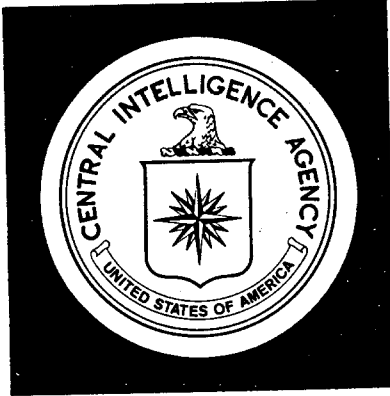


~~Top Secret~~
No Foreign Dissem

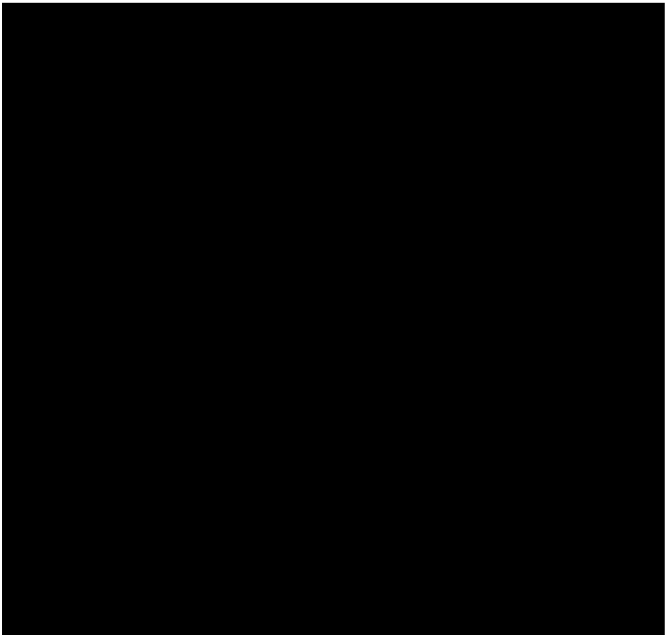


Weekly Review

~~Top Secret~~
26 April 1974

Copy N^o 621,

NR



Decisions of peacetime military tribunals may be appealed to the civil Supreme Court, but appeals from the judgments of wartime courts-martial may be made only to higher military authorities.

THE JURIDICAL MEASURES CONSIDERED NECESSARY AND PROPER MAY NOT COMPLETELY MEASURE UP TO INTERNATIONALLY ACCEPTED STANDARDS

The government takes a different view of jurisdiction. Under a decree law issued soon after the coup, it has construed the military justice code to hold that the date of the initiation of judicial proceedings against a defendant, not the date of the alleged offense, is the determining factor. Military prosecutors at the trial added a new wrinkle by arguing that an undeclared state of internal war existed before the coup.

CHILE: ON TRIAL

The first major public trial for leftist prisoners got under way in Santiago last week and is expected to last at least a month. Verdicts and sentences for the 64 defendants will be handed down only after all the individual trials are over.

Most of the defendants are military men, but socialist civilians Carlos Lazo and Erick Schnake—the latter a senator at the time of the military coup last year—are charged with promoting insubordination in the armed forces and stealing military secrets. The prosecution has requested death sentences for several military defendants, a life sentence for Lazo, and 30 years for Schnake.

Defense attorneys for the first military defendants to be tried argued that the wartime court-martial set up to hear the cases lacks jurisdiction. They claimed that since the alleged offenses were committed prior to the coup and the junta's declarations of states of siege and internal war, the trials should be conducted under peacetime provisions of the military justice code.

The court refused to declare itself incompetent, but did not allude to the proposition that the state of war began with the organization of extremist paramilitary units and their clandestine procurement of illegal arms. The issue of when and against whom the armed forces were at war is central to charges involving the passing of military secrets to "the enemy." 1.5c

The government has announced that trials for its most prominent leftist prisoners—including party leaders and cabinet officers in the Allende government—will begin before the end of April. These defendants are also likely to be brought before wartime courts-martial and charged with pre-coup violations of the military justice code. Defense attorneys undoubtedly will raise the jurisdictional issue, but their arguments will probably be in vain. The junta will take international public opinion into account in planning for these trials, but this will not be an overriding consideration. The junta does not appear to be greatly swayed by arguments that the juridical measures it considers necessary and proper under what it sees as a continuing emergency situation may not completely measure up to internationally accepted standards. [REDACTED]