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Crimes of Pinochet-Era Dictatorship Still Haunt Chile

by LADB Staff

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Two decades after the end of Gen. Augusto Pinochet's 17-year military regime (1973-1990), the "other" Sept. 11 the anniversary of Chile's bloody 1973 coup continues to evoke a painful past, aggravate old wounds, and expose the country's enduring political and social divisions. The scene in several of Santiago's impoverished outer districts was sadly familiar: along bonfire-lit streets, police and protestors marked the inauspicious date with violent confrontations that culminated in more than 200 arrests and left three civilians dead, the Ministerio del Interior reported.

Two days later, some 3,000 demonstrators made their annual march to Santiago's Cementerio General. Led by family members of the regime's many victims, the protestors gathered in front of the Memorial Detenidos Desaparecidos y Ejecutados Politicos, where their ceremony was broken up by riot police wielding tear gas and using water cannons.

Tired of the enduring violence, many Chileans insist it is time for the country to "turn the page," especially now that Pinochet (1915-2006) has passed away. But, especially for the tens of thousands who were jailed, tortured, exiled, or saw their loved ones dragged off into the night and disappeared, reconciliation is easier said than done.

The government-commissioned Rettig (1991) and Valech (2005) reports verified that Pinochet's military forces executed more than 3,000 people and tortured some 29,000 during a wave of sustained repression that continues to cast a shadow over the now democratic country (see NotiSur, 1994-03-18). Some perpetrators brought to justice Slow at first to investigate the military regime's numerous human rights violations, Chilean courts have since taken the perpetrators to task and, at least in a handful of cases, jailed some of Pinochet's more notorious henchmen.

Manuel Contreras, head of Pinochet's secret police force, the Direccion de Inteligencia Nacional (DINA), is serving multiple life sentences for his crimes (see NotiSur, 2003-04-25). Charges have been brought against other DINA operatives as well. Just last month, Judge Victor Montiglio made international headlines when he ordered the arrest of nearly 130 ex-secret police accused of involvement in Operations Colombo and Condor, and in the episodes known as Calle Conferencia I and II.

"Here we're investigating everyone who participated in the [DINA] detention centers," said Montiglio, who issued a similar mass warrant in 2007. Operation Condor was a campaign implemented in 1975 by the military governments of the Southern Cone nations to eliminate Marxist influence across the region (see NotiSur, 2009-06-19).

Like Operation Colombo, which focused specifically on Chile, Condor involved the selective assassination of dissidents. The Calle Conferencia cases occurred in 1976 when DINA agents

arrested and executed members of both the Partido Comunista de Chile (PCCh) and Movimiento de Izquierda Revolucionaria (MIR).

"As democracy began to be re-established, the courts changed their posture radically, from not investigating to investigating and convicting," said Santiago attorney Miguel Soto. "In recent years, they have involved themselves in an active prosecution that is limited, nevertheless, by all the time that has passed." Father Time has not been the only thing hindering prosecutions against human rights violators. In 1978, Pinochet decreed Ley 2191: an amnesty law that protects individuals accused of violating human rights during the first five years (1973-1978) of the military regime (see NotiSur, 1995-09-15).

Despite promises to the contrary, none of Chile's four post-dictatorship Concertacion governments has managed to do away with the law, which has been heavily criticized by international organisms including the UN and the Inter-American Court of Human Rights (IACHR). Chilean courts can use the law at their discretion but, at least recently, rarely have. Still, as long as the law remains on the books, the option to apply it remains open.

"The Concertacion governments promised to annul the amnesty law," Alicia Lira, president of the Agrupacion de Familiares de Ejecutados Politicos (AFEP), told NotiSur. "But later they said they couldn't because of the assigned senators. Then it was a problem of quorum. But the truth is they've never had the political will to really follow through."

The even bigger problem, according to Lorena Pizarro, who heads the Agrupacion de Familiares de Detenidos Desaparecidos (AFDD), is the common practice of reducing sentences based on mitigating factors such as the age of the convicted person or the number of years that have passed since the crime took place. As a result, with the exception of Contreras and a handful of other high-profile operatives, people convicted of human rights violations end up either free or with very light sentences.

"One always hears that at least the head of Pinochet's repression apparatus Manuel Contreras is in jail. And yes, we salute that. But neither he nor the other approximately 25 people who are locked up carried out the repression alone," said Pizarro. "We can't accept symbolic convictions. Everyone who was part of the repression apparatus, those who tortured, killed, carried out the disappearances, should be in jail. In this country, where there's so much talk about crime and how everyone should be jailed, the biggest killers in our history enjoy impunity."

Latest arrests applauded by rights groups

Both the AFDD and AFEP applauded the arrests ordered by Judge Montiglio. But, based on what they have seen with other such cases, they fear that without serious structural changes, like modifying the existing criminal code and repealing the amnesty law, the 129 DINA officials fingered in Montiglio's mass warrant are unlikely to face any serious jail time. In that regard, the outgoing administration of President Michelle Bachelet has been a real disappointment for the victims' family members, especially considering the president's personal experience with the dictatorship.

Following the coup, Bachelet's father, Air Force Brig. Gen. Alberto Bachelet Martinez, was arrested and routinely tortured. He died in prison in 1974. The next year DINA operatives detained and

tortured Bachelet. She later went into exile. "In terms of reparations, the emphasis is always on memorials. A new museum, for example. The state is fulfilling its obligations with memorials.

But, regarding mechanisms to facilitate real justice, nothing," said Lira. "We realized that Bachelet's really from a military family. Before being elected, she was minister of defense," the AFEP president added. "Every time a carabinero [uniformed police officer] dies, she expresses real sadness. She talks about it to the press. But when there's a truly painful death like that of Matias Catrileo [Mapuche student killed in 2008], who was shot in the back [by police], there are no words for the family (see NotiSur, 2008-01-25)."

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