CHILE

Chile is a multiparty democracy with a constitution that provides for a strong executive and a bicameral legislature. Approved by referendum in 1980 and amended in 1989, the Constitution was written under the former military government and establishes institutional limits on popular rule. President Eduardo Frei, a Christian Democrat, began his 6-year term in 1994, which expires in March 2000. At that time, Ricardo Lagos, winner of the January 16, 2000, presidential runoff election, is to take office. International and domestic observers found both the December 12 presidential elections and the subsequent runoff election to be free and fair. The National Congress consists of 120 deputies and 48 senators. The government coalition of four major parties controlled the lower house. An opposition coalition, including several independents and many of the 10 nonelected Senators, shared control in the upper chamber, although the Senate president was from the ruling coalition. Former President General Augusto Pinochet assumed a lifetime Senate seat in March 1998. Turnover in the courts continued to diminish strongly the influence of military-era appointees over the constitutionally independent judicial branch.

The armed forces are constitutionally subordinate to the President through an appointed Minister of Defense but enjoy a large degree of legal autonomy. Most notably, the President must have the concurrence of the National Security Council, which consists of military and civilian officials, to remove service chiefs. The Carabineros (the uniformed national police) have primary responsibility for public order, safety, and border security. The civilian Investigations Police are responsible for criminal investigations and immigration control. Both organizations—although formally under the jurisdiction of the Ministry of Defense, which prepares their budgets—are under operational control of the Ministry of Interior. The security forces, mainly the police, committed a number of human rights abuses.

The export-led free-market economy experienced its first setback after years of expansion. Growth moderated and final figures were expected to show a contraction of 1.1 percent.
for the year, with inflation at 2.3 percent. The most important export remained copper; salmon, forestry products, fresh fruit, fish meal, and manufactured goods also were significant sources of foreign exchange. Unemployment averaged 10.8 percent for the year. From 1987 to 1998, the percentage of the population living below the poverty line decreased from 45 to 22 percent. Annual per capita gross domestic product was approximately $4,500.

The Government generally respected its citizens' human rights; however, problems remained in some areas. The most serious cases involved killings, torture, brutality, police use of excessive force, and physical abuse in jails and prisons. The due process rights of detainees were not always respected. Violence and discrimination against women and violence against children are problems. Discrimination against the disabled and minorities persists. Indigenous people remain marginalized. Child labor is a problem.

Almost all other human rights concerns are related to abuses committed during the former military government. The bulk of these abuses occurred between 1973 and 1978, although a number took place after this period. A July Supreme Court decision expanded the possibilities for clarifying cases involving persons who disappeared. The court ruled that lacking legal proof of death, disappearances that occurred in the 1973-78 period (covered by the Amnesty Law) must be considered as continuing kidnapings, thus potentially falling outside the amnesty period. The court's ruling stated that only after the circumstances surrounding a disappearance are clarified, and the legal death of the person who disappeared is proven to have fallen within the 1973-78 timeframe, can application of the Amnesty Law be considered. Nonetheless, military authorities continued to resist a full accounting of the fate of those who were killed and who disappeared, and some cases continued to be stifled by the judiciary. There were several important legal decisions made in regard to high profile investigations of such past human rights abuses, including the Caravan of Death and Operation Albania cases.

In October 1998, the United Kingdom detained retired General Pinochet pending resolution of a Spanish extradition request on charges of torture, kidnaping, genocide, and murder. A series of court rulings by the Law Lords denied Pinochet's effort to avoid an extradition hearing, but limited the charges against him to abuses occurring after December 8, 1988. Pinochet's extradition hearing began on September 27. On October 8, a British magistrate determined that Pinochet could be extradited, but Pinochet appealed this decision. At year's end, legal maneuvering continued, and Pinochet remained under house arrest in the United Kingdom.

