



**Complementary report of Chilean Civil Society Organizations to the United Nations
Committee Against Torture on the occasion of the Sixth Periodic Report of the State
of Chile regarding the application of the Convention against Torture and Other
Cruel, Inhuman, or Degrading Treatment or Punishment**

(CAT/C/CHL/6)

**OBSERVATORIO CIUDADANO
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INTRODUCTION

1. This report was prepared by the civil society organizations: the Observatorio Ciudadano (Citizen's Rights Watch) and the Centro de Investigación y Defensas Sur (CIDSur) (South Research and Defense Center), both located in the Araucanía Region in southern Chile, in the ancestral territory of the Mapuche people. The purpose of this report is to make the Committee against Torture aware of the violation of rights recognized in the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment of Mapuche People by the State of Chile in the period between 2009 and 2018.

2. To this end, topics related to the Mapuche peoples' situation will be addressed based on the list of issues approved by the Committee at its 48th session prior to the submission of the sixth periodic report of Chile (CAT/C/ CHL/6).

GENERAL CONTEXT

3. Indigenous social protest of the Mapuche people, in particular, is historical, but has become stronger in the last two decades. This is a consequence of the dispossession of their territories of traditional occupation, the installation of investment projects in these territories, as well as the absence of legal and political mechanisms that allow channeling their participation in the State and the lack of knowledge of their right to areas of political, economic, and cultural autonomy.

4. It is important to note that the relationship between the State of Chile and indigenous peoples has been marked by the dispossession of their ancestral lands and the loss of the natural resources existing in those territorial spaces. In this historical context, conflicts have been observed that are expressed by the demand of all the indigenous peoples of Chile for the restitution of their territories. Moreover, the lack of recognition in accordance with international standards of political rights, such as self-determination, autonomy, and indigenous justice systems, and of territorial rights, such as those over natural resources, have generated the political and economic exclusion of indigenous peoples.

5. In the face of this situation of lack of knowledge about rights, Mapuche organizations have developed different strategies, including denouncing and claiming rights before national and international entities, social protest actions, including public demonstrations, and sometimes acts of force, such as roadblocks, actions against forest plantations and occupation of conflicting properties, with a view to stopping the

appropriation of their ancestral territories and/or achieving recognition of their ancestral rights over land and natural resources, as well as achieving the recognition of their political rights hitherto denied.

6. The response of the State to this social protest has materialized in police repression against the Mapuche people who participate in acts of social protest, many of whom can be recognized as human rights defenders¹. This repression has manifested in recent years in repeated cases of raids on communities, violence in public demonstrations, operatives in which three deaths have been recorded as a result of police action², and hundreds of people have been victims of torture, cruel, inhuman, or degrading treatment by the police forces as documented by various human rights entities, including the National Institute for Human Rights (INDH) since its creation in 2010. Along with the above, the State, through both the Public Ministry (Public Prosecutor) and the Ministry of the Interior, has criminalized the Mapuche people involved in acts of social protest, through their criminal prosecution. This is through rules of ordinary criminal law, and in many cases through rules of exception such as the Anti-Terrorism Law and the State Security Law.

ANALYSIS OF TOPICS IDENTIFIED IN THE LIST OF ISSUES PREVIOUSLY DEFINED BY THE CAT IN RELATION TO THE SUBMITTAL OF THE SIXTH PERIODIC REPORT OF CHILE (CAT/C/CHL/6)

Articles 1 and 4

Institutional dependence of the Police (Paragraph 5)

7. In February 2011, Law No. 20,502 of 2011 was enacted, which replaced the previous figure of the Ministry of the Interior by that of the Ministry of Interior and Public Security. With this act, the police, both Carabineros de Chile and the Investigative Police, ceased to depend on the Ministry of National Defense and now are operated under the Ministry of the Interior and Public Security.

8. Police repression has been a constant against Mapuche social protest. This has been expressed by excessive use of force, resulting in death, and by torture, cruel, inhuman, and degrading treatment. With regard to these events, there has been a constant situation of impunity for police officers who have participated in the commission of these crimes, since until 2016, they were tried by the Military Justice system, military courts responsible for dealing with the crimes committed by military officials -or police in the case of Carabineros- against individuals.

9. Along with judicial impunity, administrative impunity continues to date, given that acts of excessive violence committed by Police officers are investigated through internal procedures of said institution. According to the information released by the INDH in 2014, the index of investigation and sanction of the acts reported reached only 3%.³

Recommendation

-Create administrative procedures in the police force that allow serious and impartial investigation of the acts of police violence for their identification and corresponding punishment.

Jurisdiction of military courts (Paragraph 7)

10. Up until 2016 there was a situation of total impunity for police officers who participated in the commission of crimes, such as excessive use of force, resulting in death, and torture, cruel, inhuman, and degrading treatment. This is a consequence of the fact that the crimes committed by military officials or police officers against individuals were tried by the Military Justice system, military courts that lacked impartiality, and were integrated by military personnel. With the recent legal reform in 2016 (Law 20,968), Article 1 of the Military Justice Code was amended, clearly stating that "in no case shall civilians and minors, who are victims or accused, shall be subject to the jurisdiction of the military courts." Currently said cases are no longer tried by the Military Courts, but rather, by the Ordinary Courts. Regrettably, this has not necessarily made much difference, given that the causes of police violence against Mapuche people are investigated by Prosecutors of the Public Ministry's Office, and, in the vast majority of cases, have ended in dismissals or early termination of proceedings.

11. In the context of the previous Military Justice system, consisting of a criminal process of inquisitive nature, with Military Judges, the degree of impunity of the responsible police officers was very broad. Emblematic cases included those of Alex Lemún, Matías Catrileo, and Jaime Mendoza Collío, who were murdered by the Police officers Marco Aurelio Treuer, Walter Ramírez, and Patricio Jara, respectively, the last two being sentenced to remitted prison sentence only, and, in the case of Marco Treuer, there was no conviction at all.⁴

Recommendations

-Create specific units in the Public Prosecutor's Office that investigate crimes committed by police officers in the exercise of their duties impartially and diligently in order to enforce the corresponding sanctions.

-Review of the cases of Alex Lemún, Matías Catrileo, and Jaime Mendoza Collío by the Ordinary Civil Court system, through impartial and diligent investigations that allow enforcing the corresponding sanctions.

