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Chilean Government Takes Responsibility

by LADB Staff
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Top figures in the Chilean government, armed services, and police have taken steps to redress abuses committed during the dictatorship of Gen. Augusto Pinochet (1973-1990). The head of the Chilean Army unexpectedly took responsibility for the torture and killings that occurred under the Pinochet regime and the national police later offered an apology for its role in abuses. President Ricardo Lagos has accepted a three-volume report on torture during the dictatorship and has said he will make the report public when he finishes reading it. What kind of reparations the Lagos government will provide to victims is still an open question, however.

Gen. Cheyre reverses military position on responsibility

On Nov. 5, the Chilean Army assumed institutional responsibility for widespread human rights violations during the Pinochet regime when Army commander Gen. Juan Emilio Cheyre published an official document titled "Chilean Army: End of a Vision" (Ejercito de Chile: El Fin de Una Vision) in the newspaper La Tercera. "The Army has made the difficult but irreversible decision to acknowledge the responsibilities that it has as an institution in all the punishable and morally unacceptable acts of the past," said Gen. Cheyre in the document. "Human rights violations never, and for no one, have an ethical justification," added Cheyre, alluding to the murders, forced disappearances, torture, and other abuses committed by the Pinochet regime, which ruled Chile from Sep. 11, 1973, to March 11, 1990.

The military and its officers, including Pinochet, had until now insisted that the abuses were the individual responsibility of officers acting beyond official institutional policies. The last major state report on human rights abuses was the 1991 Rettig Report, named after one of its panel members Raul Rettig. The official report said that 3,190 people were killed for political reasons during Pinochet's dictatorship and 1,197 others were disappeared (see Chronicle, 1990-04-26, NotiSur, 1994-03-18, 2003-06-27). Government leaders and human rights activists praised the reversal of the Army position.

"It fills me with satisfaction and pride that the Chilean Army stated in an absolutely clear manner that the violations of human rights cannot have an ethical justification for anybody," President Lagos said in a statement. "With this step, the Army consolidates its integration into today's democratic Chile."

Gonzalo Munoz, a member of an organization of relatives of dissidents who disappeared after being arrested under Pinochet, called it "a very important and meaningful decision" by the Army. But, he added, the Army should follow up by making public information about more than 1,000 dissidents who remain missing.
The Army has insisted that it has provided all the information it had, including its admission that more than 150 bodies were thrown into the sea from helicopters, firmly tied to heavy objects such as track rails to ensure they would sink. The Cheyre paper said that the 1973 military coup and its aftermath, including the massive human rights abuses, occurred in a Cold War context but added that that was not justification for the abuses.

"Was that political scenario an excuse for the human rights violations that occurred in Chile? My answer is singular and clear: no," Cheyre wrote in his document. Some human rights groups, however, expressed concern that the Cheyre publication might be used as an effort to avoid prosecuting officers involved in the widespread abuses of the 1970s and 1980s.

The Comision Etica Contra la Tortura, a nongovernmental organization (NGO), said in a communiqué that at least 1,200 torture centers operated in Chile under the Pinochet regime, staffed by around 3,600 agents, who "should be put at the disposal of the courts."

**President Lagos accepts secret report on torture**

On top of Cheyre's "historic" acceptance of responsibility, the president accepted an eight-chapter report on the dictatorship's crimes on Nov. 10, saying he would make the report public as soon as he finished reading through it. The report contains documents from a special commission headed by Santiago Auxiliary Bishop Emeritus Sergio Valech, a commission that spent a year gathering testimony from 35,000 torture victims.

A debate broke out on whether the names of the torturers should be made public and whether they should be tried as part of the process of reparations for the victims. The report will be kept secret until the president decides whether it should be partially or totally made public and until he makes an announcement on reparations for the victims, said presidential spokesman Francisco Vidal.

Nevertheless, it has come out that the three-volume report contains eight chapters of testimony on the appalling practices used by the secret police and military and police bodies against opponents of the Pinochet regime.

Local media disclosed some of the torture methods victims described: widespread use of electricity, sexual abuses including rape using animals, beatings, simulated firing squads, burns from cigarettes, welding torches, and acid, ripping off fingernails with pliers, immersion in water, cooking oil or petroleum, and being forced to watch other detainees, often family members, being tortured.

"I received a difficult, painful report," said the president. "There are passages that are difficult to read. And it will be as difficult for you to read as it was for me." Nonetheless, he continued, "Chile should be proud of what it has done; I know of no other country in the world that has opened, during a six-month period, a place where those whose human rights have been violated can present their declarations and testimony."

