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Allegations Of Police Brutality As Chile Cracks Down On Student Protestors

by Benjamin Witte-Lebhar

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By the time Francisco Gómez, a volunteer human rights observer, first saw 18-year-old Sebastián Bravo Piña, the teenager's face had been so battered by police it looked "like a sack of potatoes."

Gómez and a colleague, Amaro Oróstica—both law students at the Universidad de Chile—spotted Bravo Piña in a Santiago police station, where they had gone on Aug. 24 to observe how student detainees were being treated. Bravo Piña was one of nearly 500 protestors arrested that day, the first of a two-day national strike (Aug. 24-25) involving numerous student and worker protests.

"His clothes were all torn," recalled Gómez, who works with the nongovernmental organization (NGO) Instituto Igualdad. "When the police saw us, they turned around and tried to take him away. We asked [Bravo Piña] for his personal information so that we could help him, because it was obvious he'd been maltreated."

Several days later, the two human rights observers managed to locate Bravo Piña, who said that carabineros (uniformed police) not only beat him but forced him to endure a horrific simulated-drowning ordeal. The alleged abuses took place inside a police paddy wagon.

"At one point they put me on my back on the floor of the bus. The whole time my hands were handcuffed behind my back. They covered my face with the T-shirt that I'd had around my neck and started throwing water in my face. I freaked out. They turned me to my side so that I could breath, and then they grabbed me and put me on my back again," said Bravo Piña. "I coughed and coughed and, when I freaked out again, they stopped pouring water on me. They stopped for about five seconds, and then poured more water. I think they used like five bottles. They poured water about 15 times over the course of seven to 10 minutes."

Taking the case to Washington

Bravo Piña's experience was one of 117 cases of police abuse contained in a report compiled by the Instituto Igualdad's Asesoría Ciudadana program. Two weeks ago, on Oct. 28, the Chilean NGO presented those cases before the Inter-American Commission on Human Rights (IACHR) in Washington, DC. The IACHR is an autonomous body of the Organization of American States (OAS).

All the abuse victims cited in the report are, like Bravo Piña, students involved in Chile's ongoing education-reform movement. The student protestors are calling on the government to guarantee free public education for all, improve the quality of Chile's schools, and do away with for-profit educational institutions (NotiSur, July 22, 2011).

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Approximately half the cases included in the report involve what the Asesoría Ciudadana program insists were unlawful arrests. In 90 of the cases, police used "unnecessary force." And in 40 instances, abuse victims complained of what is known under Chilean law as "illegitimate pressure" and "torment"—acts like Bravo Piña's waterboarding experience, which could be characterized under international law as torture.

"This seems to us like something extremely serious, that the police would use this type of torture on a demonstrator, especially on one who's just 18 years old," Amaro Oróstica told the Chilean daily *La Nación*. "[Bravo Piña] could easily have been a minor. This suggests that certain police have had specific training in these methods."

Oróstica's comments echo the opinions of a long list of human rights advocates who say the numerous instances of police abuse fit into an overall pattern of repression being implemented under the leadership of conservative President Sebastián Piñera. Critics say the government, unwilling or unable to negotiate with the student demonstrators, is now trying to "criminalize" them.

"There have been not just one or two complaints [of police abuse] but rather dozens, which leads us to conclude that these aren't isolated cases of police officers who go overboard in accidental circumstances," attorney Washington Lizama told Radio Universidad de Chile. Lizama represents the family of Manuel Gutiérrez, a 16-year-old boy who was shot and killed by a policeman during an Aug. 25 protest ([NotiSur, Sept. 23, 2011](#)). "This instead appears to be a plan executed by the police. But it's important to remember, too, that the police don't act alone. They answer politically to the Ministerio del Interior."

During the recent IACHR hearing in the US, a representative of the Piñera administration, Miguel Ángel González, scoffed at the idea that his government is deliberately trying to criminalize the student protest movement. Claims that the government wants to "repress" the demonstrations are "at the very least, exaggerated," said González, the human rights director for Chile's Ministerio de Relaciones Exteriores.

A representative for the carabineros also addressed the IACHR, saying that, of the 35 abuse complaints his institution has received, five have already been resolved. The others are still in the process of being handled, according to Maj. Heriberto Navarro, who insists Chile's carabineros "faithfully follow the existing legal norms."

