

CHILE

TORTURE AND THE NAVAL TRAINING SHIP

THE "ESMERALDA"

Background

Following the military coup on 11 September 1973, the military junta which seized power immediately embarked on a program of systematic and large-scale repression, exerting absolute control over the resources of the State and using these to commit human rights violations. Constitutional guarantees were suspended through more than 3,500 decree laws and four "constitutional laws" passed over several years. Congress was dissolved and a country-wide state of siege declared, under which hundreds of people were detained and countless more extrajudicially executed, a state policy of "disappearance" put in place and torture was used systematically.

With the return to civilian rule in 1990, two bodies were created in different periods to gather information leading to the clarification of the truth about "disappearances", extrajudicial executions and deaths resulting from torture by state agents. The Truth and Reconciliation Commission (known as the Rettig Commission) (*Comisión Nacional de Verdad y Reconciliación*) was set up by the administration of President Patricio Aylwin, and published its report in March 1991. The National Reparation and Reconciliation Corporation, (*Corporación Nacional de Reparación y Reconciliación*) was established in 1992 as a successor to the Truth and Reconciliation Commission (Rettig Commission) and published its final report, when its mandate came to an end in 1996. The combined findings of the two commissions officially documented 3,197 cases of victims of "disappearances", extrajudicial execution and death resulting from torture. This figure did not include the victims of torture who survived their ordeal.

The report by the Truth and Reconciliation Commission (Rettig Report) registers a number of navy vessels used as detention and torture centres by the Chilean navy at the time of the coup led by General Augusto Pinochet. The Chilean naval training ship "Esmeralda" is listed together with the "Lebu" and the "Maipo". According to the Rettig Report, in the "Esmeralda", a special group of Navy officials "installed a unit for the interrogation of detainees. Such interrogation included, as a general rule, ill-treatment and torture".¹

¹Original Spanish from the Rettig Report: "En el caso del Buque Escuela Esmeralda, las investigaciones practicadas por esta Comisión permitieron comprobar que una unidad especializada de la Armada se instaló en su interior con el objeto de interrogar a los detenidos que se encontraban en la misma nave y a los que eran traídos desde otros recintos de reclusión de la Armada. Esos interrogatorios, por regla general, incluían torturas y malos tratos."

In September 1999, following denials on national television by Navy Commander-in-Chief (*Comandante en Jefe de la Armada*) Admiral Jorge Patricio Arancibia Reyes, that naval ships or installations were used as torture centres, two former prisoners, Antonio Leal, a deputy for the Party for Democracy in 1973, and Ivan Aldoney Vargas, publicly stated that political prisoners were tortured on board the "Esmeralda" and other naval vessels and installations. In a September 1999 press conference Antonio Leal described the type of torture carried out on the "Esmeralda" including the use of electric prods, high-voltage electric charges applied to the testicles, hanging by the feet and dumping in a bucket of water or excrement (*Santiago Times*, 7 September 1999).

There is no evidence that torture was committed on the "Esmeralda" after 1973; nevertheless, the ship is seen as a symbol of the cruel fate of political prisoners in Chilean recent history, especially of the indiscriminate use of torture by government officials.

Over the years, as part of Amnesty International's work against the gross human rights violations committed in Chile during the military government (1973 -1990), Amnesty International has documented and published a number of testimonies of victims tortured on the "Esmeralda".²

The Chilean naval training ship "Esmeralda" (*Buque Escuela "Esmeralda"*) is a four masted barquentine which makes yearly training voyages visiting ports around the world acting as a "roving" embassy for Chile. In April 2003, the "Esmeralda" set off on her 48th training trip, with plans to call at ports in Peru, Ecuador, France, Netherlands, Sweden, Germany, UK, Spain, Brazil, and Argentina, returning to Chile in October 2003.

