakas Urrea, 4 months pregnant, was arrested the 26th of May 1976 without any information about where they are.

7. José Tohá Gonzalez, lawyer, Defence Minister of the President Allende government, Spanish father and mother, was arrested the 11th of September in the Palacio de la Moneda, and he was taken to the Escuela Militar. Afterwards they took him to the Isla Dawson, where he suffered tortures. Later on they took him to several prisons, where his health deteriorated quickly and he died 15th of March 1977 caused by the governmental agents who pretended a suicide, but in reality his health did not allow him to look after himself.

LEGAL ARGUMENT

FIRST According to the Criminal Code of Spain the above facts can constitute crimes of genocide (art. 607 of the Criminal Code); terrorism (arts. 571 to 577 of the Criminal Code); torture (art. 173 and the following ones of the Criminal Code). All those crimes are related to crimes of murder (art. 139 of the Criminal Code), illegal detention, abduction followed by disappearance (art. 163 and the following of the Criminal Code).

SECOND By the writ of November the 5th., 1998, the National Criminal Court of Spain has ruled on jurisdiction:

ADMINISTRATION OF JUSTICE

NATIONAL COURT
CRIMINAL DIVISION
PLENARY SESSION (ALL JUDGES SITTING)

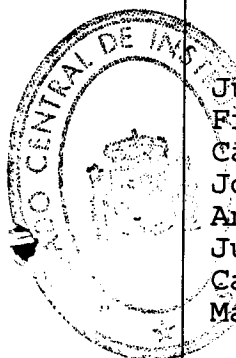
APPEAL RECORD 173/98
DIVISION ONE
SUMMARY PROCEEDINGS 1/98
CENTRAL TRIAL COURT NUMBER SIX

DECISION

CRIMINAL DIVISION. PLENARY SESSION

Presiding Judge:
Siro Francisco García Pérez

Judges:
Francisco Castro Meije
Carlos Cezón González
Jorge Campos Martínez
Ángela Murillo Bordallo
Juan José López Ortega
Carlos Ollero Butler
Manuela Fernández Prado





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of extraterritoriality of Spanish jurisdiction by virtue of the principles of universal protection and prosecution, in view of the provisions of the above mentioned article 23-5) of the Organic Law of the Judiciary.

The four cases mentioned above (among many other, similar ones) cannot be deemed to have been tried or dismissed in Chile, and they justify the validity of the jurisdiction which is being challenged.

NINE. Article 2-1) of the Charter of the United Nations is not a legal provision which can invalidate, in this case, article 23-4) of the Organic Law of the Judiciary. Final considerations.

To conclude, Spanish courts are competent to judge the events which are the object of these proceedings.

Article 2-1) of the Charter of the United Nations ("The Organization is based on the principle of sovereign equality of all its Members") is not a legal provision which invalidates the proclamation of jurisdiction made in article 23-4) and which has been quoted frequently in this decision.

When the Spanish courts apply the said legal provision, they are not interfering in the sovereignty of the State where the crime was committed, but rather they are exercising Spanish sovereignty with regard to international crimes.

Spain is competent to judge the events by virtue of the principle of universal prosecution for certain crimes -a category of international law -established by our internal legislation. It also has a legitimate interest in the exercise of such jurisdiction because more than fifty Spanish nationals were killed or disappeared in Chile, victims of the repression reported in the proceedings.

Therefore,

THE JUDGES IN PLENARY SESSION AT THE CRIMINAL DIVISION OF THE NATIONAL COURT AGREE TO DISMISS THE APPEAL AND TO CONFIRM SPANISH JURISDICTION TO JUDGE THE EVENTS WHICH ARE THE OBJECT OF THE PROCEEDINGS.

This decision is unappealable.

The decision is to be notified to the Justice Department and to de appellees.

This is the order of the Judges listed above.

Madrid, 5th November, 1998

THIRD Under the MLAT between Spain and the United States, Article I, Section 3, assistance is to be provided without regard to whether the act giving rise to the request for assistance is a crime in the requested country. Under Article IV, a request for documents requires only a generalized description of what is sought for production. Under Section 3 of Article IV, additional specificity



should be provided to the extent necessary and where possible. These provisions require specificity regarding individuals to be questioned, but do not contain any additional requirement of specification as to the description of evidence or documents. Article V, Section 6, requires that the requested country respond to reasonable inquiries concerning the progress, towards full compliance with the request.

FOURTH The accused Augusto Pinochet Ugarte is now subject to an extradition proceeding in the United Kingdom, after an arrest warrant was issued by this Court of October 16th, 1998, enlarged on October 18th, 1998, and the extradition request of November the 3rd., 1998, under the basis of the facts related above.