Accusations of police abuse against indigenous peoples (Paragraph 10, letters a and b)

12. Numerous legal actions against situations of abusive use of public force by police officers against Mapuche people have been filed since the last examination of Chile by this Committee. The INDH alone filed 31 *recursos de amparo* (an *habeas corpus* remedy based on violation of constitutional rights) for police actions against members of the Mapuche peoples between December 2011 and December 2017. In 21 of these cases the persons affected were minors. Out of the total number of legal actions, 22 of them were accepted by the Courts⁵. In these trials it has been established that the Police must act in accordance with the Law and with "the responsibility to strictly comply with the law and the protocols established for this type of intervention, given the fact that there were not only minors present, but also small children, situation of which they were aware of since they had been in the same place a few months before, interacting with one of the protected children, so it is reasonable to demand special attention from the people exercising the force in circumstances such as those that motivate the filing of this *habeas corpus*." ⁶

13. In this regard, it is important to point out that despite these judicial resolutions that generate recommendations to police officers, particularly in the implementation of the protocol for actions in their activities, Police actions continue to violate the rights of Mapuche people, especially of children, ignoring the resolutions of the Courts of Justice, so that the effectiveness of these judicial appeals would seem to be null, because - as indicated in paragraph 9- there is no type of internal hearing at the institutional level to analyze, evaluate, and sanction these actions declared illegal by the Courts of Justice. As a result, it can be affirmed that the existing legal remedies in Chile, such as the *recurso de amparo* (appeal for constitutional guarantees) do not comply with the objective of protecting the rights that are recognized by the Constitution and the various International Human Rights Treaties signed by the State of Chile. Thus, there is a climate of impunity for Police actions, which also generates an increase in violence. This is because, in the absence of a real sanction, even though the courts declare illegality, police actions continue within the scope of the law, leaving the rights of those it supposedly protects unprotected.

14. It should be noted that police action has been strengthened in the region. In fact, in 2015 a Control Zone and Public Order Headquarters of the Araucanía Region⁷, was created, a special administrative unit of the Police with jurisdiction in the Araucanía Region and part of the Bio Bio Region. This unit meant a significant increase in the police contingent in the region, in addition to a large increase in infrastructure and police vehicles, which has

resulted in an intensification of police action in the areas where Mapuche people and communities claim their territorial rights. All this in a context in which the productive guilds of the Araucanía Region and the media demand stronger police action against social protest in the regions of intercultural conflict. This has had repercussions in the last year in the resurgence of excessive action by the police. In fact, according to data provided by the INDH, during the year 2017, various criminal complaints were filed, which the INDH documented as follows:

-On December 18, 2016, a police operation was carried out by members of Special Forces of Carabineros, on the public road immediately adjacent to the Villa las Águilas of the Curaco Sector, Collipulli district. A 17-year-old boy with the initials B.H.H. was seized by Police officers and, while on the ground and completely immobilized, he was shot a few inches from his back with a shotgun that almost cost him his life, and that left him with lifelong consequences. Due to this fact, the INDH filed a complaint on January 4, 2017 for the crime of attempted murder against those responsible.⁸

- On May 12, Fabiola Antiquero, an 18- year-old Mapuche student, along with other students from the Lawen Mapu Student Home in the municipality of Padre Las Casas, participated in a protest that aimed to express their opposition to the processing and imprisonment of two Mapuche people. In this context, Carabineros shot tear gas in the direction of the university home where Fabiola was, and a projectile hit her directly in the face, causing her left eye to burst. All the information gathered by the INDH indicates that the serious injuries suffered by the young woman would be a consequence of the excessive and disproportionate use of force in the actions of Carabineros de Chile, an action that did not follow the Police Institution's Protocol on the Maintenance of Public Order during demonstrations, a protocol that the uniformed police themselves created in order to respect the current legislation. Fabiola Antiquero Toro is a student of Visual Arts, which further increases the seriousness of losing her sight, since this is an essential tool for her career. The INDH filed a complaint for the crime of serious injury on June 23, 2017.⁹

15. These criminal lawsuits are currently in the investigation phase, and in their regard, there has been no judicial resolution that determines any liability. However, they involve very serious events, for which a first obligation exists, consisting in the fact that the institution involved needs to fully clarify the facts through internal investigations. As can be seen, the systematic violence exercised by police forces against Mapuche peoples is a very serious situation, which has serious implications from the prism of human rights, and in order to deal with it, it is necessary to take actions from different fronts. The first one relates to the need for the Ministry of the Interior and Public Security to exercise control over the work of the police that the Constitution entrusts to them, in order to guarantee the protection of human rights.

Recommendations

-Create administrative procedures in the police force that allow serious and impartial investigations of the acts of police violence in order to apply the corresponding sanctions

- Create administrative procedures in the police force to ensure compliance with legal resolutions regarding the actions of the police.

-Create specific units in the Public Prosecutor's Office that investigate crimes committed by police officers in the exercise of their duties, in an impartial and diligent manner, in order to enforce the corresponding sanctions.

Definition of terrorism and application to indigenous peoples. (Paragraph 10, letter c)

16. In October 2010, after an extensive hunger strike carried out by Mapuche community members accused of terrorist crimes, who were being held in various prisons, a legal reform was carried out to Law 18,314 that establishes terrorist behavior, through which the definition of terrorism, enshrined in its Article 1, was modified, reconfiguring some elements of this type and eliminating the presumptions of terrorist purpose by the use of incendiary devices or explosives. Despite this reform, the use of the concept of terrorism, in cases related to Mapuche people, has been left to the discretion of the Governments through the complaints presented by the Ministry of the Interior and proceedings carried out by the Public Prosecutor, a circumstance that disregards several observations of United Nations treaty bodies that have examined the State of Chile.

17. It is important to note that between the years 2000 and 2016, there were 21 cases in which an attempt was made to apply the Anti-Terrorism Law, with 108 accused persons, of whom nine Mapuche persons were convicted of terrorist crimes, a circumstance that led to the conviction of the State of Chile by the Inter-American Court of Human Rights in 2014 for violating fundamental rights guaranteed in the American Convention to eight members of the Mapuche people, for the use of the Anti-Terrorism Law. In that sentence, the Court concluded that: "Chile violated the principle of legality and the right to the presumption of innocence to the detriment of the eight victims of this case for having maintained and applied Article 1 of Law No. 18,314 that contained a legal presumption of the subjective element of the terrorist type, a fundamental element in Chilean law to distinguish between conduct of a terrorist nature from conduct which was not."¹⁰ The Court also found that reasoning denoting stereotypes and prejudices was used in the grounds for the convictions, which constituted a violation of the principle of equality and non-discrimination and the right to equal protection of the law.¹¹ In the ruling, the Court calls the attention to the State of Chile for the existence of legislation that does not guarantee the right to due process, paying special attention and making recommendations in relation to the use of witnesses

with a reserved identity, which does not guarantee the right to the counter interrogation, ordering this legislation to be modified.