THE "ESMERALDA'S" VOYAGES

The "Esmeralda" has made trips around the world over the years, both during the military government and in the years since the return to civilian rule. Amnesty International's sections located in the country visited have received requests for information from the national press and from Chilean refugees living in the country and in some instances have organized actions to protest the presence of the "Esmeralda". The organization has supported the expressions of concern and rejection voiced by relatives and victims of torture against the role of the Esmeralda as a "goodwill" ambassador around the world.

In recent years, there has been considerable international interest in the "Esmeralda" and in Chile in general by the media due to the detention and extradition proceedings in the United Kingdom in 1998 against Augusto Pinochet.

Photo caption: The Esmeralda, docked at the port of Rouen, France, June 2003

² For the full external information please refer to "Chile: Torture Testimonies" (AI Index: AMR 22/32/80) published in October 1980 in English and Spanish.

The "Esmeralda" in 2003

The "Esmeralda" started another "goodwill" voyage on **6 April 2003** and will return to **Chile on 12 October 2003**. It was announced that the following countries would be visited: **Peru, Ecuador, France, Netherlands, Sweden, Germany, UK, Spain, Brazil and Argentina.**

The ship's original itinerary was as follows:

6 April set sail from	Valparaíso, Chile
16-19 April	El Callao, Perú
24-27 April	Guayaquil, Ecuador
3-6 May	Rodman, Panama
9-13 June	Rouen, France
16-20 June	Delfzijl, Netherlands
27 June – 1 July	Stockholm, Sweden
4-8 July	Lübeck, Germany
14-18 July	London, England
23-27 July	El Ferrol, Spain
4-7 August	Tenerife, Canarias, Spain
2-5 September	Rio de Janeiro, Brazil
15-18 September	Buenos Aires, Argentina
29 September – 1 October	Punta Arenas, Chile
12 October arrive	Valparaíso, Chile

The itinerary was changed in May 2003, however. The "Esmeralda's" visits to Delfzijl in Holland and Stockholm, Sweden were cancelled. According to media reports, the Chilean Minister of Foreign Affairs indicated that the change of itinerary was due to "*razones de Estado*" (reasons of State). The Chilean Navy Foreign Affairs Department announced that instead of Sweden and Holland, the Esmeralda would stop at the ports of Bremerhaven in Germany and Dartmouth in England. (For further information see <http://www.chile-esmeralda.com>)³.

³ www.chile-esmeralda.com is not an Amnesty International website but contains updated information and details on the ship and related human rights issues.

Photo caption: Demonstrators at the port of Rouen, France, June 2003

Presidential speeches

In his address to the "Esmeralda" crew when she set sail from Valparaiso in 2000, President Ricardo Lagos said that Chile is not an island but part of a world that "becomes smaller and more global every day. We all have to learn to live in this new world, to make the most of its advantages, to sail like you on the seas in the waters of progress without compromising our identity and our values as a country". (*Report of April 2000 in the Santiago Times*).

However, the respect for human rights and international law is part of the progress of humankind. The herald of such endeavours cannot be the "Esmeralda" while her history is debased by an abominable recent past. Until the human rights violations that took place in the "Esmeralda" are fully clarified and those found responsible are brought to justice, such aspirations will remain unfulfilled.

In June 2000 Amnesty International issued information regarding the "Esmeralda's" visit to the USA, Canada and Latin America (AI Index AMR 22/10/00). At that time, a number of Amnesty International sections campaigned against the systematic and widespread practice of torture during the military government, using testimonies provided by victims and relatives of victims who suffered torture on the "Esmeralda".

On 2 April 2003 President Ricardo Lagos gave a farewell speech to the ship's crew in its 48th voyage, saying that the "Esmeralda" was representing Chile, its history and traditions: "with you sets sail [...] a country proud of what it is doing [...] You will arrive with the pride of representing a country, which is a little star in the south of the world, which is respected for its democracy and human rights."⁴

Amnesty International, however, believes that the "Esmeralda's" voyages do not enhance Chile's image as a country that is admired for its respect for human rights, but rather they damage it, and will continue to do so until the human rights violations, including torture, which took place on the ship are fully clarified and those found responsible brought to justice.

