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Chile Pushes for Election Changes

by LADB Staff

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Human rights abuses committed in Chile during the military dictatorship of Gen. Augusto Pinochet (1973-1990) are still very painful for victims and the families of victims. As Chile prepares for the 30th anniversary of the Sept. 11, 1973, coup, which culminated in the bombing of La Moneda presidential palace and the death of elected Chilean President Salvador Allende (1970-1973), some see signs that progress is finally being made both on human rights issues and on removing the undemocratic structures put in place during that period. Politicians are increasing calls for reconciliation, and some military commanders have made unprecedented gestures.

The air force has reinstated about 50 officers who were removed by the Pinochet regime because of their opposition to the coup. The army and navy are preparing to take similar actions, Defense Minister Michelle Bachelet said recently. President Ricardo Lagos has held several meetings with Army commander Gen. Juan Emilio Cheyre to brief him on legislation the president will send to Congress in early July with the expectation that it be passed before Sept. 11. The proposed legislation deals with both the unresolved issue of the detained and disappeared and with reforms to the 1980 Constitution imposed under Pinochet.

Gen. Cheyre in mid-June made the strongest condemnation yet by a Chilean military leader regarding human rights abuses by the army during the military regime. He expressed his hopes for "a reconciled Chile" where the Army would "no longer be a prisoner of the past." Cheyre also criticized the role of Chile's political class before the coup. "Never again a political class that is incapable of controlling the crisis that led to September 1973," said Cheyre. "Never again a group of people who incite us [the Army] to act and then officially backs up our acts in the crisis that they caused. Never again the excesses, crimes, violence and terrorism. Never again passive spectators. In short, never again a divided Chilean society."

While Cheyre's comments were widely praised, one dissenting voice was that of Gladys Marin, secretary-general of the Partido Comunista de Chile (PCCh), who said that "until the hidden network of support is dealt with, going up to those directly responsible, right up to the number one Pinochet, words are just words."

"It is not enough to say 'we are sorry,'" said Lorena Pizarro, president of the Agrupacion de Familiares de Detenidos Desaparecidos (AFDD). "What we need once and for all is for the armed forces to recognize that the state [during the dictatorship] institutionalized a repressive apparatus in which the top commanders knew what they were doing, that they were torturing and disappearing our family members."

On June 25, Lagos agreed to support the creation of a commission to investigate torture during the dictatorship. He said he would include it in his legislative proposals, which will be announced July 3.

Cases of torture were not included in the 1991 Informe Rettig, which documented almost 3,000 cases of deaths and disappearances.

Lagos consults in preparing legislation

Before sending the package to Congress, Lagos is meeting with and incorporating suggestions from representatives of various churches, political parties, and human rights organizations. Lagos said Interior Minister Jose Miguel Insulza is heading the committee preparing the bill. Insulza urged openness about the crimes committed after the coup. He appealed for former members of the military regime to come forward with information on disappeared victims, especially in relation to illegal exhumations of those executed.

Insulza rejected any suggestions that the government would try to enforce an arbitrary, artificial end to the problem, called a "punto final." He said the government will try to balance the desire for peace and reconciliation with the search for truth, justice, reparations, and above all, for guarantees that the situation happen "never again."

In a recent interview, Lagos said it was a shame that a country that ran like an athlete in trade areas and in international politics still limped in democracy. "We have a crippled country regarding democratic credentials, we have a Constitution with which not all of us are content," said the president, adding that the Constitution "does not pass the international democratic-quality test."

Constitutional reform again on the table

The governing Concertacion coalition has been trying to push through constitutional reforms since it first took power in 1990, but it has been thwarted by obstacles carefully built into the document. Although the Concertacion has won every national election since 1990, it has never controlled both houses of the legislature because of the "undemocratic" provisions of the Constitution. After seven failed attempts by three Concertacion governments, an agreement between the Lagos administration and the right-wing opposition in January could lead to removing some of the most difficult roadblocks in the transition to democracy.

The agreement, signed by all political parties with parliamentary representation, was probably helped along by the cases of corruption in public administration that had recently come to light (see NotiSur, 2003-03-28). Three of the most undemocratic constitutional provisions are the "binomial-majority" election system, the creation of nine "designated" senate positions, four of whom must be former military commanders, and the removal of the president's power to appoint or fire armed forces commanders in chief.

The election system, found only in Chile, forces political parties to form alliances to get enough votes to have representation in Parliament. The top vote-getting coalition is awarded just one of the two seats in a district unless it receives more than double the votes of the second-place coalition (see NotiSur, 2001-07-27).

In a surprising move, the Renovacion Nacional (RN), the more moderate wing of the rightist Alianza por Chile, which also includes the ultraconservative Union Demócrata Independiente (UDI), has said it would support significant reforms to the Constitution.

RN president Sebastian Pinera met with Lagos in early June to discuss proposals to reform the Constitution as well as proposals for dealing with the human rights cases. For the latter, Pinera said his plan would increase the number of judges dedicated to human rights cases and would include pensions, scholarships, and health benefits for families who lost relatives during the dictatorship. And, he said, the RN would support all three constitutional changes. Pinera's proposal was welcomed by the government, but sharply criticized by the UDI, which called it a political error.

Pinera's unilateral actions have threatened to rupture the Alianza and with it the presidential chances of UDI leader Joaquin Lavín.

