

Triet van Hoof

Mister Chairman,

Distinguished representatives of the Algerian government

Members of the Commission,

Ladies and Gentlemen,

Yesterday late in the afternoon we heard already some very eloquent statements on the subject of DINA-CNI. This morning we will continue with this subject by presenting to you three very important Chilean witnesses. Before introducing them to you, I would like to make some general observations about this DINA-CNI, the secret police of Chile. Due to shortage of time and because of the fact that the testimonies of the witnesses you will hear are far more useful to you than my observations I will limit myself to the most essential aspects connected with the present problem. At the outset I must emphasize one very important, may be the most important point. We should not be misled by the Decree Laws of the Chilean junta issued on 13 August 1977 which dissolved the DINA and created a new body by the name of CNI. The character, the juridical status, the practices and the methods of the former DINA and the new organization under the name of CNI are in essence identical. From the testimony which will be made by Mr. Medina afterwards you will learn that this manoeuvre of the junta meant to create the impression that things are changing to the good in Chile in fact meant nothing else than a change of names. For the rest, things remained the same or became even worse. For that reason in the following I will refer to the secret policy of Chile as DINA-CNI.

What then, Mr. President, is the character and status of this secret police of Chile? It is the most important and most powerful instrument of the junta and in particular its leader General Pinochet to establish a climate of repression, terror and violence in

Chile. The very aim of the DINA-CNI is to institutionalize the terror. Through its activities it has penetrated everyday life in Chile and has conditioned the conduct of the Chilean population towards its own government. Moreover, the activities of the secret police of Chile are not limited to the people in Chile, but also extend to persons abroad. Even the Chileans who have left their country are not free from the hand of DINA-CNI which is trying to create a climate of fear for retaliation with regard to activities which are opposed to the present regime.

The next point I want to stress here is the fact that the operations of the secret police of Chile have a systematic character. The crimes committed by the DINA-CNI are not mere incidents² but take the form of a pattern and administrative practice of prosecution and repression. They consist not only in the physical destruction of political opponents, but also in the fusion of ideas that create an atmosphere of vehement fear and that weaken the psychological defence mechanisms of the Chilean people. In this way attempts are being made to impose on Chile ~~the~~ a fascist ideology. DINA-CNI confronts us with the secret police organization that is built ^{up} ~~as~~ in a military manner and is to be considered as an organ of the state with discretionary powers and with a very privileged juridical position. For instance, in this moment in which the protection of human rights is in the centre of international attention, the Supreme Court of Chile has pronounced its power of control over the legality of the executive branch of the government and its agents, in particular its secret police. The members of the secret police do not have to appear before the courts for crimes they have committed. Nor are they obliged to present written statements in cases in which they are involved. Their names are not even known to the courts of Chile. Furthermore,

these mentioned courts of Chile have declared valid the Decree Law which created DINA and CNI and which contain secret provisions. It is of course obvious that the principle of legality demands that decisions of law are made public. Our special attention in this context deserves article 10 of the mentioned Decree Law, which has been an of so much hardship in Chile. This provision empowered the DINA-CNI to arrest persons in the situation of the so-called state of siege or any other form of an emergency situation. The state of siege was instituted right after the coup and it has been continuously renewed afterwards and is still prevailing today in Chile. The junta has used different names for the state of siege but the consequences remain the same.

It provides the government with discretionary powers over its citizens in complete disregard of human rights. However, this state of siege in Chile constitutes a clear-cut ^v violation of international law. The treaties on the subject such as the Geneva Conventions of 1949 and the UN Covenant on Civil and Political Rights of 1966 which are binding legal instruments for Chile do not allow for the institution of a state of siege under circumstances as those now prevailing in Chile.

The point I want to make here, Mr. President, is that indeed the whole legal system of Chile has been transformed into a weapon in the hands of the junta and constructed ^{ed} so as to enable ^b the DINA-CNI to continue its activities without being hampered in any way. I cannot go deeper in this matter here, but for further details I refer you to the last year's report of the ad-hoc working group of the United Nations' Commission of Human Rights.

Finally, I have to ask your attention for the fact that the methods of the DINA-CNI have changed during the previous time. First, there were massive detentions, generalization of torture,

physical elimination etc. etc. Now we also witness more selectivity and sophistication in the methods used by the secret police of Chile. The selectivity is shown by the fact that the actions of the DINA-CNI are more and more directed against persons belonging to specific organizations such as members of political parties opposed to the present regime, leaders of trade unions such as the Central Union of Workers in Chile, and persons of religious organizations such as the Vicariat of Solidarity. As far as the sophistication of the techniques of the DINA-CNI is concerned, one of the most well-known problems is of course the disappearance of persons on which problem Mr Bantumi has so clearly reported to us yesterday. Apart from the disappearance of persons the DINA-CNI had developed a whole new set of techniques. In the last year's report of the ad-hoc working group of the United Nations these were inter alia described as follows: Detention of persons for short periods of time, sometimes a few hours, sometimes a few days, during which they are subjected to very violent torture. Second, assault in the streets on personalities in the field of law, newspapers, trade unions, and politics. Three, campaigns organized to discredit the struggle of the Church, in particular the Vicariat, for human rights in Chile. Four, the institution of false trials with very serious accusations against innocent persons connected with such religious, workers' and political organizations. The witnesses who are going to appear before you in a moment will provide you with more details about the sophistication in methods and practices of the secret police in Chile. It goes without saying that the activities and practices of DINA-CNI as mentioned before, the old ones as well as the ones more recently developed constitute a massive and flagrant violation of international protective human rights. The human rights are contained in numerous international instruments which are binding on Chile, such as the

Universal Declaration of Human Rights, the UN covenants which I mentioned already to you and the regional instruments like the American Declaration on the Rights and Duties of Man. The members and collaborators of DINA-CNI should be brought to trial for having committed crimes against humanity. We therefore can share the view expressed by the ad-hoc working group of the United Nations that the international community should not watch passively a situation where a ^hchange of government by violent means leads to flagrant and massive violations of human rights.

Unfortunately, Mr President, up until this moment the international community has not been able to do away with DINA-CNI. The reason generally given for this fact is what is called the international political realities. We are, however, faced with yet another reality, namely that this world cannot live in peace as long as things as DINA-CNI are tolerated by the international community.

I would like to introduce to you now the first witness, Mister Figueroa. Mister Figueroa was a very active and well-known member of his community in which he lived in Chile. He was engaged in many activities for the benefit of his community and therefore had considerable responsibilities in his neighbourhood. He was detained in May 1977, consequently tortured to make him confess to a kidnapping which he had no part in. His testimony is very important from two points of view: in general, it informs you about the methods of torture used by the secret police in Chile, and in particular it makes clear how the Chilean secret police tries to condemn innocent persons for crimes which the secret police itself has committed. I invite Mister Figueroa.