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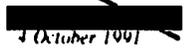
# Latin America Review



4 October 1991

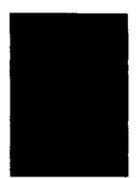
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## Latin America

### Briefs

Chile

#### Progress on Letelier Case [REDACTED]

Supreme Court Justice Banados is vigorously investigating the 1976 murders in Washington of former Chilean Foreign Minister Orlando Letelier and his secretary, but Army Chief Pinochet may pressure other members of the Court to try to prevent the prosecution of two military officers who reportedly directed the assassinations. In September, Banados indicted and had arrested retired former chief of the secret police General Contreras and his deputy, Brigadier General Espinoza, who is still on active duty. In the Chilean judicial system, the investigating judge acts as the prosecutor, with broad powers to interview suspects and collect evidence. Banados has demonstrated his determination to conduct a comprehensive investigation and [REDACTED] may soon issue further indictments against others involved in the crime.

The defendants' lawyers are attempting to have the case closed on various procedural grounds. They have petitioned the Supreme Court to deny its jurisdiction over what they claim should be a military court case. [REDACTED]

Contreras and Espinoza have also appealed their indictments to the Supreme Court, which is dominated by justices appointed by Pinochet when he was President.

[REDACTED] at least six of the 17 members of the Court are opposed to trying the two military officers; the issue will be debated by one of the Court's four chambers. Moreover, the Court historically has narrowly interpreted laws with little regard to civil or human rights, and a number of the justices are believed to be personally corrupt. [REDACTED]

In our view, Pinochet is concerned about the impact a trial will have on his prestige and that of the Army, and he may try to manipulate the outcome of the trial from behind the scenes. Overturning the indictments is his best avenue for derailing the case. Under the Chilean judicial system indictments place the burden of proof on the defendants to surmount the preponderance of evidence against them. Thus, manipulating the outcome of the trial would become far more difficult if the Court upholds the indictments. In our view, the amount of pressure Pinochet exerts may be the deciding factor for the justices. He is likely to use a range of tools to pressure the Court members, ranging from gentle persuasion of the more conservative judges to more forceful intimidation. [REDACTED]

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