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Opting again for a moderate approach that has surprised critics and set him apart from the more conservative elements in his coalition, Chilean President Sebastián Piñera late last month rejected church proposals to mark the country’s upcoming bicentennial with a general pardon. If approved, the clemency act would have benefited some dictatorship-era human rights violators.

Chile’s Catholic Church leadership presented Piñera, Chile’s first conservative leader since dictator Gen. Augusto Pinochet (1973-1990), with the proposal July 21, citing an age-old religious tradition of offering "gestures of clemency to mark major commemorations." Next month, Chile celebrates the 200th anniversary of its independence, an event authorities here have spent several years planning.

"Our petition does not annul or contradict the rule of law but rather recognizes and demands it," said Bishop Alejandro Goic, president of the Conferencia Episcopal de Chile (CECH). "We just want to communicate with the nation’s leaders the pain experienced by people deprived of their freedom. These are people who have been tried and have carried out the bulk of their sentences and who should also have a place at the nation’s table."

The proposal called for pardoning elderly and infirm inmates who have demonstrated good behavior and therefore do not threaten society. More controversially, the CECH suggested that clemency should in some cases also include people jailed for human rights abuses committed during the 17-year military government of Pinochet, who died in December 2006 at age 91.

The convicted rights abusers "do not all have the same degree of responsibility in the crimes committed," the Catholic bishops explained. "Proper reflection must distinguish...the level of responsibility each one had, the level of freedom they worked under, the humanitarian gestures they made, and the repentance they have shown for their crimes."

The repressive Pinochet regime, which began with a bloody 1973 coup, killed and/or disappeared at least 3,200 alleged dissidents. Tens of thousands more were jailed and in many cases tortured, official government inquiries determined.

Exposing the political divide

The CECH plan, as well as a similar proposal presented by Chilean evangelical leaders, drew stiff rebukes from human rights groups and members of the country’s political left.

Former President Eduardo Frei (1994-2000), currently a senator with the centrist Demócrata Cristiano (DC) party, said it would be a "mockery" to pardon human rights offenders. Frei, the runner-up in the last presidential election (NotiSur, 2010-01-22), is the son of former President Eduardo Frei Montalva (1964-1970), who is widely believed to have been poisoned by Pinochet agents (NotiSur, 2009-12-18).
The influential human rights group Amnesty International (AI) also criticized the church proposals, saying that Chile should instead mark the bicentennial by "demonstrating its commitment to truth, justice, and reparations for all of the victims, keeping in mind its pending debt with victims of the crimes against humanity carried out during the military government."

Such postures hardly came as a surprise. AI Chile has long clamored for prosecution of Pinochet-era human rights violators, while Frei’s center-left Concertación coalition, which governed Chile for two decades before losing to Piñera, continues to squeeze political capital out of the dictator’s dark legacy. Formed in direct opposition to the then waning Pinochet regime, the Concertación ties together the DC, Partido por la Democracia (PPD), Partido Socialista (PS), and Partido Radical Social Demócrata (PRSD).

Less clear was how President Piñera, a billionaire businessman and former senator with the center-right Renovación Nacional (RN) party, would react to the general-pardon proposals. Piñera leads the Alianza coalition, an at-times rocky partnership between the RN and hard-right Unión Demócrata Independiente (UDI). The UDI, currently Chile’s largest party, has a marked Catholic bent and has historically defended the Pinochet government. Not surprisingly, many UDI leaders backed the church calls for offering clemency to human rights violators.

"It’s necessary for reconciliation," UDI Dep. José Antonio Kast told reporters in mid-July, a week before the CECH submitted its proposal. "It doesn’t seem fair to me that on such an important date, the bicentennial, pardons would be granted to people who committed crimes but that among them, just because they are part of the military, certain people would be excluded."

Upon winning the election, Piñera has had to make certain concessions to his more conservative Alianza partners, for example by naming several UDI members to his Cabinet (NotiSur, 2010-02-19). Former presidential candidate Joaquín Lavín, a stalwart in the party, is now minister of education. Cristian Larroulet, another high-profile UDI figure, is Piñera’s secretary general. Earlier in their careers, both had jobs in the Pinochet government.

But the new president has also made it clear that he, not the influential UDI leadership, is in charge of the government. So far that has meant taking moderate positions that in many cases are more reminiscent of the Concertación, the coalition he ousted, than of his conservative Alianza partner party.

The prisoner-pardon debate is a case in point. Ignoring pressures from UDI leaders, Piñera came out clearly July 25 against the proposal, calling it "neither prudent nor advisable." Saying he would consider clemency on a "case-by-case" basis, Piñera nevertheless ruled out the possibility of a general pardon, claiming it would not be in the "greater interest of either the country or the well-being of the Chilean people."

Governmental pardons, furthermore, should not apply to people convicted of crimes against humanity, such as human rights abusers, or to rapists, child abusers, terrorists, murderers, drug dealers, and repeat offenders, Piñera argued.

"These proposals continue to create tensions and divisions among Chileans and have reopened old wounds and the rancor of the past," the president said.
Gravitating toward the middle

The president’s stance vis-à-vis the general pardon looks to be a case of political pragmatism. Although his electoral victory was the first for a conservative candidate in roughly half a century, it was hardly a right-wing revolution. Piñera won only narrowly, 51.6% to 48.3%, against a weak candidate whose own lack of appeal, many analysts argue, had more to do with the result than any excitement the victor may have galvanized among voters. In addition, the leader Piñera replaced, President Michelle Bachelet (2006-2010) of the PS, left office with record-high approval ratings of over 80%. A recent poll by the prestigious Centro de Estudios Públicos (CEP) puts Piñera’s backing at just 45%.

The president’s best shot at success, in other words, may be a middle-of-the-road approach that combines conservative pro-business initiatives with progressive social programs and a Concertación-style social sensitivity toward human rights issues. That certainly seemed to be the case with his May 21 state of the nation speech, during which he promised a laundry list of social programs that left his Concertación opponents scratching their heads as they scrambled to find fault with ideas they have long espoused.

But Piñera’s decision to reject the bicentennial pardon also allowed him to maintain what may end up being his signature posture, that of the no-nonsense crime fighter. "Se les acabó la fiesta" (the party’s over), Piñera consistently warned criminals during his presidential campaign. Now that he has won, he is promising more police, stiffer penalties, and more jails as part of an overall effort to improve citizen security. Just last week the president unveiled a US$12 million anti-crime initiative that, among other things, calls for boosting patrols along Chile’s borders with cocaine-producing countries Bolivia and Peru.

In considering the case-by-case pardons, Piñera explained during his official response to the church clemency proposals, "this president will use his faculties prudently and in a restrictive manner...and only so long as it doesn’t weaken our full frontal attack on crime and drug trafficking."

Piñera’s top-cop persona may prove popular with voters. Critics, however, point to Chile’s already decrepit and overcrowded prison system to argue that crime fighting alone will not solve the nation’s security issues. The CECH clemency proposal also included a plea for improving the country’s notoriously poor prison conditions, which have long drawn the attention of human rights groups (see NotiSur, 2009-09-25).

President Piñera insists he is aware of the situation and has promised to ease overcrowding with new facilities, improve prisoner treatment, and employ new technologies, such as ankle bracelets, to make nonincarceration alternatives more effective.

"Rather than once again pardon convicts so that once the [bicentennial] celebrations are over, things go back to how they were before, we are committed to a profound re-engineering and modernization of our prison system, both in infrastructure and management," the president said.

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