Nearly 60 human rights cases have been filed in Chile against Pinochet and are under active investigation. However, some in the human rights community are skeptical about the possibility of bringing Pinochet to trial and convicting him of a crime if he were to return. General Pinochet's continuing detention, along with advances in a number of human rights cases and the July Supreme Court ruling, contributed to the continuing societal reexamination and the intensified public and private discussion of what, if anything, could and should be done to deal with the sometimes conflicting demands for truth, for justice, and for national reconciliation. There were renewed efforts to reach a human rights understanding during the year, including at a "dialog table" organized by Defense Minister Edmundo Perez Yoma that brought together military officers and human rights attorneys for the first time since the return to democracy. At year's end, such discussions continued, and the judicial system continued to investigate and either
prosecute or close pending human rights cases.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings; however, the police killed two persons during the year.

A police officer allegedly shot and killed University of Tarapaca student Daniel Menco Prieto in Arica during a May 19 student demonstration called to protest the size of the government budget devoted to higher education. The authorities brought charges against the police officer for the shooting; at year's end, the matter remained in the legal system.

On September 1, the authorities arrested two San Antonio Carabineros for their alleged responsibility in the death of Jonathan Moya Jara. On August 8, Moya's partially clothed and lifeless body had been found with its head buried in sand. The two Carabineros allegedly detained Moya illegally, citing a repealed law that allowed the police to stop, question, and detain persons based upon "suspicion" (see Section 1.d.). At year's end, the case remained in the courts.

The courts sentenced four police officers in February to 10 years and 1 day in prison for the death of taxi driver Raul Palma Salgado, who died on January 12, 1998, while in police custody, due to torture. The four officers are appealing the decision, and the case remained in the courts at year's end. Palma's family has filed a $1.2 million (600 million pesos) compensation claim against the State. The Committee for the Defense of People's Rights (CODEPU) identified Palma's death as the third instance of suspects dying while in police custody due to torture or excessive force since 1990.

The case of 25-year-old Claudia Alejandra Lopez, a University of Christian Humanism Academy student shot under unclear circumstances during 1998 demonstrations in Santiago on the anniversary of the September 11, 1973 coup, also remained under investigation.

In December 1996, Pedro Soto Tapia, a 19-year-old military conscript, disappeared from his regiment at San Felipe after having written letters to his family describing mistreatment at the hands of superior officers. In March 1997, his remains were found in a cave in San Felipe, accompanied by what was purportedly a suicide note. On May 26, 1998, the judge handling the case closed the investigation for the second time, ruling that he had been unable to determine the circumstances of Soto's death. However, the case was reopened in July when a witness appeared who claimed to have seen six persons beat Soto Tapia on his military base on the evening of December 15. Fifteen former recruits interviewed following the witness's claim were unable to corroborate it. On November 9, the investigating judge again closed the case. At year's end, Soto Tapia's family was considering its legal options (see Section 1.c.).

After having been closed temporarily since 1996, an appeals court reopened on November 30 the investigation into the September 1989 murder of Movement of the Revolutionary
Left (MIR) leader Jecar Nehgme.

Important advances were made in clarifying events surrounding Operation Albania, the June 1987 killings of 12 Manuel Rodriguez Patriotic Front (FPMR) members. Judge Hugo Dolmestch reconfirmed in January charges of use of unnecessary violence against those implicated in the case, denying a motion to increase the charges to aggravated homicide. Due to a normal judicial rotation, another jurist, Milton Juica, replaced Dolmestch in March. On October 29, the authorities charged retired generals Hugo Salas Wenzel and Humberto Leiva with this crime. They accused Wenzel, Director of the National Intelligence Center (CNI) in 1986-88, of being an author of the crime, and Leiva, CNI Subdirector in 1987, of covering up the incident. At the same time, the authorities detained six other former CNI agents; one of whom, Major Emilio Neira, was still on active duty. Judge Juica also increased the charges against the 10 persons detained earlier from unnecessary violence leading to death to kidnaping and homicide. On November 15, the authorities also detained retired Captain Nernan Miquell for his role in the case. In September the press reported that unknown persons allegedly linked to the former security services threatened Rafael Castillo, a prominent investigator for the Investigations Police. He reportedly also received threats in August 1998 when former CNI agents were charged in the Operation Albania case (see Section 4).

