

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2001/02/14/chilean-air-force-official-must-face-torture-charges>

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Human Rights Watch today called on Chilean President Ricardo Lagos to immediately suspend from duty the acting chief of Chile's air force, Gen. Herne Gabrielli Rojas, following credible allegations that he participated in the torture of political detainees following the September 1973 military coup. Human Rights Watch urged the Chilean government to make itself party to the case against Gabrielli.

Three former political detainees, who had been held in the Cerro Moreno air base in the northern city of Antofagasta in the days immediately following the coup, recently made important allegations implicating Gabrielli in serious human rights crimes. According to their account, Gabrielli, then a lieutenant, was responsible for beating another detainee, Eugenio Ruiz-Tagle Orrego, and participating in a mock execution in which they were all victims. After suffering brutal torture, Ruiz-Tagle was executed on October 19, 1973, by a military death squad known as the "Caravan of Death."

"These charges are extremely serious, and must be investigated thoroughly and impartially," said Jose Miguel Vivanco, executive director of Human Rights Watch's Americas division. Vivanco said that a lawsuit against Gabrielli is being prepared by relatives of Ruiz-Tagle, and urged the government of Chile to make itself a party to the investigation.

On February 7, the electronic newspaper El Mostrador released some hitherto unpublished documents indicating that former dictator Augusto Pinochet, now on trial for ordering the Caravan of Death executions, was informed of Ruiz-Tagle's execution. Pinochet reportedly tried to stall an official investigation by claiming that there were serious charges against Ruiz-Tagle and that he had not been tortured. Ruiz-Tagle's relatives cited a witness, Carlos Blau, an accountant, who allegedly saw Ruiz-Tagle being beaten by Gabrielli. That account was later confirmed by two other witnesses, Juan Ruz, currently an Education Ministry official, and Hector Vera, an academic.

Human Rights Watch expressed grave concern at reports that General Gabrielli has filed a lawsuit against the three witnesses under Article 6(b) of the Law of State Security. This law prohibits defamation of top government officials, including the commander-in-chief of the armed forces, and punishes offenders with up to five years' imprisonment. Targets of Article 6(b) prosecutions can be convicted even if they can prove the truth of their accusations. The law has been condemned by the Organization of American States for violating Article 13 of the American Convention on Human Rights, which protects freedom of expression. In mid-1999 the Lagos government promised to repeal the law, but reform legislation has been blocked in Congress.

"Obviously the armed forces, which have been under criticism since their report on the 'disappeared' was poorly received in Chile, are hitting back against their critics," said Vivanco. "The world is waiting for President Lagos to take a clear and uncompromising stand in favor of accountability, justice and free speech."

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