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## **Chile: Government & Church Face Off In Apparent Disagreement Over Medical Ethics**

*by John Neagle*

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Last month a military prosecutor, Maj. Sergio Cea, announced that he would arrive one day soon at the Vicariate of Solidarity, the Church's human rights arm, go into the Vicariate one day soon to read and possibly remove the medical records of 39 persons believed to have been examined or treated there for bullet wounds several years ago. Chile's Supreme Court supported the prosecutor in a ruling that said the demands of justice took precedence over the right of privacy in the relationship between doctor and patient. Vicariate director, Auxiliary Bishop Sergio Valech, said he would go to jail before permitting medical records to be studied or confiscated. Nearly every day in the first half of February, photographers, television crews and reporters were staked out in the vicinity waiting for the inevitable fireworks. On several days an estimated hundred demonstrators chanted and waved banners supporting the Vicariate in the plaza facing the structure. The demonstrators were usually dispersed by the police with clubs and water cannon. On Feb. 15, Cea appeared at the Vicariate with two assistants, and was escorted into Bishop Valech's office. Twenty minutes later he emerged, saying that his task had been "frustrated." Later, the Bishop told reporters that he had told the prosecutor that the records were not at the Vicariate and that he could not "in good conscience" reveal where they were. In early 1976, the Archdiocese of Santiago created the Vicariate to assist victims of repression. Most were members or sympathizers of the government of President Salvador Allende, deposed in 1973. Between 1973 and 1976, an estimated 700 people disappeared after being detained by government security agents. Two of the Vicariate's major tasks has been documentation of those disappearances and submitting habeas corpus petitions for the missing. It also developed services for the families of the disappeared, including medical attention. The present dispute between the government and Vicariate originated in an April 1986 bakery robbery in which a policeman was killed. Government officials asserted that the assault was engineered by the leftist Manuel Rodriguez Patriotic Front in an attempt to raise money. On the day of the robbery, a man named Hugo Gomez Pena, currently in prison on charges of participating in the assault, arrived at the Vicariate's first-aid station with a bullet wound. Bishop Valech said Gomez claimed to have been hit accidentally while passing the area of a shootout in progress. Dr. Ramiro Olivares examined Gomez at the Vicariate, and then sent him to the Chiloe Clinic. Later, Vicariate officials reportedly became concerned about Gomez's possible connection to the crime and sent a staff lawyer, Gustavo Villalobos, and Olivares, to the Clinic to question him. Gomez then checked out of the Chiloe Clinic wearing clothing bought for him by Olivares and Villalobos to replace his own blood-stained apparel. Olivares and Villalobos were eventually arrested and charged with covering up terrorist activities. At present, they are free on bail. Valech has told reporters he acknowledges that an error was committed in not informing the police or judicial authorities of the suspicions about Gomez's wound and of his failure to return to the Vicariate to make a statement. However, he said, "not reporting something is an error not a crime." He asserted that the Vicariate has never intended to cover up violence, regardless of its perpetrators common criminals or leftist guerrillas. For several years, the government has asserted that communists and guerrilla sympathizers found refuge on the Vicariate's staff of lawyers,

social workers, sociologists and medical personnel. Valech has said that he asked the government some time ago to provide a list of communists on the Vicariate staff. A list of names has never arrived. Valech and Vicariate supporters argue that the current case is just another chapter in the government's harassment campaign against the Vicariate. (Basic data from AFP, 02/11/89, 02/14/89; AP, 02/13/89; New York Times, 02/17/89)

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