18. Despite this sentence, the State of Chile has insisted on the use of the Anti-Terrorism Law against Mapuche persons. During the year 2017, it was used against 23 Mapuche people in several different cases in which they are accused of the commission of terrorist crimes, among them, the crime of arson resulting in death of a terrorist nature, the crime of terrorist arson, and the crime of illicit terrorist association. Since 2009 to date there have been 11 open criminal cases, in which 78 Mapuche people have been accused of participating in crimes of a terrorist nature.¹² Of these cases, 1 is underway, 6 resulted in the acquittal of the accused, 3 resulted in the defendants being convicted of common crimes¹³, 1 in which 8 defendants were acquitted and 3 were sentenced for terrorist crimes.¹⁴ Except for this case, none of the accused were convicted of terrorist conduct. However, in the trials in which they were convicted, the evidence that served for said conviction was the result of a judicial proceeding under the aegis of said legal body, inasmuch as testimonies of witnesses with a confidential identity were used, thereby violating due process. The high rate of acquittals obtained recently in the processes under the Anti-Terrorism Law demonstrates its discretionary and political use as a tool of criminalization.

19. From a human rights perspective, the application of this law becomes very questionable, since it weakens due process. This empowers the guarantee judge to extend the deadlines by up to ten days before putting the detainee at his disposal and to formalize the investigation (article 11). In addition, it makes it difficult to apply other precautionary measures alternative to pre-trial detention during the process, and allows the restriction of the visitation regime, as well as the interception of the accused's communications (article 14). In the event that the Public Prosecutor considers that there is a risk to the life or physical integrity of a witness or an expert, as well as of his/her immediate family members, he/she will be provided, ex officio or requested by the party, with the special protection measures that may be appropriate (article 15). The court may also order the prohibition to reveal the identity of the witnesses in any way (Article 16) which has derived in the practice of using witnesses of reserved identity, as well as granting police protection to the same witnesses (Article 17). On the other hand, the Anti-Terrorism Law aggravates the penalties that the ordinary criminal legislation has for the crimes to which it refers (Article 3).¹⁵

In addition, the application of the Anti-Terrorism Law has direct implications with the excessive use of pretrial detention as a precautionary measure against those who are accused, given that, by the provision of Article 19, No. 7, letter e) of the Political Constitution, the decision that grants "freedom" to a person processed by such legislation must be adopted by unanimity of the members of the court room, which must also be

composed of Ministers of the respective Court of Appeals. This is what has been called "reinforced pretrial detention."

20. The main cases of use of the Anti-Terrorism Law in recent years include:

i.- Luchsinger Mackay Case

This case, which dates back to 2013, originated as a result of the crime of arson resulting in the death of the Luchsinger Mackay couple, the product of an arson attack on their property.¹⁶ As a result of the attack, 11 local Mapuche community members were accused of the crime of arson resulting in the death of a terrorist nature, among whom is the well-known Machi (traditional medicine woman and authority of the Mapuche people) and human rights defender, Francisca Linconao Huircapán. Although this involves a serious matter, which merits an investigation and punishment, the process followed in this case involves a series of irregularities that manifest a serious violation of due process. This is because the Prosecutor's main witness, and the only direct evidence by which the imputed are accused, José Peralino, testified before the Temuco Court of Guarantee in the detention hearing, that the facts contained in his statement were not true, and they had been obtained under the use of torture against him by officers of the Investigative Police (PDI). In addition, he declared that he himself did not participate in the attack on the home of the Luchsinger McKay and that, therefore, what he had declared regarding the participation of others was not effective either. The Prosecutor, for its part, argued that this constituted a "retraction" and that the witness Peralino did so out of fear of the accused. After conducting an extensive oral proceeding, on November 25, the Temuco Oral Hearing Court (TOP), absolved the 11 accused in the case¹⁷, establishing as the main arguments of the verdict that the evidence provided by the accusers was insufficient to demonstrate the terrorist nature of the crime, and that the only source of information from which all other evidence of imputation derives, with respect to the participation of the accused, is constituted by the two declarations by José Peralino Huinca provided in the investigation phase. However, the statement dated November 8, 2013, in the judgment of these sentencing judges, **suffers from legal defects that prevent the granting of probative merit.**

Against all odds, on December 29, 2017, the Temuco Court of Appeals accepted the Appeal for Annulment filed by the Public Ministry, the Ministry of the Interior, and the private plaintiffs, against the acquittal by the Temuco Oral Court (TOP), in this case, ordering the holding of a new oral trial. On February 26, 2018, the second oral trial was opened for the case, which ended on May 5 with the issuance of a verdict by which three of the eleven imputed Mapuche people were found guilty of the crime of terrorist arson resulting in death. This is based on the verdict of the Oral Court in the questioned statements of José Peralino obtained under torture¹⁸, and the eight remaining accused were acquitted of criminal liability, including the Machi Francisca Linconao. This is the product

of her evident innocence and the absence of any reasonable proof presented by the Public Ministry and the private plaintiffs against her. Despite being declared innocent, the imputed had been kept in preventative prison in the context of this trial for a period of more than one year.

The Judge, Ximena Zaldivia, member of the Court filed a complaint for labor harassment and undue pressure that had been carried out against her by the Presiding Judge of the Court, Germán Varas. Judge Zaldivia, according to the participants and observers of the trial, had an attitude of greater receptivity to the arguments of the defense of the imputed Mapuche during the trial. The above led Judge Zaldivia to leave the hearing of the case for health reasons, being replaced by another judge who joined the Court. It is a matter of public knowledge that Judge Varas is applying for office where the Government¹⁹ must intervene in his appointment, a Government that through the voice of President Sebastián Piñera and his ministers, has manifested, on several occasions during the trial, the importance of the accused being convicted of terrorist crimes. This implies a serious violation of the basic foundations of the judiciary system, such as the independence and impartiality of the judges. All these antecedents have been brought to the attention of the United Nations Special Rapporteur on the independence of magistrates and lawyers.²⁰

On June 11, the sentence that condemned José Tralcal and Luis Tralcal to 20 years of perpetual imprisonment and José Peralino to 5 years of imprisonment was announced. The defendants' attorneys have filed appeals for annulment before the Supreme Court, which should be resolved soon.

ii.- Caso Iglesias (Church case)

