

## The Appeal Court in Rancagua confirms the demolition of a mobile phone mast in Santa Cruz

The grounds for the decision stipulate that the structure "violates the constitutional rights" of people affected by its radiation.

RANCAGUA .- The Commission of the Appeal Court in Rancagua has ordered the mobile phone company Entel PCS to dismantle a mobile phone mast in the O'Higgins district in the town of Santa Cruz. In a unanimous decision, the defence being undertaken by the lawyer Carlos Aránguiz, the public minister of the first chamber of the Appeal Court, Carlos Bañados, passed judgment in favour of the demand for protection of the public presented by Diego Cardoen Delano, representative of the Cardoen foundation.

The judgment established that the installation "of the structure violates constitutional rights with regard to articles 19, n° 1 (right to life and to physical and psychological integrity), n° 9 (right to health protection) and n° 8 (right to live in a healthy environment free from all pollution) of the political Constitution of Chile. "

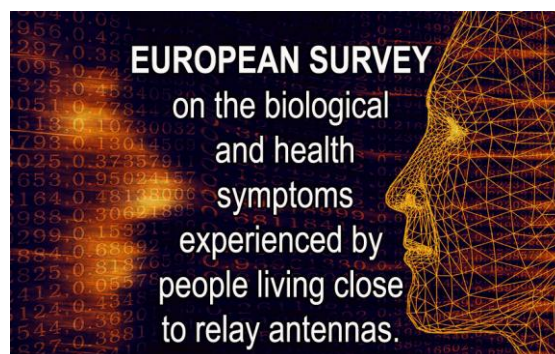
The court's decision, while it recognizes that there is a tendency in recent cases to reject this type of conclusion, indicates that there are two specific factors in the present appeal that have led to this injunction.

The first is a report from the Institute of Public Health, which acknowledges that human health is damaged by the harmful effects of the radiation produced by cellular phone masts.

These statements (in particular the most important ones) are truly serious, because they tell us that the authorities are deliberately admitting that relay antennas may carry a risk to the health of the public. There are continuing discussions as to their impact in the light of ongoing scientific research, but their existence cannot be denied.

The statement of the authorities quoted above recalls also the official position on the use of tobacco in the 60s, notably the studies showing that they "were not conclusive with regard to its carcinogenic effects and encouraged the commercial freedom of the tobacco companies, whereas in the following decades the use of tobacco was shown to be linked to a high number of deaths that could have been avoided."

The second aspect taken into account by the magistrates at the end of the judgment was that the installation of this phone mast in the Santa Cruz region caused visual pollution in a typical landscape that ought to be preserved.



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