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LADB Staff

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Gen. Augusto Pinochet Takes Seat in Senate Amid Increasing Legal Action

by LADB Staff

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Gen. Augusto Pinochet, who headed Chile's military government from 1973 to 1990, stepped down as commander in chief of the army on March 10. The following day, the former dictator assumed a lifetime Senate seat guaranteed under the Constitution drafted while he was dictator. Pinochet's transition from military strongman to politician caused widespread protests and demonstrations, especially in Santiago and Valparaiso.

Political opponents and human rights organizations continue their efforts to force the 82-year-old general out, and he also faces legal charges in Argentina and Spain. In his farewell speech to the army, Pinochet again justified the bloody Sept. 11, 1973, coup as necessary to "restore institutional order." Pinochet handed over the baton and sabre that symbolize his office to President Eduardo Frei, who passed them to the new commander in chief, Gen. Ricardo Izurieta.

Government officials hope the army will assume a purely professional role under the leadership of Izurieta, who has not been directly implicated in the human rights violations committed during the dictatorship. Izurieta will remain in the post for only four years compared with Pinochet's 25 years and he will not become a five star general, a rank reserved until now for the former dictator.

Foreign Minister Jorge Insulza said that, despite Pinochet's retirement from the army, Chile's democratic transition was incomplete. "There is still some unsolved business, issues relating to the transition, among them designated senators, the Constitution, and the lack of full democracy in Congress," Insulza said.

Some legislators within the governing Concertacion por la Democracia coalition and human rights advocates have criticized Frei's handling of Pinochet's retirement, saying the government is still afraid to stand up to the military. "The democratically elected government of Chile has a very serious credibility problem, because it lacks the political will to assert itself in the face of the military," said Jose Miguel Vivanco, executive director of Human Rights Watch/Americas. Widespread protests greet Pinochet's arrival in Congress. Demonstrations began before Pinochet's retirement and intensified the day he took his oath as senator.

The nearly 600 arrests is the largest number of detainees during street protests since the transition to democracy began in 1990. About 50 protesters were wounded, several seriously. The governing coalition has made no secret of its opposition to Pinochet's decision to take up the Senate seat. The system of nonelected senators set up by Pinochet, however, has thwarted all attempts by the Frei administration to pass constitutional amendments to eliminate the "vestiges of authoritarianism" (see NotiSur, 04/04/97 and 10/03/97).

Pinochet is the first, and for now the only, lifelong member of Congress, which comprises 38 elected senators and 120 deputies, plus nine designated senators, including four representatives of the armed forces and the Carabineros militarized police. At the session of Congress in which Pinochet took his seat, several opposition legislators carried photos of victims of the military repression. The protesting lawmakers included Isabel Allende, daughter of the late president Salvador Allende (1970-1973), who died in the coup 19 days after he named Pinochet head of the army. "Such gestures were inevitable against a man who has left a trail of pain, death, and misery for a large part of the Chilean people," said Deputy Nelson Avila, of the Partido por la Democracia (PPD).

Senate seat provides Pinochet with immunity

Local media quoted Pinochet advisers as saying he would attend a few sessions early in the Senate calendar and then be absent for several months to rest. Senators are not obliged to attend sessions. Some political analysts suspect Pinochet's main interest in the Senate is the immunity from prosecution it provides, especially as he faces a growing number of criminal and political accusations. Although he has entered the Senate, Pinochet's opponents have not given up efforts to oust him.

Eleven members of the lower house called for Pinochet's impeachment for making "inappropriate" political statements as army commander in chief that "seriously damaged the honor and the security of the nation." As examples, they cited the protests Pinochet faced in several trips abroad; the current investigation by a Spanish judge of the human rights violations that occurred when he was dictator; and Chile's tension with Germany after Pinochet said in 1991 that the German army was made up of "homosexuals, unionists, and long-haired marijuana smokers."

In addition, 16 legislators presented a bill requesting that the lower house investigate properties purchased during Pinochet's term as commander in chief. And, 21 legislators filed a petition with the Tribunal Constitucional claiming the provision granting former presidents a lifetime senate seat does not apply to Pinochet because he seized power in a coup. On March 19, the court dismissed that motion, saying it did not have the authority to disqualify Pinochet. General under fire for deaths of Spanish citizens Families of 10 Spaniards who disappeared during Pinochet's military regime have asked a Spanish court to charge him with genocide and order his arrest.

Lawyers for the families of alleged victims filed their request with High Court Judge Manuel Garcia Castellon, who has been investigating the disappearance of the Spanish citizens. Attorney Juan Garces said enough evidence has been presented in the two-year investigation to charge Pinochet and 38 other senior Chilean officers with "genocide, terrorism, torture, illegal detention, and disappearance." Garces said that if the judge rules in favor of the victims' families, Pinochet would become a "a fugitive from international justice."

Meanwhile, in Argentina, a judge is considering charging Pinochet as an accomplice in the 1974 assassination of Gen. Carlos Prats, former Chilean army commander and interior minister under Allende, and his wife, Sofia Cuthbert. They were killed when a bomb exploded under their car in Buenos Aires, where Prats went into exile after opposing the 1973 coup that began Pinochet's 17-year dictatorship.

An Argentine court is holding a former Chilean secret-service agent as the material author in Prats' assassination. Enrique Arancibia Clavel, a former agent for the Direccion de Inteligencia Nacional (DINA), the feared secret police of the early years of Pinochet's regime, is the only person to have been formally charged for the killings. He has been in custody in Argentina since January 1956 (see NotiSur, 01/26/96). Judge Maria Romilda Servini de Cubria said that Arancibia Clavel was a member of the organization that planned and executed the attack in Argentina. Testimony during the investigation established that Arancibia Clavel gave US national Michael Townley, a former DINA agent, the explosive that detonated in the early morning of Sept. 30, 1974, killing the Prats couple.

Judge Servini de Cubria is considering expanding the case to include ex-DINA head Manuel Contreras and former brigadier Pedro Espinoza. Prats' four daughters have asked Servini de Cubria to try Pinochet for the murder of their mother and father. Pinochet could have been a co-author, participant, or accomplice in the assassination of Prats and his wife, said Pamela Pereira, the Prats family lawyer.

Both Espinoza and Contreras, sentenced for the murder of former Chilean foreign minister Orlando Letelier, have turned against Pinochet recently. Contreras, serving a seven-year sentence, filed a petition with the Supreme Court last December for a review of his sentence, saying that, as head of the DINA, he simply carried out orders from Pinochet. Contreras' declarations were used in Argentina to support charges against Pinochet in the death of Gen. Prats. Espinoza supported Contreras and denied that he was second in command of the DINA (see NotiSur, 06/16/95 and 10/27/95).

After the death of Letelier, the DINA was dissolved and replaced by the Central Nacional de Informaciones (CNI). The betrayal by Contreras is perhaps the bitterest pill of all for Pinochet. He said, if the reports of Contreras' remarks are true, it would be "horrific," since he considered Contreras "like a son." [Sources: Clarin (Argentina), El Nuevo Herald, The New York Times, 03/11/98; Inter Press Service, 03/10/98, 03/12/98; CNN, 03/11/98, 03/12/98; Notimex, 03/11/98, 03/13/98; The Miami Herald, 03/11/98, 03/12/98, 03/17/98; Reuter, 03/12/98, 03/16/98, 03/17/98; Spanish news service EFE, 03/12/98, 03/13/98, 03/17/98, 03/18/98; Associated Press, 03/16/98, 03/18/98; BBC News, 03/17/98, 03/19/98]

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