This case, denominated "Caso Iglesias"²¹, originated as a result of the incendiary attack of an evangelical temple which took place in 2016 in the municipality of Padre las Casas specifically in the Niagara sector, in the Araucanía region, when a group of hooded persons forced a group that were in the church to leave it and then burn it. In this case, four Mapuche community members (Alfredo Tralcal and the brothers Ariel, Benito, and Pablo Trangol) were charged with the crime of terrorist arson. After the execution of an oral trial that lasted about 2 months, and in which witnesses with reserved identity gave evidence, under the aegis of the Anti-Terrorism Law, two of the accused were acquitted (Alfred Tralcal and Ariel Trangol) and Pablo and Benito Trangol were sentenced to 10 years of effective imprisonment for the crime of simple arson in an inhabited place. This sentence has been appealed for nullity before the Supreme Court and is waiting to be resolved.

iii.- Operación Huracán (Operation Hurricane)

Another case is the so-called "**Operación Huracán.**" It involves an operative of police intelligence by means of which the existence of diverse practices of Carabineros was revealed, such as illegal telephone interventions and the implantation of evidence to accuse Mapuche leaders in the participation of illicit acts. Operation Hurricane began on September 23, 2017 with a police operation that resulted in the arrest of eight well-known Mapuche leaders from various territories of the Bío Bío, Araucanía, and Los Ríos Regions, who were charged with the crimes of illicit terrorist association, and two of them were charged with the crime of terrorist arson. To carry out the investigation, elements contained in Law No. 19,974²² were used. In effect, on August 9, 2017, at the request of the Police Intelligence Office, the Minister of the Temuco Court of Appeals, Aner Padilla²³, authorized the National Directorate of Intelligence of Carabineros de Chile to carry out Intelligence proceedings or actions for the purpose of systematically processing the collection, evaluation, and analysis of communications and relevant information obtained from telephone applications of WhatsApp, Telegram, Facebook, and e-mail accounts associated with the phone numbers of Mapuche community members charged with terrorist illicit association. Based on that resolution, these interventions were carried out by an application developed by Alex Smith, alias "El Profesor" at the request of the Specialized Operational Intelligence Unit of Carabineros (UIOE), allowing the intervention of instant messaging systems, called "Antorcha." With this information and product of the intelligence work carried out by Chilean Police, 8 Mapuche community members were arrested and formalized, accused of the crime of illicit terrorist association, by the Temuco Court of Guarantee, being held under the precautionary measure of Preventive Prison. On Thursday, October 19, 2017, the Supreme Court ordered the immediate release of all the accused, since the ministers unanimously considered that the resolution establishing preventive detention as a precautionary measure was illegal because it lacked the legal grounds required in terms of the participation of the accused, so that, after about a month of preventive detention, the Mapuche community members were released.

On January 25, 2018, the Public Prosecutor, Felipe González, who was investigating the facts, presented a writ informing the Temuco Court of Guarantee the "decision not to persevere" in the case, arguing that "during the course of the investigation, relevant elements emerged that reveal that the police and expert reports that supported the imputation of the Public Prosecutor's Office and the preventive detention, **present insurmountable irregularities in their contents, as a consequence of the work carried out on the evidence seized in the present case, specifically, the information obtained from cell phones seized by officials of Carabineros de Chile during the investigation, would have been subject to adulteration, manipulation and, even, implantation by police officers in order to accuse the imputed, inserting messages and files in their electronic devices.**" According to the same document, said evidence implantations by the

UIOE of Chile, consisted in the introduction of text files into the cell phones of the imputed Mapuche community members, by means of which conversations were held related to the organization of incendiary attacks against transport vehicles, in order to provide the grounds for a criminal investigation for terrorist crimes.²⁴ The implantation of said evidence in the aforementioned cell phones was accredited by specialized and independent experts, both from the Public Prosecutor's Office, as well as by the Specialized Unit on Money Laundering, Economic, Environmental, and Organized Crime of the Investigative Police of Chile (UDLECO). Both bodies also showed the inefficiency of the "Antorcha" software.²⁵

On February 9, 2017, a hearing was held before the Temuco Court of Guarantee, at which time the "decision not to persevere" in the investigation filed by the Public Prosecutor's Office and the request submitted by all the defense attorneys were ratified, so as to order the definitive and total dismissal of the case arguing that the innocence of the accused was clearly established. Paradoxically, the Public Prosecutor's Office appealed this decision of dismissal, as did the complainant Ministry of the Interior. After that, on February 27 of this year, the Temuco Court of Appeals, revoked the dismissal and they were notified of the decision not to persevere in the proceedings, preventing the Mapuche community members, who were accused of crimes of a terrorist nature based on false evidence, from being left fully free of the charges.

At the same time, a criminal investigation was initiated against the officers of the UIOE, carried out by the Regional Prosecutor of Aysén, Carlos Palma, for the crimes of falsification of a public instrument and obstruction of justice against the officials involved in the implantation of evidence, which is currently underway. In this investigation new information has been emerging regarding the use of communications interventions under the aegis of the ANI Law, and the use of the "Antorcha" application²⁶ referred to in several cases,²⁷ leading to the fact that even the State Defense Council would be made part of the proceedings against the police officers linked to the case (those who were discharged from the ranks of the Institution), in addition to the creator of the "Antorcha" program, Alex Smith, who has also publicly acknowledged the implementation of evidence.²⁸

This case has had very important communicational and political implications, since it has questioned all the evidence presented by Carabineros against Mapuche people accused of crimes in the context of their territorial claims. In addition, it has been so important that the General National Director of Carabineros de Chile, Bruno Villalobos, as well as the General in charge of the Intelligence Department of Carabineros, Gonzalo Blu, submitted their resignation. This last General, together with other Officers, will be formalized for the crimes of illicit association, obstruction of investigation, and falsification of a public instrument in the context of Operation Hurricane.²⁹

In the context of these judicial proceedings, the telephone intervention of various human rights defenders and leaders of the Mapuche people has been made known, under the figure of the Law of the National Intelligence Agency authorized by the Minister of the Temuco Court of Appeals, Aner Padilla. The intervention of the telephones of the lawyers Karina Riquelme and Manuela Royo can be highlighted, who for years have performed criminal defense work for Mapuche people criminalized by the State of Chile.³⁰ In addition, journalistic reports have revealed that there are about one thousand phones illegally intervened, without a court order, by the Specialized Operational Intelligence Unit (UIOE) operating in the Araucanía Region.³¹

In a hearing held on June 13, the Temuco Court of Guarantee, dismissed the accused due to the falsity of the evidence on which the accusation against them was based.

Recommendations

-Modification of the Anti-Terrorism Law, to adapt it to international standards and make it consistent with the principle of Due Process. For this, it is necessary to have a more precise definition of the criminal type of Terrorism, which would avoid its tendentious use for criminalizing purposes, as it has been used to date.