Based on the application of the said articles

I ASK, that as a complement to Rogatory Letter sent on June 30th and September 28th, 1997, the following proceedings be implemented:

DESCRIPTION OF THE INFORMATION AND EVIDENCE SOUGHT

In addition to the information and evidence asked in the Rogatory Letter of September 28, 1997, it's asked now

1. Testimony on the documentation held by the Department of State, cables which describe, order, refer to or analyze the following:

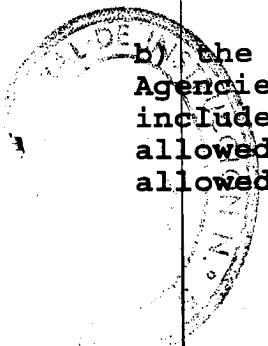
Any documents which are related, directly or indirectly, to the acts investigated, and, in this sense, with reference to the acts investigated, which are related to the so-called "Condor Operative", that is the international actions which were carried out in a coordinated manner by the Governments of Chile, Argentina, Paraguay, Uruguay and Bolivia and were of a criminal nature.


2. In this respect, declarations should be taken from the former Prosecuting Attorneys LAWRENCE BARCELLA and EUGENE PROPPER and the ex FBI agent Mr. Carter P. CORNICK about acts and dates which are known to them in relation to those coordinated activities in which the secret services or military services of Chile or Argentina, principally, might have played a part.

In order for the interrogation to be fruitful, those persons to be cited should be authorized beforehand and formally to declare in this cause about all that they learned during their investigations of a) the international terrorist network directed by Augusto Pinochet and others:

a) about the internal and external network of a criminal nature directed by the Chilean authorities during the period 1973 to 1990;

b) the classified documentation which originated in the Security Agencies of the USA, CIA and Defense Intelligence Agency (DIA) included. Documentation which the witnesses referred to should be allowed to review before declaring as witnesses and should be allowed to provide in support of their testimonies.





3. put at the disposal of this Court, to be interrogated directly and personally, the ex-agent of the DINA Michael TOWNLEY, and the ex-officer of the Army of Chile, Armando FERNANDEZ LARIOS, in order to take from them declarations as witnesses,

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4. provide to this court that additional documentation relative to the specific person of Augusto Pinochet Ugarte which in its time was presented before the Grand Jury of the USA - in the Letelier-Moffitt case - together with the interceptions of communications which relate that person with kidnappings, tortures, assassinations and/or "disappearances" of persons,

5- The appropriate Authority should order the Defense Intelligence Agency Biographic Data, the yearly commentary and career summaries between 1973 and 1990 of Augusto Pinochet Ugarte, Manuel Contreras Sepulveda and all the accused who appear in the list contained in the Rogatory Letter of September 28, being of particular interest the declassification of that data which refers to presumed links with violation and repression of human rights.

6. The Bureau of Intelligence and Research of the Department of State should be ordered to declassify and deliver to this Court the reports and summary documents about the military, Navy, police officials, agents of Intelligence and civilians in Chile, DINA and CNI included, and the violations of human rights between 1973 and 1990, and for Argentina for the period 1975 to 1983, related to them which took place in that country, or in other countries, in those years.

7. The declassification and delivery should be ordered of the Chile Files of the Office of the Assistant Secretary of State for Human Rights, Ms. Patricia Derian, for the period 1977 to 1980, in so far as they are related to human rights atrocities in Chile and Argentine in the period under investigation.

8. The Bureau of Intelligence and Research, Department of State and agencies of the US Government should be ordered to declassify all additional documentation, memoranda, reports which are classified and which may contain evidence or incriminating elements in relation to Augusto Pinochet Ugarte, DINA, CNI and the people referred to in the Rogatory Letter of September 28th, 1997, or any others heretofore unknown in relation to the acts and crimes of genocide (massive assassinations, disappearances, kidnappings, abduction of children), terrorism and tortures which are being investigated and which happened in Chile and other countries and when they have been declassified in accordance with the law of the USA, this Court should so be informed.

In particular, to order the declassification of the following documents:

- Department of State, 11/16/1973, Briefing Memorandum to the Secretary from ARA-Jack B. Kubisch, "Chilean Executions", with the attachments.

- Defense Intelligence Agency Reports, such as "Directorate of National Intelligence (DINA) Expands Operations and Facilities", April 15, 1975, specially paragraph 4 and if possible all this



document and referenced "IRs" 6 817 0088 75/, 6 817 0135 74 and all other cables and reports from the U.S. Defense Attache's office in Santiago since September 11, 1973 that relate the Chilean Secret police, the chain of command, human rights abuses and international terrorism.