CASES OF VICTIMS OF TORTURE ON THE "ESMERALDA"

⁴ Excerpt of the farewell speech by President Lagos: "Con ustedes zarpa [...] un país orgulloso con lo que está haciendo [...] Llegarán con el orgullo de encarnar un país, que es una pequeña estrella en el sur del mundo, que es respetado por su Democracia y por sus Derechos Humanos".

Testimonies on **individual cases of torture** are included in this document. One of the cases Amnesty International has been highlighting is that of Catholic priest, Father Michael Woodward, who was reported to have died as a result of being tortured on the "Esmeralda" in 1973 (see details of his case below). His sister, Patricia Bennetts, who lives in Spain, has been campaigning for the investigation into and clarification of her brother's case. In January 2002 Patricia Bennetts filed a judicial complaint in Chile against Augusto Pinochet, senior naval officers and crew members of the "Esmeralda". The case is being investigated by a judge (*Ministra de Fuero*) in Valparaíso. Reportedly, the investigation has suffered serious delays due to the workload of cases assigned to the judge.

1) Michael Woodward

One of the cases of dual nationals British-Chilean highlighted during the period of Augusto Pinochet's detention in England was that of the Catholic Priest **Michael Woodward**, who is recorded as dead as a result of torture. According to the Rettig Report, Michael Woodward was arrested by a naval patrol in Valparaiso on 16 September 1973. On 22 September, six days later, he died in the Naval Hospital in Valparaiso as a result of the torture he was subjected to by members of the security forces. A death certificate issued by the Naval Hospital stated that Michael Woodward had died in the street of cardio-respiratory arrest (*paro cardio-respiratorio*) on 22 September.

Since then, information pieced together over the years by Michael Woodward's relatives has established that, following his arrest, he was taken to the "Esmeralda" where he was interrogated and tortured. A ship's doctor was sent to the "Esmeralda" to attend a "dying priest". Some of the information indicates that he died on the "Esmeralda" and his body was subsequently taken to the Naval Hospital.

In an interview provided to the British press ([The Independent](#) 31 January 2000) Michael Woodward's sister, Patricia Bennetts, recorded how the naval chaplain at the hospital recognised his body and the diocese of Valparaiso tried to take him for a proper burial. However the navy insisted in burying him and years later, in 1986, she visited the cemetery of Playa Ancha and "saw in the registry that Michael had been buried in a common grave".

Photo caption: Father Michael Woodward - photograph taken in 1962

2. Luis Vega Contreras,⁵ Chilean lawyer, arrested on 11 September, 1973. His testimony made from Israel, Tel Aviv, on 22 April, 1976 refers to ten days he was a prisoner and tortured in the "Esmeralda":

⁵ Extracts from AI document "Chile: Torture Testimonies" (AI Index: AMR 22/32/80) published in October 1980 in English and Spanish.

"At 8.20 pm on September 11, 1973, police commanders [...] arrived at my home [...] accompanied by some officers and a large number of troops and detectives, all armed with machine guns and in numerous vehicles. I was told to accompany them and to take my personal effects which I did. They searched my home.

"I was placed in a pick-up truck [...] we then went to get other people [...] we entered the harbour pier at 9.20 pm and [...] they turned us over to the commander of the "Esmeralda". He and other officials were at attention on the main deck of the "Esmeralda", the training ship of the Navy. They made us stop in front of the pier where we saw people on the ground or kneeling with their hands behind their heads. A midshipman of Nordic appearance [...] without saying a word hit me in the neck with the stock of his rifle. He then hit me again in the right kidney with his gun. From then on, under kicks, blows and amidst the vilest curses we were taken to the Midshipmen's quarters [...] I was pushed and thrown on the floor [...] some marines wearing black hoods tripped us and knocked us to the ground. They placed the muzzle of their rifle on the back of my head and a foot on my back. They ripped off my clothes and took away my valuables. [...] Then, naked, they placed me under a high pressure jet of sea water [...] Kicking me they removed me from this shower and threw me on the ground. My wrists were tied behind my back and my fingers were individually tied. Thus bound they pull me again under the heavy, powerful jet of sea water. The pressure produced an unbearable pain in the head, ears, eyes and lungs. Using lances made from sticks with steel points, they would stab at us to keep us under the water jet."