- Legislate in order to prevent the abusive use of the persecutory function of the Public Prosecutor against members of the Mapuche people due to acts of social protest. In this regard, it is essential to establish procedures through which the Prosecutors' liabilities, who have carried out unfounded criminal prosecutions against Mapuche people for the sole purpose of criminalizing them, can be investigated and made effective.

Mendoza Collío Case (Paragraph 10, letter d)

21. Jaime Mendoza Collío, a young Mapuche community member from the Territory of Requen Pillán, died from a shot in the back, in a police operation involving eviction from a farm taken over in southern Chile in 2009. The case was investigated by Military Justice for the crime of "unnecessary violence causing death." In reviewing the appeal of the conviction, the Military Court considered testimony of the convicted police officer only, detracting all the value of the statements of the Mapuche witnesses, which gave evidence that the shot had been executed to kill, and acquitted the sole defendant for legitimate self-defense.³² Subsequently, the Supreme Court sentenced the police officer, author of the shooting, to a remitted sentence.³³

Article 12 and 13

Allegations of torture and other ill-treatment and results of investigations (Paragraph 29)

22. In the context of the criminalization and use of violence against Mapuche people, the main cases of torture documented by the INDH in recent years, in the period to which this report refers, and in which criminal complaints were filed, include:

- On December 5, 2013, Mr. **José Osvaldo Cariqueo Saravia and his daughter B.C.L.** were detained in the city of Angol, at around 1:00 p.m. They were taken to the Prefectura de Carabineros de Malleco, which is not a place of detention. They were held there for around 45 minutes, during which time, separately, in nearby rooms, they were victims of the application of torture or unlawful constraints, both physical and mental, by police officers, to later be transferred in an institutional vehicle to the Angol police station, 2 blocks away, where they arrived with the injuries. Both were insulted by police officers because of their condition as Mapuche people, and were ridiculed for their traditional dress.³⁴

- On February 3, 2014, the *werkén* (traditional authority) **Alberto Pascual Curamil Millanao** was arrested on the public thoroughfare of the city of Temuco, in the context of the manifestations that took place after the first day of the trial hearing of the *machi* (medicine man) Celestino Córdova Tránsito, at approximately 12 noon. Upon being detained, three to five police officers seized him and while he was on the ground, he began to receive blows on his head, his ribs, and his legs; then, they handcuffed him with his hands behind his back and violently pushed him into a police truck and he fell to the floor, where they kicked him innumerable times, and while he lay with his face to the floor a police officer kicked him in the testicles, later, they turned him over and began to kick and punch him again, a police officer sat on his stomach, looking straight at him and started punching him in the face, while he had no way to protect himself. At the police station, in his bloodied condition, with his face inflamed, another officer was ordered to put him in a jail cell to throw water at him, he tried to wash him while insulting him the entire time, "...this fucking black indian has to be bathed because it's impossible to be with him like this ..."³⁵

- On February 3, 2015, **Enrique Sandoval Ulloa**, community member of the Lleuful Sandoval community, went to the PDI offices located at 1025 Bilbao Street in Temuco, at 10 am, with his father. He was received by Deputy Commissioner, Claudio Leiro Marambio, and taken to the third floor of the building, then down a long corridor, to an office with a desk and about 10 police officers. One of them was behind a computer on the desk, another immediately behind the victim, and another next to him, who in the end, would be the one who hit him, Guillermo Vilches. Upon entering, he was immediately beaten with a strong blow to the chest that knocked the air out of him and he was seated in the chair, and they verbally and physically assaulted him with punches and kicks to the chest, the thorax, and to his face and they broke his dental prosthesis. All of this was done

for the purpose of incriminating himself in various crimes, among them, the fire resulting in the death of the Luchsinger Mackay couple.³⁶

- On September 28, 2015, around 7:00 p.m., **José Coñalínco Llancaqueo** was in his house, and he saw a tear gas police vehicle passing along the public road that connects to the city of Ercilla on the northeast. He decided to get closer to film it, he crossed the field that separates his house from the neighborhood road of the Coñomil Epuileo community. In that place he met a neighbor, with whom he talked, then concentrated on filming, with his cell phone, an armored Police vehicle which was on the neighborhood road. When he was 5 or 7 meters away he felt a blow to his face and fell to the ground and lost consciousness, bleeding, he tried to stand up but could not because he received five buckshot wounds in the lower back, shot while he was falling. The wounds caused to the victim were in the face, pellets were embedded in the area of both cheekbones and the upper lip, which was pierced. He also received multiple shot wounds in the lumbar area and in the left side of the neck. In addition, he had a wound on the right side of his hand congruent with the position of keeping the cell phone suspended in the process of recording. He was operated on at the Victoria Hospital to extract the pellets from his face. He was prescribed medication, withdrawn from the Hospital pharmacy by Police officers. Later, instead of being taken directly to the place of detention, taking into account the injuries that he suffered and that had to be intervened, he was "paraded" through the interior of Pidima. The patrol entered Ercilla again going through the poor neighborhoods in that city, and hours later he was handed over to the custody of the Angol Police Station. Despite his pain, he was not given the prescription medications. It was verified the following day with Gendarmerie staff in charge of custody at the Collipulli Court of Guarantee, that Carabineros did not deliver any medication for the detainee. The behavior deployed by Carabineros after he was operated on increased the detainee's physical pain, aggravating his vulnerability in that situation. His detention was declared illegal. In addition, the events described in the police report did not coincide with the dynamics of the events that led to the victim being attacked; he was charged with the alleged crime of threat with an ax, in circumstances that he was only carrying a cell phone; he was a viewer from a distance. Thus, the version given by those who arrested him, who informed him of his arrest many hours after the events, set in motion the jurisdictional activity, a criminal investigation against the detainee, based on a description of the events that could constitute the crime of obstruction of justice.³⁷

