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## Chilean Human Rights Lawyers, Military Hold Controversial Meeting

by LADB Staff

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Representatives of the military and human rights organizations met Aug. 21 for the inauguration of talks on pending human rights issues. The meeting caused divisions within the human rights community, political parties, and the military. President Eduardo Frei said the talks "demonstrated confidence in the future and an attempt to bring about reconciliation based on truth and justice."

Defense Minister Edmundo Perez Yoma, who sponsored the initiative, presided over the 40-minute meeting with representatives of the army, navy, air force, and Carabineros militarized police, human rights lawyers, and religious and civic leaders. The talks are scheduled to continue Aug. 31. At those meetings, only representatives of the armed forces and the lawyers representing human rights organizations will attend.

Topics to be discussed include the legal proceedings underway against members of the security forces during the dictatorship of Gen. Augusto Pinochet (1973-1990) and the fate of over 1,000 detained-disappeared whose remains have not been found.

Official figures put the number of victims of the dictatorship at 3,197, of whom 1,185 are detained-disappeared. Since 1973, only 19 former military or agents of the secret police have been convicted of human rights violations. About 240 cases remain open.

"An important part of the truth that has to be uncovered is to know the fate and the whereabouts of the bodies of the detained-disappeared," said Carlos Mladinic, Secretary General of Government, following a meeting between Frei and his Cabinet. "What happened to them and where they are is an important truth that we hope will emerge after a process of dialogue that will be as lengthy as it needs to be to create the necessary trust."

### *Talks promoted to appease army*

Perez Yoma promoted the talks after the military expressed its displeasure at a recent Corte Suprema ruling regarding the case against five retired army officers accused of abducting 19 people in October and November 1973 as part of the "caravan of death." The indictments charge that the group, commanded by army Gen. Sergio Arellano Stark acting under direct authority from Pinochet, ordered the summary execution of at least 75 political prisoners (see NotiSur, 1999-06-11).

The court ruled on July 21 that the 1978 amnesty law does not apply in the case, setting a precedent for numerous other cases regarding individuals who disappeared during the dictatorship. The court said amnesty is not applicable in kidnapping cases because the crime is ongoing until the victim is found, whether alive or dead.

### *Victims' families boycott meeting*

The army's insistence that it has no information on the fate of the detained-disappeared led the human rights organization Agrupacion de Familiares de Detenidos Desaparecidos (AFDD) to refuse to participate in the talks. The AFDD held a demonstration outside the Defense Ministry and later marched through downtown Santiago to protest the talks. Viviana Diaz, AFDD president, said the talks were a result of "pressure on the government by the armed forces to consolidate the impunity surrounding human rights violations."

"This initiative does not answer the historic and public demands we have made," Diaz said in her letter to President Frei. "Its origin is in the detention of Augusto Pinochet in London and the attempts to return him to the country." She said the armed forces are trying to "turn the page" on the past without assuming responsibility for the human rights violations committed during the dictatorship. Mladinic said no solution to Chile's pending human rights issues would be made without the AFDD, and he stressed that the talks were "absolutely independent of any legal proceedings."

### *Human rights groups differ on value of talks*

Commander in chief of the army Gen. Ricardo Izurieta's refusal to take part in the talks also led well-known human rights lawyers Nelson Caucoto and Veronica Reyna to cancel their participation. But other human rights attorneys attended, including president of the Comision Chilena de Derechos Humanos Jaime Castillo Velasco, Pamela Pereira, and Hector Salazar.

On Aug. 15. Caucoto said the only reason to sit down with the military is to ask them to turn over to the justice system those who participated in the repression. "We want to convince the military that justice must be done and that they must turn over the people and the files that they have," he said. "If not, this breach between the military and the civilian worlds will never be closed."

"We will never abandon our struggle for justice nor will we stop pursuing legal recourse," he said. "And we are not going to participate in meetings whose objective is to return Pinochet to Chile. If that is what the military think, they are mistaken." The lawyers also want the military leaders to admit the responsibility of their branches of service for what happened. "We want institutional recognition, the armed forces cannot continue saying that excesses were committed by some, when there was planned extermination of dissidents by the military government," said Caucoto.

Pereira agreed that the talks cannot replace court actions nor lead to a political accord validating the 1978 amnesty decreed by Pinochet. Meanwhile, Castillo sent a strong letter to the AFDD saying its criticism of the lawyers who participated is "unjust." He said if the objective is to uncover the secrets that the military might be guarding, the talks are the best opportunity to achieve that.

Lawyer Jose Zalaquett reminded the AFDD that the lawyers who are participating in the talks have "a long history and much experience in human rights," and they are not about "to throw out their principles or abandon fundamental issues."

### *Retired generals plan strategy*

On Aug. 24, the government said it would not comply with a letter from a group of retired generals asking it to request the Corte Suprema de Justicia to declare the amnesty law definitive regarding human rights violations now being investigated by the tribunals. Chief of Staff Jose Miguel Insulza said "the president has no interest" in making such a petition, but others are free to do so. The letter is part of the offensive that the retired generals are preparing to block legal actions connected with human rights cases that are still open.

The government-owned daily La Nacion published a two-part report Aug. 16 and 17 naming former military officers believed to have participated in human rights violations during the military regime and who most likely have information relating to the detained-disappeared. The paper said the list was published to "systematize existing information" on court cases under investigation or closed following the application of the 1978 amnesty law.

"One of the main obstacles in the government-proposed human rights talks," La Nacion said, "is the armed forces' allegation that it has no information." The list includes high-ranking officers who headed the secret police, commanded detention and torture centers, or ordered the arrests and disappearance of 588 political prisoners in Santiago between 1973 and 1977. [Sources: Associated Press, 07/22/99; Clarin (Argentina), 08/08/99; El Nuevo Herald (Miami), 08/19/99; Notimex, 08/20-22/99; Inter Press Service, 08/23/99; Spanish news service EFE, 08/12/99, 08/15/99, 08/23/99, 08/24/99]

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