In November eight former CNI agents, including Alvaro Corbalan, were charged with the September 1986 murder of journalist Jose Carrasco. Five of the eight persons charged in this case also have been named in the Operation Albania investigation. Carrasco's killing took place 2 days after a failed assassination attempt against General Pinochet and was widely believed to have been in reprisal for that act.

Efforts by Spanish Judge Baltazar Garzon to have former President and retired General Pinochet extradited from the United Kingdom to Spain for his alleged responsibility in the deaths, torture, and disappearances that took place during the military dictatorship continued. On January 18, a Law Lords panel convened to rehear Pinochet's appeal that he enjoyed sovereign immunity and should be freed immediately from house arrest and allowed to return to Chile. A November 1998 Law Lords ruling against Pinochet had been set aside in December of that year following an appeal that one of the deciding judges had not revealed a potential conflict of interest involving links with one of the parties supporting the Spanish request.

In a complex decision on March 24, the new Law Lords panel found that General Pinochet had been arrested in connection with certain extraditable crimes under British law, did not enjoy sovereign immunity with respect to the alleged crimes, and that extradition proceedings could begin. However, the panel also ruled that the extradition request only could invoke charges of torture and conspiracy to torture related to incidents after December 8, 1988, the date the United Kingdom (following both Chile and Spain) ratified the International Convention Against Torture. This initially limited the charges against Pinochet to one 1989 case of alleged police torture leading to death and one count of conspiracy to torture, but Judge Garzon subsequently amplified his complaint to include many other alleged instances of abuse.

On April 15, the British Home Secretary decided to allow the extradition process to proceed, and Pinochet's extradition hearing began on September 27. On October 8, a British magistrate determined that Pinochet could be extradited; the retired general
appealed this ruling. At year's end, legal maneuvering continued, and Pinochet remained under house arrest in England.

Investigations in Spain resulted in no new action regarding Operation Condor, an undercover operation in which several military governments in the region, led by Chile, cooperated to eliminate leftist opponents. Judge Garzon and a colleague had collected evidence and taken testimony regarding human rights violations in Chile and Argentina during the military dictatorships.

Former Chilean intelligence agent Enrique Arancibia Clavel continued to be detained in Argentina, charged with involvement in the 1974 car bombing in Buenos Aires that killed former army chief Carlos Prats and his wife Sofia Cuthbert. The case was reopened in 1992 as a result of a petition filed by the Prats family containing new evidence; Arancibia was detained in 1996. In January Arancibia petitioned for his release based on an Argentine law stating that no one can be held in preventive detention for more than 2 years. The court rejected his petition, stating that the law's release provision was not automatic; each case had to be reviewed on its own merits.

On April 9, charges against Arancibia were broadened to include "illicit association;" the court also reaffirmed the Chilean Government's right to participate in the trial as a coplaintiff. Upon issuance of this ruling, attorneys for the Prats family asked that General Pinochet and several former senior officials of DINA (the army intelligence branch during the military regime), including retired generals Manuel Contreras, Pedro Espinoza, Raul Iturriaga Neumann, and Jose Zara Holger, and civilian Jorge Iturriaga Neumann, also be charged in the case. (Contreras and Espinoza are serving prison terms for the 1976 killings in the United States of former Foreign Minister Orlando Letelier and his assistant Ronni Moffitt.)

In mid-May attorneys for those newly implicated--with the exception of Pinochet who did not have legal representation--asked to have the statute of limitations invoked. In mid-August the Argentine judge handling the case, Maria Servini de Cubria, sent an official request to Pinochet in London asking that he name an attorney for this hearing. The judge noted that if Pinochet did not name a legal representative, one would be appointed. Arguing that it wanted to focus its energies on the actual prosecution of Arancibia, the Chilean Government declined to take part in this phase of the legal proceedings. In December the judge ruled that Contreras and Espinoza could be included in the case; Contreras and Espinoza appealed this ruling. At year's end, decisions were pending on the other defendants who tried to invoke the statute of limitations; oral proceedings against Arancibia had yet to begin.