-At 6:34 p.m. on June 14, 2016, in a police procedure and motivated by the large amount of tear gas being used in the place and that was affecting his family and children, the **Lonko (chief of his clan) of the Temucuicui Community, Víctor Queipul**, decided to approach the police vehicles to complain, something he did not succeed at, and ended up crossing the public road to a property located opposite his house where he had been working, following the field, while being bothered by the armored vehicles. In that place,

he suddenly received the impact of a tear gas cartridge directly to his body, he fell to the ground because he was suffocated and blinded by the chemical and could not breathe. At that precise moment, he felt two people take him by his arms and asked him how he was and if he had trouble breathing. When he said yes, he was told that he would be transferred to a health post. In this context, they begin to lead him through the fallowed land, he practically could not see because of the darkness and the congestion of his eyes product of the chemicals. They arrived at a small canal, he held on to a small tree while crossing it, and then a third person arrived who verbalized expressions such as: "... this is the one we want, this is the one that is inciting the kids, tie him up and put blindfolds on his eyes ...". It was at that moment that he suspected that they would not release him or take him to verify his health, so he started shouting for help, but, his calls for help were not heard, probably due to the noise generated by all the vehicles that were in the place and the shots of police shotguns. Then they put him in a vehicle, despite being blindfolded, at some point he could see that it was a red pickup truck. He could only see the pants of the people who seized him, and it was not a police uniform, but civilian clothes, he saw their shoes, big, shaped like sneakers. The Lonko Víctor Queipul was held against his will for hours by his captors, transported on undetermined roads, presumably rural because he noticed how bumpy the roads were. During that time he reported having received multiple blows and death threats which were given as a reproach to his actions in support of territorial claims of Mapuche communities and in punishment of an alleged participation in events that occurred in the region.³⁸ In his testimonies he stated:

They blindfolded me and tied my hands and feet. They told me that I had to promise to stop going around encouraging people in the communities and I told them that in my role as lonco, I cannot disregard my duties and that I have to carry out those functions until I die. And I told them that with the way they treated me, I could not reach any agreement with them.

There were four people, we were in a field, and they kicked me and beat me with a stick. One of them grabbed me and squeezed my throat until I fell unconscious. I thought he was going to kill me. That's why I believe that those people who kidnapped me know how to render a person unconscious and also knew about all my activities.

Then they got me back into the vehicle and the vehicle got stuck, time went by, and they could not get through the winter mud. Later I realized that they got on a paved road, for about ten minutes or so, and they went back on a gravel road. They told me they were going to kill me and that they were going to throw me in the river. They said: "Choose your family or your communities. If you do not make the promise, we're going to kill you because we want the burning of trucks to end."

Then one of the men manipulated a weapon and I thought that I should say goodbye to my life, I thought about my family, my community. My life was about to come to an end. All the time they insulted me and the driver shouted: "Just kill him, kill him." I thought they were going to kill me. I also asked Nechegén [God] to give me the

*strength to resist and take care of my family. I heard water flowing. And then they untied my hands, threw me to the floor and stepped on my head and back. I could see that the truck was red. Then they forced opened my legs and made me scream with unbearable pain. I was all wet, beaten, and very cold on that night. Suddenly they argued, they got into the truck and left me there and they left in the truck. I was afraid they would return to kill me, because if they came back it was to kill me. Little by little I removed the ropes from my hands and feet with difficulty. My hands and feet were numb. I could not move or walk because of the pain in my legs.*³⁹

- On the morning of Saturday, March 25, 2017, around 06:30 am, Special Forces of Carabineros violently entered the home of Mr. **Robinson Triviño**, located in the Niagara sector, municipality of Padre Las Casas. The owner of the house woke up because of the intense barking of the dogs, he went to the window to look and saw the flashlights, and then he saw the Police coming to his door. He was getting ready to get dressed, but the Police started kicking the door, Mr. Robinson Triviño asked them from the second floor window to wait a minute to open the door. Ignoring the request, four police officers of Special Forces entered by force kicking the door in. They went to the main bedroom located on the second floor of the house, where the whole family slept, his wife **Erika Catrilaf Marilef** and their three children M.C.C., eight years old, F.T.M. two years old, and M.T.C., one year old. Because of the aggressive behavior of the police officers, the 8-year-old boy hid under the blankets of the bed, while the girl, who was barely 1 year old, was crying in her crib, the 2-year-old girl got scared and hugged her father, without wanting to let him go, Carabineros proceeded to remove her in order to seize him, but the mother intervened, who stayed with the girl. Immediately afterwards, three police officers threw him to the floor and handcuffed his wrists behind his back, to take him into the yard half-naked, aiming their weapons at him at all times. Once in the yard, he saw a lot of police officers, and police vehicles that surrounded him, being thrown back on the ground with his hands behind his back.⁴⁰

- The Mapuche community member **José Peralino Huinca** (JMPH), who lives in the community of Santos Curinao, in the municipality of Padre las Casas, in the Araucanía region, since November 2013 has been harassed by members of the Investigative Police of Chile. In this regard, he stated:

"In November of the year 2013 investigative police went to my house and left me a summons. I went to the meeting because I have never had a police record and I was very worried. They told me not to be scared and that I was summoned because they had recorded a conversation with my girlfriend where I claimed to have participated in the collapse of a telephone antenna. They told me that they had been following me and that I had to confess because they had all the evidence against me."

JMPH explained that the interrogation was carried out in the Investigation Police barracks called Cuartel Bilbao. In this regard, he stated:

"An official named Vilches told me that if I did not confess, they would go look for the machi and my girlfriend J. to drag them out and take them prisoner. The entire time they told me they had evidence against me. They told me that if I did not confess they would blame me for the death of a Police officer who had been killed in Ercilla a few years ago."

JMPH declared that the telephone conversation with his girlfriend where he spoke about the antenna had been a joke. He said he signed a statement saying he was guilty of the crime of the antenna and where he also accused other people. In this regard he said:

"A prosecutor arrived, they entered and left the room. The prosecutor told me that I had guarantees and Vilches told me: "We are not going to give you away to the people you reported because if those people find out what you said they can kill you." Then the official Vilches told me to go home and that he wanted to know how I was and that I had to call him and if I needed money just to ask for it. They told me I had to be in permanent contact. They told me that at home I had to say that I had witnessed a fight on a bus and that was what I said at home. And they gave me a paper that said that, that I had been summoned for a problem on a bus. After that, for months, the official Vilches called me to ask about the health of my family, and he asked me if I needed money. "

JMPH explained that he got tired of the calls and therefore decided to throw away the cell phone chip. He explained that since he was summoned to the PDI barracks he has always been worried, afraid, and wanted to kill himself.

He explained that it made him feel very guilty to hide the information from his father and brothers, and expressed that several times he thought that his life had to end since he was feeling so worried about being involved in a crime that he had not committed and in which he accused other people. JMPH stated:

"In October 2015, I received another summons. When I went to the Bilbao barracks, the same officials were there, the policeman Vilches and Claudio. Vilches criticized me because he had called me and I had thrown the cell phone chip away."