"[...] During the 72 hours were not allowed to sleep due to the water jet, the beatings and a head count taken every 15 minutes. The first night there were seven men and one woman [...] We were all naked. At one point, we were according to one count, 40 men and 72 women. The quarters were divided with a canvas, but the women were naked in their hammocks.

"The treatment these sailors gave the women was outrageous. They would squeeze their breasts, buttocks and thighs. We could hear the screams of the women and girls protesting these outrages. [...] Every one was stripped and placed under the jet of sea water. There was a marine we called the "Bird of Torture", who would constantly bang on the metal doors to prevent us from sleeping. It was impossible to do so anyway because we constantly heard the yelling that came from the torture chambers where electric shocks were applied, the "telephone" [form of torture where both ears are hit simultaneously, producing great pain and damage to the eardrums], and other savage tortures took place."

"On 13 September, at about 9 pm I was taken to the Officers' quarters on deck where there were 9 members of the combined armed Intelligence and police [...] On my way to these quarters the individuals that were guarding me told me I would be immediately shot because I was a Communist, a traitor to my country and the Armed Forces. They made me stand up against a wall; they kept quiet for a while. One of them made me close my eyes and then cried "fire". Nothing happened."

"[...] It was dawn on September 20th 1973. I lay on my back with my hands under my head, when at about three I was told that I had to get dressed, shaved, and take my few belongings [...] That was the last time I saw the "Esmeralda". Up to September 10th it had been for me and for 10,000,000 Chileans the "White Lady", the "National Pride". It represented Chilean democracy, manhood, the chivalry of Chilean officers and sailors. Today it is a Torture Chamber, a Flagellation Chamber, a Floating Jail of Horror, Death and Fear for Chilean men and women. From there we were taken to Quintero, the Air Force group 10 was on a plane to Dawson Island."

3. Testimony of a person tortured on the "Esmeralda" (name withheld)

"[...] I was detained during the night of 12 September 1973. From the beginning of my detention, they started to beat me, usually while I was forced by them to crouch with my hands behind the back of my neck. There I was beaten all over my body with the butts of rifles.

"I was taken to the training ship "Esmeralda" where, without having been asked any questions at all, I had my hands tied behind my back and was brutally beaten up, together with three other men whose names I never knew. We were beaten all over but mainly on the torso and feet. On this occasion, they beat me with feet, hands, rifles, sticks, etc. This treatment (they asked no questions) was repeated four times during the night we were there. I calculated that each session lasted 15 to 20 minutes. This occurred during the night of the 12th and in the early morning of 13 September 1973. The next day (13th) I was taken to the merchant ship "Maipo". [...]

4. Testimony of Sergio Vuscovic Rojo:⁶

"A group of seven us here are from Valparaiso. The seven of us were tortured on the ship "Esmeralda" for nine days. I want to explain one of the tortures that was applied to me: I was stripped to my shorts and my hands were handcuffed behind me. There was a post there and they tied me to it. They applied electric shock on my skin, on my testicles, on my chest and back, also the officers who were interrogating me hit me 50 times in this part with their fists. All of this left me black and blue, as the Red Cross verified when they came to Dawson [Island]. [...] My name is Sergio Vuscovic Rojo, and I was the Mayor of Valparaiso [...] When I was taken for interrogation, they blindfolded me, and the guard who went with me put his pistol on the back of my neck, and asked me: "do you know how to swim?" I answered: "some." "Good ... because we're going to throw you overboard." Then, twenty or thirty people were gathered together. I say persons because they were both men and women. We were