On March 30, a Santiago appeals court ordered the reopening of the case involving the 1982 death of labor leader Tucapel Jimenez and the related 1983 homicide of carpenter Juan Alegria Mundalca. Investigating Judge Sergio Valenzuela Pinto had closed the case on November 6, 1998, by ruling that there was insufficient evidence to bring anyone to trial. In reopening the investigation, the appeals court ordered the detention of 12 persons, including retired General Ramses Arturo Alvarez Scoglia and several former intelligence officers.

Acting on a petition by the Government's Council for the Defense of the State, on April 9, the Supreme Court replaced Valenzuela Pinto, who had been criticized for his handling of
the case since taking it on in 1982, with Sergio Munoz Gajardo. In the months that followed, Judge Munoz charged five other persons; the authorities held two of these individuals and granted bail to the others. On May 27, the Supreme Court approved a request by Munoz to send a list of questions to Pinochet in London seeking clarification of what the retired general knew about Tucapel Jimenez’ death. At year's end, these questions had not yet been presented to Pinochet.

In mid-September Judge Munoz ordered 2 further high-profile detentions, bringing the total number of persons charged to 19. He ordered retired General Humberto Gordon, former CNI director and army representative on the military junta in 1986-88, and retired Brigadier Roberto Schmeid, former CNI chief for Santiago, detained on complicity charges. A September 21 Santiago appeals court ruling reduced the charges against Gordon to involvement in covering up the crime, but did not order him released. Two days later, in a split decision, a Supreme Court panel reinstated the complicity charges. Gordon was released on bail on November 12; at year's end, 16 of 19 persons implicated in the crime were free on bail, 2 still were detained and extradition of another from France was being sought.

The authorities took retired air force Colonel Edgar Ceballos Jones, who led air force intelligence and the "joint command" in the years following the coup, into custody following a January 25 appeals court ruling. The court ordered Ceballos detained for his alleged role in the 1974 death of Alfonso Carreno Diaz and the disappearance the same year of Jose Luis Baenza Cruces. In June Ceballos filed to have his case transferred to the military justice system; the Supreme Court rejected this petition on September 23. Ceballos was released on bail on October 11; at year's end, legal proceedings were continuing.

The daughter of Carmelo Soria, a Spanish citizen working for the United Nations who was killed in Santiago on July 14, 1976, appeared before the Inter-American Commission on Human Rights (IACHR) in March, charging the State with denial of justice in her father's case due to an August 23, 1996, amnesty ruling closing the investigation. In 1997 the Soria family rejected a compensation offer from the Government.

On April 19, a Concepcion military court detained five former CNI agents for the August 23-24, 1984, murders of eight MIR members. In 1997 a military court had closed the case, ruling that the deaths occurred during an armed confrontation. However, a September 1998 Supreme Court ruling ordered the case reopened.

In a compensation case, a Santiago civil court awarded approximately $1.2 million (600 million pesos) to the mother of five MIR members who were killed or who disappeared between 1974 and 1976. The compensation was awarded for "moral damages." At year's end, the Government was considering whether to appeal.

In early October, Italy requested the extradition of retired General Manuel Contreras for his role in the attempted killing of Bernardo Leighton. Along with another Chilean, Contreras was convicted of the crime in absentia in Rome in 1995 and sentenced to 20 years in prison. On December 1, Judge Juan Guzman charged Contreras, along with former officers Marcelo Moren Brito and Armando Fernandez Larios, with the October 1974 disappearance of Communist Party member David Silberman Gurovich. The law precludes the extradition of any person being processed for a local crime, although the
Italian request remained pending at year's end.

While most allegations of human rights abuses are directed at now-retired officers, some alleged perpetrators remain on active duty. For example, Army General Sergio Espinoza Davies, who commanded the U.N. Observer Mission along the India-Pakistan border, was accused of being involved in an October 1973 "war council" that sentenced five socialists to death without due process. Following the U.N.'s announcement that it would investigate the charges against him, the Government consulted with the United Nations. The issue became moot when General Espinoza Davies, promoted to Army Inspector General, returned to the country in December 1998.

b. Disappearance

There were no reports of politically motivated disappearances.