Vilches insisted that I have to collaborate and sign a statement. Vilches told me that I had already said I was guilty in the crime of the antenna and now it was my turn for the other crime. The entire time he told me that they were going to arrest my girlfriend Joselyn and the machi, they told me that if I did not talk I could lose my family. I wanted to cry and wanted to throw myself out of the window to die and finish with everything because they gave me names of people. They gave me names of people like Segundo Tralcal who is a hard-working gentleman and then they showed me pictures on a computer. The whole time they told me that the Prosecutor was on the way and that he was going to offer me a lot of money. I told Vilches many times that I did not want money and that they should understand that this was a lie, something that never took place. They told me that they were going to tell me what to do because if I didn't they were going to arrest J. and they would take the machi Francisca prisoner and drag her away. And finally, out of fear, I agreed to sign a statement. Vilches drew a picture of the house of the Luchsinger family and how it was surrounded by people. It involved the Catrilaf family, Tralcal, Cordova, the machi, and me. The police said they wanted to get Segundo Tralcal, who is a working person. Vilches told me to ask the prosecutor for money, the prosecutor has a lot of money, ask him for money to get you out of here. Vilches' boss arrived and they told me to recognize people. If you do not tell, you and your family will go to jail. The prosecutor Alberto Chiffelle entered and then I signed the statement and they let me go. After that I was very worried about what was happening to me, it was hard for me to sleep, and I am wondering why this was happening to me."

He explained that on March 30 there was a raid on his home at two thirty in the morning. And at the same time other raids took place to detain other people. In this regard, he indicated:

"After the arrest, Vilches appeared and again asked me to cooperate. About five o'clock in the morning, Claudio appeared, the other officer, and another who was hooded and they swore at me and insulted me. The police told me you can leave here with a lot of money, they told me to go to Santiago and leave the others behind, you can buy a house in Santiago. I said that I did not want to sign, that everything

was a big lie, it all started with a joke. I thought of my mother and that gave me strength not to sign. "

He explained:

*"At that time I wanted the truth to come to light. God watches over you day and night, so I told myself that I will not kill myself, because the truth will be discovered. We are all human beings before God. The day will come when you discover all the lies that the police are doing. The Police told me I'm going to rot in jail, just sign the paper. There was the policeman Vilches and his boss, who told me that there was a lot of money, that I could buy a house in Santiago. They told me not to make them look bad in front of the prosecutor. Vilches squeezed my handcuffs tighter because I refused to sign."*⁴¹

At that moment he demonstrated a three-centimeter linear scar on the front of the left wrist. Scar that is evident to the naked eye.

The statements of José Peralino, obtained under duress, have been the only evidence that has served as a basis for his conviction and that of 2 other Mapuche community members in the so-called "Luchsinger-Mackay" case. As a result of these facts, complaints have been filed by their private attorneys⁴² as well as by the INDH⁴³.

23. Regarding the complaints filed for crimes of Torture, we also see that there is great lack of protection. The Public Ministry is the prosecutor, who carries out the cases in which the Mapuche leadership has been constantly criminalized. It is the prosecutors who, since the implementation of the criminal procedure reform, have invoked special laws to carry out investigations against Mapuche people, such as the Anti-Terrorism Law. The complaints regarding Torture are linked to the actions of members of the Investigative Police or Carabineros, who are the coadjuvants of the Public Ministry, who collect the evidence in the judicial cases brought against members of the Mapuche communities. Thus they are direct collaborators of the Public Ministry in all their investigations, when they are denounced for crimes of torture, they have to be investigated by their "work colleagues", which evidently generates a lack of protection for the victim, since there is no distinction between who is accused, and who investigates the crime you reported.

24. On several occasions a change of prosecutor is requested, which is denied by the Public Prosecutor's Office. This case, the most relevant one, is the case of Jose Manuel Peralino, who denounced Tortures by the Investigative Police, the same one that accused him of committing a crime that is qualified by the Public Ministry and, at this time, also by an Oral Criminal Court as a Terrorist offense. Thus, the

investigation into the crime of torture of which he is a victim is carried out by the Complex Crimes Unit of the Araucanía Prosecutor's Office, the same unit that carries out the investigation where Jose Manuel Peralino is accused.

25. In the case of the Lonko Víctor Queipul, the response from the Prosecutor's Office has the same characteristics. There is no prosecuting agency that is dedicated exclusively and with special knowledge regarding the crime.
26. In the first instance, the investigating prosecutor leaves the case without informing the victim or asking for his opinion, and it is passed on to the prosecutor Cesar Schibar, known prosecutor of Mapuche people. The same one who investigated the victim's daughter when she was only 15 years old.
27. In an action that borders on illegality, the Public Ministry has not carried out the minimum procedures established when investigating Torture crimes. On the contrary, it has requested the closure on innumerable occasions, without having any kind of relationship with the victim or his lawyer, denying him the possibility of being heard in case of requesting closure and also denying the possibility that the crime will be investigated by the Human Rights Unit of the Public Ministry, which was created in 2017, precisely to investigate this type of crime.

Recommendations

- Refer cases of Torture and unlawful coercion to the Human Rights Unit of the Public Ministry, ensuring due impartiality and diligence to investigate cases in which the police are involved.

Article 15

Use of information obtained through torture as evidence (paragraph 39)

28. The most relevant case of the use of evidence obtained under torture is that of **José Miguel Peralino** in the aforementioned "Luchsinger-Mackay" case, evidence that served as the basis for his sentence to 5 years in prison and that of 2 more Mapuche community members to the sentence of 20 years of perpetual imprisonment.

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¹ From this perspective, one of the most emblematic cases has been that of the Machi Francisca Linconao.

² According to that determined by the Courts of Justice the following died at the hands of Police officers: Alex Lemun (2002) Matías Catrileo (2008) and Jaime Mendoza Collío (2009)

³ Instituto Nacional de Derechos Humanos, *Estudio Exploratorio. Estado de Chile y Pueblo Mapuche: Análisis de tendencias en materia de Violencia Estatal en la Región de La Araucanía del Instituto Nacional de Derechos Humanos* (2014)

⁴ In this regard it is important to report that the Supreme Court recently dictated a resolution ordering the reopening of the process, and this was substantiated before the Ordinary Court, as can be seen:

<http://www.elmostrador.cl/noticias/pais/2017/10/13/suprema-reabre-el-caso-de-alex-lemun-y-lo-traslada-de-la-justicia-militar-a-la-fiscalia-de-angol/>

⁵ The following cases were accepted by the Temuco Court of Appeals during the year 2017: 4-2017, 18-2017, 39-2017, 46-2017, 64-2017, 74-2017, 134-2017.

