

DEPARTMENT OF DEFENSE INTELLIGENCE INFORMATION REPORT

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7. SOURCE: DAO Files Diario Oficial	14. APPROVING AUTHORITY: <i>William M. Hon</i> COL WILLIAM M. HON, USA, DATT

15. SUMMARY:

This report forwards an unofficial translation and copy of Decree Law No. 521 (establishes the National Intelligence Directorate - DINA) as published in the "DIARIO OFICIAL" of 18 June 1974. It also makes comment regarding the impact of this new law on the overall Chilean Intelligence Community.

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REC'D DOA 18 JUN 74

Unofficial Translation

DIARIO OFICIAL Dtd 18 June 1974

MINISTRY OF INTERIOR

CREATION OF THE NATIONAL INTELLIGENCE DIRECTORATE (Direccion de Inteligencia Nacional - DINA)

DECREE LAW NO. 521 - Santiago, Chile, 14 June 1974. WHEREAS: Under the provisions of Decree Law No. 1 and 126 of 1973, and;

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REPLACES DA FORM 1045, 1 AUG 60, OPNAV FORM 3520 (REV 12-61), AF FORM 112, JUL 61, WHICH MAY BE USED UNTIL 1 JAN 62

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CONTINUATION SHEET

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Considering the needs of the Supreme Government for an immediate and permanent collaboration from a specialized agency which can provide systematic-processed information in order for the government to adequately deal with the resolutions in the areas of National Security and Development. The Government Junta has agreed and dictates the following:

DECREE LAW

Article 1 - Create a National Intelligence Directorate (DINA), a military agency of a professional technical nature, directly subordinate to the Government Junta for the mission of collecting information at a national level, originating from the different areas of operation; for the purpose of producing intelligence collection requirements; for the formulation of policies, plans and adoption of measures required for the security and development of the country.

Article 2 - The National Intelligence Directorate (DINA) will be under the direct control of a Senior Officer of the Armed Forces (National Defense) serving on active duty. Under appointment by Law, as Director of National Intelligence, he will be the overall technical, administrative director of the agency. In exercise of his authority, he shall be able to dictate resolutions and issue instructions deemed necessary for the operation of the agency.

Article 3 - The organization, internal institutional structure, and responsibilities of the National Intelligence Directorate (DINA) will be set forth by Organic Regulations dictated by the Director. The agency will be composed of personnel of the Armed Forces (Institutions) of National Defense. Whenever deemed necessary to contract personnel (civilian) who are not part of the Armed Forces, those personnel will be authorized by law, and approved by the Ministry of Finance. All legal privileges and pay will be same as those for Civil Service personnel of the Armed Forces.

Article 4 - The Director of National Intelligence will have the authority to require from the State, Municipalities, Legal Representatives of Organizations of the State, or Agencies with contributions, representation or participation, any reports or information which are deemed necessary to successfully carry out the objectives of the Director (of DINA). Failure to comply with this will be reported to the Comptroller General who will take appropriate administrative action against violator(s) in accordance with respective and applicable statutes. The standards that classify specified material Secret or Confidential will not obstruct the right of the National Intelligence Directorate (DINA) to obtain information or data requested without prejudice to its personnel, who share the same responsibility of protecting that which is Confidential or Secret.

Article 5 - The Organic Regulations referred to in the first sentence of Article 3 will establish legal privileges and benefits of personnel of the four branches of the Armed Forces (National Defense) and the Investigations (Investigaciones) Service who are assigned or appointed to the National Intelligence Directorate (DINA), and will be the same as the other personnel of the Armed Forces.

Article 6 - The annual budget (national) will include, in general, the funds required for financing operational expenditures of the National Intelligence (DINA) Directorate. The National Intelligence Directorate (DINA) Budget for 1974 will be appropriated directly by the Ministry of Finance.

Article 7 - All Equipment, Accessories, and other Hardware imported, will be exempted from all duties and taxes required by Customs Law as well as other forms of taxation and duties imposed by Article 190 of Law No. 16,464 and modifications thereof, including the 10% Tax Article 44 of Law No. 17,564.

Article 8 - Add after sentence (a) of Article 19 of Law No. 17,798, on the Control of Arms, a new sentence:

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"The National Intelligence Directorate - DINA will comply in the same manner with all of the actions referenced in the preceding sentences, under the same conditions mentioned."

Articles 9, 10, and 11, of this Decree will be published in an Annex of the Diario Oficial (at a later date).

COMMENT: ~~(C)~~ References A through E have reported the initial efforts of the Chilean Navy, and subsequently the other branches of the Chilean Armed Forces to establish more effective, efficient and coordinated service intelligence organizations. The prime motivator of these efforts has been a strong desire within the respective branches of the Armed Forces to counter-balance or neutralize the steadily growing influence that DINA is acquiring within the GOC power structure. Some authorities within the military and ~~naval intelligence services~~ view this new Law 521 as foundation upon which a GESTAPO-type police force will be built. Article 4, taken at face value, grants sweeping investigative powers to the DIRECTOR-DINA. In addition, and equally significant, there are no apparent restrictions to the intelligence operations that the Director can initiate. In total, the law provides legal/official blessing to an organization that is already fully active, and represents a potentially damaging blow to the efforts of the service intelligence organizations to consolidate and enhance their position. AALUSNA.

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