The major human rights controversy involved past disappearances and efforts by political factions and the judiciary to interpret the 1978 Amnesty Law in such a way as to achieve truth, justice, and national reconciliation. As interpreted under the so-called Aylwin doctrine (named after former President Patricio Aylwin), the courts should not close a case involving a disappearance until either the body is found or credible evidence is provided to indicate that an individual is dead. A version of this doctrine began to take hold in the court system, but its application was uneven, and some courts continued the previous practice of applying the 1978 Amnesty Law to disappearances without conducting an investigation to locate the missing person's remains or identify the perpetrators. Of the 1,289 individuals who disappeared under the military regime, the remains of 244 have been found and identified; over 1,000 have yet to be found.

The agency in charge of the compensation program for the families of those executed or who disappeared reported in mid-June that since 1992 the State had provided over $95 million in benefits. Survivor benefits include pensions, educational subsidies, and other assistance.

In December 1998, a Supreme Court panel overruled a 1997 application of the Amnesty Law to the August 1974 disappearance of Alvaro Miguel Barrios Duche. The Supreme Court ruled that the law only could be applied following the completion of a full criminal investigation and the identification of the guilty parties; it ordered the military court to begin an investigation. This doctrine remains controversial, and jurisprudence in this area was unsettled at year's end.

On June 9, Investigating Judge Guzman ordered the detention of retired General Sergio Arrellano Stark, who led the September-October 1973 Caravan of Death responsible for at least 72 killings. Guzman also ordered the detention of former military officers Sergio Arredondo, Marcelo Moreno, Patricio Diaz, and Pedro Espinoza (already in jail for the Letelier-Moffitt murders). In December Judge Guzman granted Arellano's bail request subject to appeals court approval. The appeals court rejected Arellano's request for bail, and at year's end Arellano was considering his legal options. Guzman charged the 5 men with aggravated kidnaping in the disappearances of 19 persons. In July the Supreme Court refused to dismiss the case against the former officers.

In ordering Arellano and the four others detained, Guzman resorted to controversial
interpretations of the Amnesty Law and kidnaping statutes. The judge ruled that since the
death of those 19 persons who disappeared during the Caravan had not been proven
legally, the kidnapings must be presumed to continue and, therefore, the crime may fall
beyond the period covered by the amnesty. Consistent with this interpretation, a proven
1973-78 death falls under the Amnesty Law; Guzman granted amnesty to five other
former officers involved in the Caravan on these grounds.

A July Supreme Court ruling on a habeas corpus petition brought by the detained former
officers explicitly supported Guzman's detention of the five on aggravated kidnaping
charges and noted that the investigation into the disappearances had to be exhausted prior
to the consideration of a grant of amnesty. In August family members of those executed or
who disappeared during the Caravan period petitioned the Santiago appeals court to raise
the charges against those detained to homicide and to revoke the amnesty granted to the
five other former officers. On August 26, the appeals court declined to increase the
charges against the five detained officers and declined to charge those not detained with
homicide. In making its determination on the five persons who were not detained, the
court ruled that there was insufficient evidence of their involvement in the murders; it did
not reaffirm the amnesty decree.

The court further ordered that Armando Fernandez Larios, one of the five former officers
granted amnesty by Judge Guzman, be charged with aggravated kidnaping and that his
extradition be sought. In March the family of Winston Cabello Bravo, 1 of 16 persons
executed in Copiapo in October 1973 during the Caravan of Death, filed a civil suit in a
foreign country for damages against Fernandez. As of year's end, an extradition request
for Fernandez had not yet been presented.

On October 5, Judge Guzman asked the Supreme Court to send a list of questions to
General Pinochet in London seeking information on what he knew about the Caravan of
Death, the structure of the DINA, and other human rights matters. On November 3,
Guzman announced that Pinochet's response, received a day earlier, did not directly
answer the questions. Instead, Pinochet sent back a short note stating that his detention in
the United Kingdom prevented his access to the material necessary to respond to the
questions.