⁶ Temuco ICA Sentence number: 74-2017

⁷ <http://www.biobiochile.cl/noticias/2016/01/19/implementan-de-forma-gradual-zona-policial-de-control-del-orden-publico-en-la-araucania.shtml>

⁸ Frustrated Homicide Complaint, RIT: 1520-2016, Collipulli Court of Guarantee

⁹ Complaint for serious injuries, RIT: 4567-2017, Temuco Court of Guarantee

¹⁰ Inter-American Court of Human Rights, case “Norín Catrimán and others vs. Chile”, May 29, 2014, paragraphs 168 to 177.

¹¹ *Ibid.* paragraphs 223 to 228 and 230

¹² Information found based on the prosecutor's accusations of the 8 cases by Antiterrorist Law between 2009 and 2014.

¹³ In the first Héctor Llaitul was sentenced to 14 years in prison, Ramón Llanquileo Pilquimán, José Henuche Reimán, Jonathan Huillical Méndez to 8 years in prison; in the second case Machi Celestino Córdova to 18 years of prison; in the third, Pablo Trangol and Benito Trangol were sentenced to 10 years in prison.

¹⁴ Luis Tralcal and José Tralcal were sentenced to 20 years of perpetual imprisonment, and José Peralino to 5 years as a compensated informer, who are awaiting the resolution of the nullity appeal filed with the Supreme Court.

¹⁵ Article 2 of the Antiterrorist Law refers to the crimes of homicide, injury, kidnapping, arson, and illicit association, among others.

¹⁶ Case RIT 150-2017

¹⁷ http://www.pjud.cl/web/guest/noticias-del-poder-judicial/-/asset_publisher/kV6Vdm3zNEWt/content/caso-luchsinger-mackay-top-de-temuco-absuelve-a-comuneros-mapuches-por-falta-de-participacion-en-los-hechos

¹⁸ José Tralcal and Luis Tralcal as authors and José Peralino as a compensated informer.

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- ¹⁹ In regard to: http://servicios.poderjudicial.cl/concursos/mostrar_pdf.php?etapa=2&crr=12970
In the press: <http://radio.uchile.cl/2018/05/05/juez-del-caso-luchsinger-postula-a-notaria-en-concepcion/>
- ²⁰ <https://observatorio.cl/comunicacion-urgente-a-relator-especial-de-la-onu-sobre-independencia-de-los-magistrados-y-abogados-caso-jueza-ximena-saldivia-mayo-2018/>
- ²¹ Case RIT 5090-2016
- ²² Law on the State's intelligence system and which creates the national intelligence agency, known as the ANI Law.
- ²³ <http://www.elmostrador.cl/noticias/pais/2018/03/20/el-rol-de-los-magistrados-que-autorizaron-las-intervenciones-telefonicas-de-la-operacion-huracan/>
- ²⁴ The journalistic report prepared by CIPER Chile, gives a detailed account of the way in which messages were implanted by Police officers, available at the following link: <http://ciperchile.cl/2018/03/13/operacion-huracan-testimonios-y-confesiones-confirman-que-todo-fue-un-montaje/>
- ²⁵ <http://www.lahora.cl/2018/03/pdi-fiscalia-concluyen-informes-carabineros-op-huracan-falsos/>
- ²⁶ <http://www.elmostrador.cl/noticias/pais/2018/02/19/huracan-2-cde-presenta-querella-contra-ingeniero-smith-y-funcionario-del-labocar-por-manipulacion-de-pruebas/>
- ²⁷ Several cases, such as the one related to the loss of weapons from the offices of Carabineros in Iquique: <http://www.elmostrador.cl/noticias/pais/2018/02/28/se-uso-el-programa-antorcha-ex-carabinero-procesado-por-extravio-de-armamento-en-iquique-acusa-implantacion-de-pruebas-en-su-telefono-celular/>
Or linked to the arson attempts which took place in San José de Mariquina: <http://radio.uchile.cl/2018/02/19/alex-smith-una-antorcha-que-se-apaga/>
- ²⁸ <http://www.latercera.com/nacional/noticia/alex-smith-reconoce-pruebas-implantadas-los-informes-entrego-carabineros/104148/>
<http://www.24horas.cl/programas/informe-especial/alex-smith-por-pruebas-en-operacion-huracan-me-di-cuenta-que-habia-manipulacion-2669105>
- ²⁹ <http://www.latercera.com/la-tercera-pm/noticia/la-inteligencia-carabineros-al-banquillo-fiscalia-imputara-asociacion-ilicita-liderada-ex-general-blu/108846/>
- ³⁰ <http://www.latercera.com/nacional/noticia/caso-huracan-carabineros-pidio-intervenir-mas-60-telefonos-indagatoria/129660/>
- ³¹ <http://ciperchile.cl/2018/04/05/operacion-huracan-la-secreta-casa-donde-se-hacian-centenares-de-escuchas-telefonicas-ilegales/>
- ³² Court martial Sentence of August 16, 2012. Case Rol 17-2012.
- ³³ Supreme Court Replacement Sentence, Case Rol 6735-2012, of August 21, 2013.
- ³⁴ Complaint article 150 A of the Penal Code (unlawful torture or harassment), RIT: 2133-2013, Angol Court of Guarantee.
- ³⁵ Complaint article 150 A of the Penal Code (unlawful torture or harassment), RIT: 6632-2014, Temuco Court of Guarantee.
- ³⁶ Complaint article 150 A of the Penal Code (unlawful torture or harassment), RIT: 1481 – 2015, Temuco Court of Guarantee.
- ³⁷ Complaint article 150 A of the Penal Code (unlawful torture or harassment); Frustrated Homicide; Obstruction to the Investigation, RIT: 1144 – 2015 Juzgado Garantía Collipulli.
- ³⁸ Querella Tortura 150-A of the Penal Code, RIT: 532-2017, Collipulli Court of Guarantee.
- ³⁹ Testimony incorporated in "Psychological evaluations of Mapuche indigenous people prosecuted by the antiterrorist law in Chilean courts of justice: Testimonies presented in cases by torture" (2010 - 2016), prepared by Ruth Vargas, Doctor in Clinical Psychology, June, 2018
- ⁴⁰ Torture complaint Article 150-A of the Penal Code, RIT: 2417-2017, Temuco Court of Guarantee.
- ⁴¹ Testimony incorporated in "Psychological evaluations of Mapuche indigenous people prosecuted by the antiterrorist law in Chilean courts of justice: Testimonies presented in cases by torture" (2010 - 2016), prepared by Ruth Vargas, Doctor in Clinical Psychology, June, 2018
- ⁴² Unlawful harassment complaint Article 150-A of the Penal Code, RIT 5021-2016, Temuco Court of Guarantee.
- ⁴³ Torture complaint Article 150-A Código Penal, RIT: 5893-2017, Temuco Court of Guarantee, accumulated under RIT 5021-2016 of the same court.