Lagos said the presentation of the report would mean looking at a sad part of Chilean history, "but with the decision that we are going to finish more united, looking forward, without hiding what
happened to us under the rug." Human rights leaders praised the release of the report, though some objected to the possibility that torturers' names may remain secret.

The commission report represents another milestone in Lagos' efforts to undo the damage the Pinochet dictatorship wreaked on Chilean democracy. Lagos and official party members in the legislature recently led the first successful effort to reform several "authoritarian" constitutional restrictions from 1980 that gave undue powers to the military and minority parties (see NotiSur, 2004-10-22).

Since legislators pushed through reforms eliminating some of the Pinochetista Constitution's restrictions last month, they have also decided to reduce the term a president serves from six to four years. Currently, Pinochet faces prosecution efforts for his role in the torture and killings as well as for corruption, but his deteriorating health may prevent the 89-year-old coup leader from seeing trial (see NotiSur, 2004-06-18, 2004-07-23).

A spokesman for Pinochet, retired Gen. Guillermo Garin, said he has not discussed the report with the former dictator, who is suffering from dementia. "Because of his poor health, he does not really keep track on what is going on in the country," Garin said. He also criticized the report for "reopening wounds that had already scarred over."

**Police apologize; Air Force, Navy do not**

Human rights lawyer Pamela Pereira said the Army document by Gen. Cheyre "has a very deep historical value," and she urged the other military branches to follow suit. Yet the Air Force and Navy stuck with the argument that abuses were the responsibility of individual officers acting outside institutional norms, even after Cheyre published El Fin de Una Vision. Leaders of the Air Force and Navy indicated that they might revise that opinion once they have examined the commission report in detail.

The Chilean Navy has yet to admit institutional responsibility, even though the commission report identifies seven naval institutions where abuses took place, including the Esmeralda training ship. Navy commander Adm. Miguel Angel Vergara said he would "put his hands in the fire," or vouch for, the 25,000 men under his command as well as the previous generations of members of the Navy, who, he said, had "nothing to do with" the human rights abuses. "Therefore, it doesn't seem just to me to make hurried judgments about institutional responsibilities," said the admiral after Gen. Cheyre made his document public. He added, however, that if the commission report confirms denunciations by London-based Amnesty International (AI) and other human rights groups that torture was practiced on the Esmeralda, he would make a public acknowledgement and would be profoundly sorry.

Air Force Gen. Osvaldo Sarabia, commander-in-chief of the Fuerza Area de Chile (FACH), also distanced his branch of the military from Cheyre's actions. Gen. Sarabia said he and his colleagues did not know "what institutional recognition would mean. It would be unjust to make a recognition in circumstances where the FACH has thousands of officers and the overwhelming majority of them had no relationship with those events."
Gen. Alberto Cienfuegos, director of the Carabineros (militarized police), said, "The Carabineros have already taken responsibility for the violent, illicit, and censurable situations of the past....I want to go to the root problem. The Carabineros have contributed to the national reconciliation and to the information for the tribunals of justice." Cienfuegos maintained, however, that the political and penal responsibilities are for individuals.

The director of the Policia de Investigaciones (civil police), Arturo Herrera Verdugo, asked forgiveness for human rights abuses the institution committed during the dictatorship. In a three-page document released Nov. 12, Herrera made a gesture similar to Cheyre's, recognizing the participation of his personnel in the crimes of the past. "We were not outside the actions that caused damage, pain, and extreme suffering to many people. As director general, I consider it necessary to assume said truths of our country's social history, and, consequently, I ask the pardon of all Chileans."

**Government considers indemnifying torture victims**

One question that remains unanswered is what kind of reparations the Chilean state will make to the victims of torture. Interior Minister Ricardo Insulza said that "some 30,000 people qualify and will eventually receive some reparation." Presidential spokespersons have said that Lagos will announce reparation measures at the end of the month.

Human rights attorney Hugo Gutierrez said that adequate compensation for the victims should include taking torture cases before the courts, an initiative that apparently does not figure among the measures that Lagos will announce at the end of the November.

Lagos, in statements reported by Chilean daily El Mercurio, said that human rights abuses were an injury that was almost impossible to compensate for economically. "How much time are we going to be making reparations? We made reparations to the exonerated, we made reparations to the retirees who had 10.6% of their retirement taken away, now we have to make reparations to 30,000 people. Ah! And all that we do with the same money." Calculations of what the state should spend on reparations programs reaches more than US$11 billion.

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