On May 25, the authorities detained former DINA agent Basclay Zapata (also known as
"El Troglo") for his alleged involvement in the May 1974 disappearance of two MIR
members. On June 3, the Supreme Court rejected an appeal by Zapata to be released; he
remained under arrest at year's end.

The Vicariate of Solidarity Document and Archive Foundation reported that in the first
half of 1999, courts revoked three prior amnesty rulings. An amnesty ruling was
overturned in another instance, but the case was closed temporarily due to lack of
evidence. Several other previous cases in which amnesty was granted are being appealed.

Prior to 1998, the Supreme Court sometimes had ruled that when judges receive criminal
complaints related to actions by armed services members in the period covered by the
amnesty (September 11, 1973 to March 10, 1978), they were required to close the case
immediately without further investigation. Court rulings in 1998 and 1999 called this
determination into question, without completely ruling out the possibility that cases could
be closed.
Military courts, in particular, continued to be prone to close cases. Nonetheless, on January 18 the highest military court revoked a lower military court amnesty ruling in the illegal arrest case of Arsenio Poupin, declaring that the perpetrators of the crime had not been identified. Vice Minister of Government at the time of the coup, Poupin was arrested in La Moneda on September 11, 1973 and later disappeared. While the military court did order the case temporarily closed due to lack of evidence, the finding leaves open the possibility of a future reopening.

In September 1998, the Supreme Court revoked an amnesty granted by a lower court covering the 1974 disappearance of MIR member Pedro Enrique Poblete Cordoba on the basis that the Geneva Convention (on internal conflicts) was applicable. This is the only Supreme Court or appeals court ruling that has interpreted the Geneva Convention as applicable to the military era, overriding the Amnesty Decree.

In a subsequent 1998 case similar to Poblete's, the Supreme Court declined to invoke the Geneva Convention. An August Santiago appeals court panel also declined to address the Geneva Convention issue in a Caravan of Death ruling, despite the plaintiffs' arguments that the convention should be invoked.

The Social Aid Foundation of Christian Churches (FASIC), the CODEPU, and other human rights organizations have several denial-of-justice cases pending before the IACHR regarding previously closed disappearance and execution cases. Denial of justice cases based on application of the Amnesty Law also have been filed with the United Nations Commission on Human Rights (UNCHR). The most recent of these was filed in April, alleging that justice had been denied in the disappearance case of Eduardo Paredes Barrientos, an adviser to deposed President Salvador Allende and once head of the Investigations Police. An August 1998 Supreme Court ruling had upheld a previous amnesty finding in Paredes' case.

In 1998 France joined Spain in seeking the extradition of General Pinochet from the United Kingdom, based on the disappearance of three French citizens in 1973-77. Switzerland and Belgium also filed extradition requests for Pinochet in 1998.

Investigations of military-era detentions and disappearances of persons at Colonia Dignidad (renamed "Villa Baviera"), a secretive German-speaking settlement 240 miles south of Santiago, led to an April 28 detention order issued by Judge Guzman against Paul Schaefer for the kidnaping and disappearance of Alvaro Vallejos. Schaefer, already wanted by the authorities on other charges, remained a fugitive at year's end. The 34,000-acre enclave, inhabited by 350 persons, was founded by the 78-year-old Schaefer, who immigrated from Germany in 1961 with 300 followers.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids the use of illegal pressure on detainees; however, the CODEPU has received reports of abuse and mistreatment by both the National Police and the Investigations Police. When requested by other human rights organizations or family members, CODEPU lawyers visit detainees during the interrogation (see Section 1.d.) and represent some suspected terrorists in court. The CODEPU continues to investigate alleged use of excessive force against detainees. The Minister of Interior asks the courts to conduct independent investigations of credible complaints of police abuse, but such
investigations often do not result in arrests, due in part to the reluctance of judges to pursue the issue vigorously.

The Human Rights Office of the Metropolitan Legal Aid Office, an arm of the Justice Ministry, released a report in March noting that it had attended 815 persons in 1998, twice the number seen the previous year. The report further stated that the Legal Aid Office presented 70 cases to civilian or military courts in 1998; 42 cases were filed in 1997. Of the more recent cases, 48 were lodged against National Police officers for abuses, while 7 cases involved the Investigations Police, and 6 involved military personnel. The remainder involved various government civilian authorities and private security guards.

