

Chile: The terrible legacy of Augusto Pinochet

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On 11 September 1973, a bloody military coup in Chile overthrew the democratically-elected government of President Salvador Allende. Upon gaining power, General Augusto Pinochet initiated a program of repression. This program included political persecution; mass arrests; summary trials; systematic torture and "disappearances"; secret executions and detention -- all in locations such as the naval training ship, The Esmeralda.

The world looked on in horror as the policies of the new government marked the lives of a generation of Chilean men and women and the future of an entire country.

In London, Amnesty International (AI) began to receive hundreds of reports of abuses and initiated investigations and action -- recording facts, speaking out and appealing to the Chilean authorities. The organization also called for international solidarity on behalf of the thousands of victims of human rights violations.

Virginia Shoppee has investigated events in Chile during the military government for AI in London and gives her account of the organization's work.

"A mission of AI representatives arrived in Chile in November 1973. Less than a month later, we presented the information we had gathered and called for an end to the executions, the publication of lists of people who had been detained or executed, the immediate release of prisoners of conscience and investigation of the countless accusations of torture."

An AI report published in 1974 started off an international campaign demanding investigations into all accusations of human rights violations, the serving of justice on those found responsible and due compensation for the victims and their families.

"That was when we started a program of 'adopting' prisoners of conscience. Thousands of members of Amnesty International all over the world sent appeals to the Chilean authorities calling for human rights to be upheld and supporting victims' families, lawyers and groups that had been set up inside Chile for the protection of human rights."

Sixteen years after that campaign began, a civilian government headed by Patricio Aylwin Azócar came to power in Chile, but, despite numerous attempts to put an end to impunity in cases involving human rights violations, the victims did not obtain justice.

"The Rettig Commission, which was the principal initiative of President Aylwin's government, was set up to record violations of human rights. However, it had no mandate to name those responsible or to initiate investigations, nor did the records include the names of victims of torture who had survived."

The victims of human rights violations and their families continued to demand justice.

"Since Augusto Pinochet was detained in London in 1998, there has been some progress. Recent decisions of the courts in Chile have made it possible to reopen cases of 'disappearances' and executions, which had previously been closed by the very same Chilean courts. Important rulings have been given, such as those relating to the revocation of Augusto Pinochet's immunity: first his parliamentary immunity and, more recently, his immunity as a former president to answer to the courts for such familiar and well-documented cases as the Caravan of Death and Operation Condor."

The government of President Ricardo Lagos set up the National Commission on Political Imprisonment and Torture in 2003 to study cases of torture during the time Augusto Pinochet's government was in power. This was as a result of the determination of those who survived torture at that time. However, thousands of cases are awaiting a decision from the Chilean courts.

"These cases call for decisions that will produce truth and justice concerning the violations committed by the military government, which constitute crimes against humanity and must, therefore, be tried and the guilty punished. The terrible legacy of Augusto Pinochet's government will continue to be a stigma within Chilean society unless the authorities, at

executive, legislative and judicial level, demonstrate the necessary political will to fulfil their obligations to the Chilean people and their international commitments"

Among the specific actions upon which AI continues to campaigning, is the organization's call for the repeal of the 1978 Amnesty Decree. This prohibits prosecution for human rights violations committed between 11 September 1973 and 10 March 1978, thereby obstructing truth and preventing justice.

"In May 2004, the United Nations Committee against Torture said that, along with other constitutional provisions from the military government era, the Amnesty Decree constituted an impediment to the full enjoyment of fundamental rights. The Committee stressed that this Decree Law 'endorses the impunity of those responsible for torture, disappearances and other serious violations of human rights committed during the military dictatorship."

Virginia Shoppee also emphasized the need to reduce the jurisdiction of military courts in the judgement of cases of violations of human rights committed by members of the armed forces.

"The Committee on Human Rights and the Inter-American Commission on Human Rights have, on numerous occasions, stated that trial by military courts of members of the armed forces accused of human rights violations is incompatible with the obligations of States under international law. Military courts must be special, exclusively functional, courts, whose role is to maintain discipline within the armed forces and they must, therefore, limit themselves to strictly military offences."

It has not been easy for the families of victims of "disappearances" and executions or who have survived torture. However, they have persevered with their valid claim before national and international bodies. It has been a difficult task, involving many years of repeated rejections and lack of progress.

And yet, 31 years on, the victims, their families, lawyers and human rights organizations continue their fight, challenging a succession of obstacles with their persistence.

"Amnesty International will continue to support the quest for justice."