UDI Sen. Andres Chadwick said the RN's willingness to modify and end the binomial system will ultimately benefit the Concertación. UDI president Pablo Longueira described the move as "the Concertación's most important political victory in the last 14 years." Longueira has promised that his party will vote against the RN plan if and when it reaches Congress.

Partido Socialista (PS) former president Camilo Escalona praised the proposal, but mentioned past occasions on which the RN publicly supported such reforms but backed down when it was time to vote in Congress. "We hope that this is made concrete and this will not become a new false expectation, but rather that there is the political will able to resolve these still pending issues," said Escalona.

On June 11, the Senate approved, by a 37 to 7 vote, a key constitutional reform that removes from the armed forces the "exclusive" right to act as guarantor of institutionality, a right that could allow them to "legalize" a coup. Under the bill, all state institutions share in guaranteeing democracy and the rule of law in Chile. Only the "designated" senators and one elected senator a former head of the police voted against the measure. Approval opens the door to dismantling the other "authoritarian enclaves" built into the Constitution.

Supporting victims of human rights abuses

On June 12, the Agrupación de Familiares de Ejecutados Políticos (AFEP) demanded that the government's proposals include rescinding the 1978 amnesty law, which gave amnesty for all political crimes committed between Sept. 11, 1973, and March 10, 1978.

AFEP president Patricia Silva said, "The vast majority of the political executions took place before 1978, and we are very much afraid that at the end of the investigations by the special judges, those responsible will be able to apply the amnesty to themselves." Within days, other lawmakers and families of victims of the dictatorship called on the Chilean army to end its "pact of silence" with its members.

PS Sen. Jaime Naranjo said many military people do not want to be traitors to the institution. "They think saying anything would be disloyal to the institution to which they belong and to their military companions," said Naranjo. He said many had taken an oath of silence and loyalty to Pinochet and were just waiting "for an authority higher than the army" to free them from that obligation.

In a recent interview in the Santiago daily *El Mercurio*, human rights attorney Jose Zalaquett was asked how to break the code of silence within the military. He suggested reducing the sentences for those who collaborate, and for those who do not, after a certain time, penalties could be increased. He said that "would give those involved an incentive to come forward, because, with all the work the judges have been doing, they will eventually determine those who were involved."

UDI proposal sets off controversy

Meanwhile, Longueira gave the UDI's proposal titled Peace Now (*La Paz Ahora*) to Lagos on June 20. It was viewed dimly by human rights leaders who suspected a disguised effort to end current litigation.

Longueira's plan included recommendations to improve reparations to victims' families, establish a deadline on military-personnel trials, implement measures to speed up claims for compensation, reduce prison sentences for those who contribute information on disappeared victims remains, and grant a general pardon for those who committed political terrorist acts since 1990, including for the perpetrators of the murder of UDI founder Jaime Guzman. He said relatives of disappeared detainees in the northern town of Pisagua had asked him for his help after becoming frustrated with slow legal processes. He said the Pisagua families, who were dissatisfied with the compensation they were granted under a 1991 law, supported his plan to sponsor a bill to increase reparations for victims' relatives if they would agree to withdraw the lawsuits against the officers allegedly involved in the human rights crimes.

Meanwhile, the group of victims' families in Pisagua denied that they had approached the UDI to increase their compensation.

A spokesperson for the group said, "There is no question of us wanting to exchange justice for money." The fiercest criticism of the UDI's suggestions came from human rights groups such as Amnesty International (AI) and the AFDD.

Lorena Pizarro called the document "a new offence," noting the proposal provided for reparations for families, but that there was "little progress toward truth and justice." The UDI said that its lawmakers would drop the increased reparations-for-lawsuit-withdrawal proposal, but they would present a new proposal intended to close the trials of the officers implicated in the dictatorship's disappearances.

The Lagos administration said that it would not support legislation that exchanges reparations for justice. The attempt by the UDI, however, renewed debate on compensation for victims and families. The bill that the government will present to parliament includes increases in such payments and extends the time frame of the law, as well as calling for continued efforts to speed up the trials.

Asked about the UDI's proposal, Zalaquett said the recognition of what happened and acknowledgement of the pain of the victims was important, "especially from a political party that in the past did not recognize much of anything and at times denied things altogether."

The initiative was also rejected by the parties of the Concertacion, which called it a veiled attempt at a punto final law that would close the cases of the detained- disappeared.

Gonzalo Martner, new PS president, outlined the party's reaction to the UDI's proposals in a four-page document presented to Lagos on June 24. The strongest criticism was for the UDI's role in the coup.

"The most serious thing is that it [the UDI] does not condemn the military coup, nor does it condemn in a clear way the human rights violations that took place," said Martner. He added that many of the "eminent current leaders of the UDI" could be found "at the center or on the periphery of the military regime that installed itself in 1973."

AFDD president Pizarro is skeptical about the latest political jockeying. "The word reconciliation has been so overused in our country that it has become synonymous with attempts at impunity or false gestures, like the human rights panel was."

Col. Ernesto Galaz, the highest-ranking anti-coup officer among those recently reinstated in the air force, spent five years in prison and 10 in exile during the dictatorship. He is optimistic. "I believe the moment is near when consciences will awaken among many people who played a direct role in the disappearances and we might be able to learn the victims' fates," said Galaz. "I see a very clear possibility of this happening."

-- End --