In July 1998, a new law entered into effect that clarified the illegality of any use of force against persons detained by the police. The law provides that if a member of the police force uses torture or unlawful coercion, either physical or mental, or orders them to be applied, or uses them against a person under arrest or detention, the officer would be sentenced to imprisonment. Officers who know about the abuse and have the necessary power and authority to prevent or stop it also would be considered accessories to the crime if they fail to do so (see Section 1.d.).

Human rights groups continue to claim that military recruits sometimes are mistreated. The Commission on Juvenile Rights (CODEJU), a nongovernmental organization (NGO) claimed on November 5 that it had received 380 complaints of recruit mistreatment in the previous 5 years. This statement followed the October 29 departure from an Iquique military base of recruits Leonardo Guerra Leandro and Mario Jesus Basaubre. Once home Guerra claimed that he was mistreated on the base; Basaubre committed suicide at home on October 30. In response, the army announced that its preliminary investigation backed the recruits' claims of mistreatment and promised to take administrative and disciplinary action against those allegedly involved. The army also referred the matter to the local military prosecutor. The recruits' families filed a criminal complaint charging the base's second in command and two other soldiers with responsibility for the mistreatment. The army stated Basaubre's suicide was the third by a soldier during the year; there was one suicide in the ranks in 1998, five suicides in 1997, and six in 1996.

On November 9, the investigating judge again closed the case of Pedro Soto Tapia, a 19-year-old military conscript who alleged mistreatment in 1996 and whose remains were found in March 1997. At year's end, Soto Tapia's family was considering its legal options (see Section 1.a.).

There was no new information available on the case involving 14 military conscripts who were reportedly beaten during a military exercise in 1998. One corporal involved in the incident was removed from the military and was awaiting trial at the end of 1998.

At year's end, the court of appeals had not yet ruled on the August 1997 filing by attorneys for Carmen Gloria Quintana that appealed efforts by the Government to set aside a compensation award of approximately $600,000 that the IACHR had recommended for Quintana in 1988. Army captain Pedro Fernandez Dittus set fire to Quintana and her companion Rodrigo Rojas Denegri while they were participating in a protest against the military regime in 1986. Rojas died 4 days later, while Quintana survived with severe and disfiguring injuries.
In September a press report indicated that unknown persons threatened Rafael Castillo, a prominent investigator for the Investigations Police on Operation Albania, as well as the Letelier, Prat, and Leighton killings.

Prisons are often overcrowded and antiquated, but conditions are not life threatening. Food meets minimum nutritional needs, and prisoners may supplement the diet by buying food. Those with sufficient funds often can rent space in a better wing of the prison. Prison guards have been accused of using excessive force to stop attempted prison breaks. Although most reports state that the guards generally behave responsibly and do not mistreat prisoners, several prisoners have complained of beatings. There were 422 minors in adult prisons, according to 1998 figures (see Section 5).

The maximum security prison housed 56 inmates until early February, most of them charged with, or convicted of, terrorism. In February these prisoners were transferred to other penitentiaries while repairs were done to the facility and security measures upgraded. The prisoners complained that they were beaten and abused during the move; the Government denied this, but admitted that prisoners were handcuffed and that tear gas was used. On June 6, a Santiago appeals court, while recognizing that the inmates did not cooperate with the transfer, ruled that prison guards used excessive force. The court ordered prison authorities to abstain from using such force in the future. Prison authorities appealed the finding to the Supreme Court.

On March 29, 44 prisoners were returned to the maximum security prison; the other 12 remained in different penitentiaries. These prisoners continue to complain that strict security measures, restriction of visitors, hidden cameras, and rigid regulations violate their rights. In 1997 the Ministry of Justice confirmed that there were listening devices in prison cells but asserted that they were never used.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The authorities generally respect constitutional provisions for arrest and detention; however, detainees are not always advised promptly of charges a