⁶ Extract concerning the "Esmeralda" from the "Report on the Status of Human rights in Chile" of the Inter-American Commission on Human Rights of the Organization of American States, approved by the Commission at its meeting held on 24 October 1974.

wearing only underpants. We could hear how the others were tortured right there where we were. And all this was done to both men and women, in the Chilean Navy's training ship. The seven of us from Valparaiso were tortured in that way, electric shock was applied to us, for example. They applied current to us here on the temple [...]. "

The Armed Forces and the Government

As a result of the Declaration signed in June 2000 by members of the Chilean Human Rights Discussion Table (*Mesa de Diálogo*), the Armed Forces disclosed information on 200 cases of victims of human rights violations. The information was submitted on 5 January 2001 to the President of the Republic, Ricardo Lagos. The list contains 180 names of victims arrested between 1973 and 1976, and 20 unidentified victims. The majority of victims are listed as thrown into the sea, rivers and lakes in Chile. Up to now the investigations which have taken place into the information supplied by the armed forces has not satisfied the human rights organizations, including the *Agrupación de Familiares de Detenidos-Desaparecidos* (Association of the Relatives of the "Disappeared") in their efforts to obtain truth and justice.

During 2000 regarding the role of the "Esmeralda" a letter written by the Chilean Navy Commander-in-Chief, Admiral Arancibia Reyes to Amnesty International's Canada (Fr) section in December 2000 stated: "*.... Los chilenos estamos hoy haciendo, en conjunto, por alcanzar un estado de paz y estabilidad que nos permita asumir los desafíos de desarrollo y bienestar para miles de nuestros compatriotas, que por décadas han sufrido de la pobreza y la miseria. En este sentido es un deber de este Almirante expresarles que siente, al igual que Uds, la necesidad de lograr alcanzar los acuerdos necesarios que permitan avanzar en la construcción de dicha estabilidad. Estoy cierto que ello demanda, voluntad y sacrificio de todos, en ese sentido hemos impulsado los acuerdos de la "Mesa de Diálogo" Ello, por cierto, no excluye las responsabilidades que, en materia de Derechos Humanos, existan sobre personas comprometidas en situaciones que la Justicia Chilena investiga....*" [Chileans are today doing what we can to achieve a state of peace and stability which will allow us to take on the challenges of development and well-being for thousands of our people who, for decades, have suffered poverty and misery. It is in this sense, as Admiral, that I wish to express the responsibility which I myself feel, as I am sure you do, to ensure that the necessary agreements are reached which will permit us to move forward towards building this stability. I am certain that what is needed includes goodwill and sacrifices from everyone, in order to move forward the agreements of the Human Rights Discussion Table. This does not of course exclude the responsibilities of people as regards human rights who are being investigated by the Chilean justice system...] [unofficial translation]

In February 2001, the Minister of the Interior, Mr. José Miguel Insulza, said that a proliferation of human rights complaints would be detrimental to the country's social peace, and that investigations should therefore be confined to the cases of the "disappeared" and the victims of extrajudicial executions. The Minister's pronouncement particularly discouraged legal complaints from surviving victims of torture. In response to this statement, Amnesty International issued a news release (AMR 22/006/2001, 19 February 2001) in which the

organization expressed concern that the right to justice of Chilean torture survivors was at risk if their action is not supported by the authorities. Amnesty International also said that "the argument of national unity cannot be used to justify a position which encourages impunity and is in conflict both with Chilean legislation and with Chile's international obligations."