The IACHR seemed unconvinced by the major's statements. Calling the police handling of the student protests "disproportionate" and "deplorable," Paulo Sergio Choelho, the commission's children's rights rapporteur, also urged the Chilean government to reform Decreto 1086, a dictatorship-era law that requires would-be Chilean protestors to seek permission from authorities before carrying out a demonstration. The law, which is still very much in use, was issued by decree in 1983 during the military government of Gen. Augusto Pinochet (1973-1990).

The full extent of the law

Decreto 1086 is not the only dictatorship-era law at play in the Piñera government's showdown with the student protestors. On Oct. 18, a group of encapuchados (masked delinquents) reportedly stopped a city bus in Santiago, ordered the passengers to descend, and then burned the vehicle.

Dramatic images of the burning bus were quickly splashed across the Internet, on television, and on newspaper front pages.

Within hours of the incident, Piñera's Interior Minister Rodrigo Hinzpeter announced that the government would pursue the arsonists with the Ley de Seguridad del Estado (State Security Law). The broadly worded law, drafted early on in the dictatorship, drastically stiffens sentences for anyone found guilty of disrupting "public order."

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"We've seen too much violence, too much lack of respect toward Chileans who just want to have a normal life, too much senseless destruction, too much irrational aggression, too much hate," said Hinzpeter.

Less than two weeks later, the Piñera administration again invoked the controversial law, this time in response to a strike by colectivo (shared-taxi) drivers. Demanding lower fuel prices and government subsidies, colectivo drivers caused major gridlock in Santiago on Oct. 26 by not only striking but using their vehicles in some cases to block major thoroughfares.

President Piñera, in Paraguay at the time, defended his government's decision to prosecute the strikers under the Ley de Seguridad del Estado. "Our government is going to defend the rule of law and public order, because, in that way, we are defending democracy," he said. "We're defending the large majority [of Chileans], and we're defending the weakest people."

In the meantime, the Piñera administration is also looking to arm itself against the student movement with new legal tools. The government recently sent Congress a proposal to reform Article 292 of Chile's penal code to stiffen sanctions against people found guilty of disrupting "public order" and "social peace."

The reform aims specifically at criminalizing occupations of homes, schools, churches, and other buildings—a favored tactic of this and past student-led education-reform campaigns—and make it a crime to block the circulation of people or vehicles in public spaces. It would also oblige television stations covering student protests to share their recordings with police so that authorities can use the images to identify wrongdoers.

Keeping the peace?

Backed by Piñera's allies on the political right, the proposal is being hotly contested by members of the opposition Concertación coalition. Sen. Jorge Pizarro of the centrist Partido Demócrata Cristiano (DC) warns that Piñera's policies are "polarizing" the country. And Sen. Guido Girardi of the leftist Partido por la Democracia (PPP) says Chile is seeing a "return to authoritarianism."

Girardi, the president of the Senate, has been in hot water of late because of a recent incident in a Santiago government building, where a group of student protestors forced their way into an Oct. 20 meeting between legislators and Minister of Education Felipe Bulnes. Once in the meeting room, the demonstrators shouted at Bulnes and other government officials demanding a "plebiscite now"

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Girardi's colleagues on the right say that decision should cost him the Senate presidency. Some Concertación leaders were critical as well. Former President Ricardo Lagos (2000-2006) sided with conservative lawmakers in saying that, as Senate president, Girardi's handling of the situation "wasn't up to the task."

The PPD senator stands by his decision, saying he prefers to resolve things by dialogue rather than force. "What the government would like is that every day the television shows images of young people throwing Molotov cocktails and setting fires. That's why they're upset with me, because I'm showing that, even in this [tense] climate, dialogue is an effective option. I used a civilized manner to get the students to leave," he explained during an interview with the TVN television network.

Jorge Schaulsohn, a Concertación dissident who supported President Piñera in the last election, delivered an even more biting assessment of the current student-government standoff. Asked by a reporter from the online news site El Mostrador if the current government "has the tools to keep the peace," Schaulsohn—one-time deputy for the PPD—said "no." What the government does have, he said, are the police and special forces.

"But the political right has no networks, it doesn't control a single union, it has no representatives among the student leaders, and it's scarcely represented among the country's intellectuals. In that sense it's very orphaned," Schaulsohn said. "It doesn't have the tools that the Concertación has always had to calm the masses."

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