- State Department and National Security Council documents identified in "Dissarray in Chile Policy", July 1st, 1975; the "dissenting cable" of the officers in the US Embassy in Santiago (Chile); all the minutes, notes, briefings used for preparing the "pre-IG meeting" (presumably in June 1975) and all the documents related with this discussion prepared by the Policy Planning Office of the Bureau of Inter-American Affairs.

9. In addition to the above records and document groups identified above, any other relevant files. These include:

9.1. A critical document on General Pinochet's role in the Letelier bombing, read by Justice Department prosecutor Eugene Propper during the federal investigation into the crime.

9.2. CIA reports between 1973 and 1990 by the Agency's Office of African and Latin American Affairs (A/LA) on Chile's military, chain of command, DINA, CNI, Operation Condor, General Pinochet and human rights violations, assassination of General Carlos Prats in Buenos Aires in september 1974 and Orlando Letelier in Washington in 1976, assassination attempt of Bernardo Leighton in Rome in september 1975, Operation Condor.

9.3 CIA Directorate of Operations cables and reports on Operation Condor -including Chile's attempt to establish an Operation Condor Office in Miami in 1974; the assassination of Carlos Prats and Orlando Letelier and other human rights abuses.

9.4 A review by the Gerald Ford Presidential Library staff for the still classified Bzrezinski files on Chile, human rights violations, and sanction against Chile for the Letelier assassination; and the files of National Security Council advisor on Latin America, Robert Pastor, for similar documentation.

9.5 A search by the CIA-FBI Center for Counter terrorism for files, including those of the predecessor to that agency, on Chilean involvement in international terrorism.

9.6 A re-review of heavily censored NSC and State Department documents released during legal discovery in the Letelier-Moffit civil suit.

9.7 To deliver a testimony or certified copy of any document, fact or elements in relation with the facts under investigation and whose delivery to this Court is in conformity with the U.S. laws.

10. Receive the declarations of all those people which could be of interest in accordance with the content of the related documentation, with the prior authorization referred above.



INSTRACION
JUSTICIA

11. That action should be taken : 1) to embargo and hold in deposit the balance of all types of bank accounts, stocks or assets which the accused Augusto Pinochet Ugarte may have in the USA for the purpose of obtaining funds to cover civil liabilities in relation to the victims.

11.1) to communicate the dates of the opening and cancellation of the accounts of the said accused, and of the actions taken.

12. That the Department of Justice of the United States of America authorize the competent authorities in Italy so that they can pass on the evidence sent to them by that Department of Justice during the investigation of the attempted murder of Bernardo LEIGHTON and Anita FRESNO, carried out by agents of the Chilean DINA in Rome in October 1975. This criminal cause was arraigned by the Rome Tribunal, and the Prosecuting Attorney was Mr. Giovanni SALVI.

The Spanish authorities have requested the collaboration of the Italian authorities in this Cause through Letters Rogatory presented in application of the Treaty of Judicial Assistance in Criminal Matters.

13. Finally to authorize the visit of the instructing judge to be present in order to obtain the depositions, testimonies and, also, to examine the documents whose obtainment is asked to be authorized, with the possibility of participating in those proceedings of those parties who should request it.

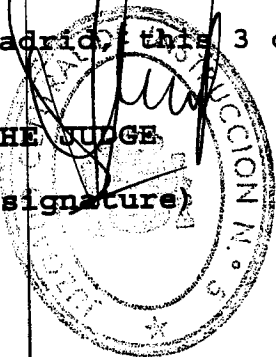
You are also kindly requested to accept this request for assistance and to execute it as soon as you receive it, together with those still pending asked in the Letters of June 30 and September 28, 1997.

The request is a complement to the previous Rogatory Letter of September 28th, 1998, made pursuant to the Treaty on Legal Assistance in Criminal Matters concluded by the US and Spain on November 20, 1990.

I also inform you that this request will be transmitted directly to the Director of the Office of International Affairs, Criminal Division, US Department of Justice de Washington D.C. 20038-7330, P.O. Box 27330, attention Mrs. Randy TOLEDO, public attorney, in conformity to art. 4 of the Treaty on Legal Assistance in Criminal Matters concluded by the US and Spain. This request will also be transmitted to the same destination through the diplomatic channel.

Madrid, this 3 day of December 1998

THE JUDGE
(signature)



THE CLERK OF THE COURT
(signature)