According to reports published in Chile in September 2002, a secret organization known as the *Comando Conjunto* (Joint Command) was regrouping to obstruct the judicial investigations resulting from information gathered from the *Mesa de Diálogo*. In October 2002, following an investigation initiated into this issue, the Third Criminal Court ordered the trial of the former air force General Patricio Campos Montecinos and charged him with obstruction of justice. General Campos Montecinos had been appointed by the Air Force Chief Commander, Patricio Rios to collect information available to the air force on cases of disappearances. The judicial decision stated that Campos Montecinos had withheld and destroyed information related to five people who disappeared during the military government "benefiting those responsible for these crimes and harming the administration of justice".

It has been expressly recognised since 1975, when the U.N. General Assembly adopted the Declaration for the Protection of All persons from being subjected to Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, that all states must conduct prompt and impartial investigations of all complaints of torture. In addition, Chile, as a party to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment since 1988, and the International Covenant on Civil and Political Rights since 1972, is legally bound to conduct prompt and impartial investigations.

The Chilean State

The Republic of Chile ratified the International Covenant on Civil and Political Rights in 1972 and in 1990 the American Convention on Human Rights. In 1988 the Republic of Chile ratified the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment as well as the Inter-American Convention to prevent and Punish Torture.

The Inter-American Commission on Human Rights in its report of October 1996, in the case of Chile, expressly considered that: "[...] the State has the obligation to investigate all violations that have been committed within its jurisdiction, for the purpose of identifying the persons responsible, imposing appropriate punishment on them, and ensuring adequate reparation for the victims".

Photo caption: Banner from the Association of Former Chilean Prisoners, who took part in the demonstrations at the port of Rouen, France, June 2003

To date thousands of victims of torture during the period of the military government who survived their ordeal have not been acknowledged by the authorities and are still asking for official recognition and justice including those who were victims of torture on the *Esmeralda*.

The Chilean government and high ranking navy officials have continued to deny that naval ships and installations were used as torture centres.

Initiatives by successive civilian governments, such as the Truth and Reconciliation Commission, the National Reparation and Reconciliation Corporation and the Chilean Human Rights Discussion Table, all created to deal with Chile's serious legacy of human right violations, have not included the grave crime of torture which in Chile was widespread and systematic during the years of military government.

Amnesty International is urging the Chilean government and the Chilean navy to acknowledge the serious human rights violations committed on the Esmeralda; to conduct independent and impartial investigations of all allegations of torture and other human rights violations on navy installations and vessels during the military government; to bring the perpetrators to justice and to morally and materially compensate the victims and their families.

Photo caption: Demonstrators at the port of Bremerhaven, Germany, June 2003 (© www.mapuche.nl)

The International Community

New York in 1986

During one of the voyages of the "Esmeralda", the New York City Council and the New York State Assembly and Senate passed resolutions in June 1986, expressing opposition to the participation of the Chilean naval vessel "Esmeralda" in the July Fourth Liberty weekend celebration and urging the invitation for her participation to be withdrawn. In its Resolution (Resolution No. 436) the New York City Council stated that "there is overwhelming evidence that The Esmeralda was used as a torture chamber of unspeakable horror;..." The Resolution submitted by a New York State Senator on the same month, stated that "The Esmeralda is the notorious vessel used for the torture of political prisoners at the time General Pinochet seized power in a military coup in Chile" and that "prisoners were beaten, tortured, subjected to electric shock, mock execution, sleep deprivation and sexual abuse". Calling for the withdrawal of the invitation to the "Esmeralda" the Resolution established that "Instead of evoking the pride of the Chilean people, the Esmeralda summons up memories of dead friends and missing relatives, midnight arrests and mysterious disappearances, detention in unknown locations and repression of a democratic nation".

On this latest voyage of the Esmeralda, Amnesty International is urging those governments where the ship docks, to publicly state that the history of the "Esmeralda" is degraded by her abominable recent past and that until the grave human rights violations that took place on the ship are fully clarified and those found responsible brought to justice, the "Esmeralda" is not welcome as a worldwide roving ambassador to Chile. This, in Amnesty International's view, constitutes an affront to the families and the victims who suffered grave human rights violations on the vessel.