

Europe vs. Pinochet: Undue Process

Hermógenes Pérez de Arce
Santiago, Chile

Gemini Books

Copyright © Hermógenes Pérez de Arce 1999

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior written permission of the author.

First Edition

Translated by Frances Lee (with input from Ray Harbaugh) from the Third Spanish edition (1999) of *Europa vs. Pinochet: Indebido Proceso*

Published by
Gemini Books
Trumann, Arkansas USA
<http://www.lisawrites.com>

Author's (per Library of Congress schema) Cataloging-in-Publication Data

Pérez de Arce, Hermógenes

Europe vs. Pinochet: Undue Process / by Hermógenes Pérez de Arce

ISBN (CD-ROM) 1-929017-85-5

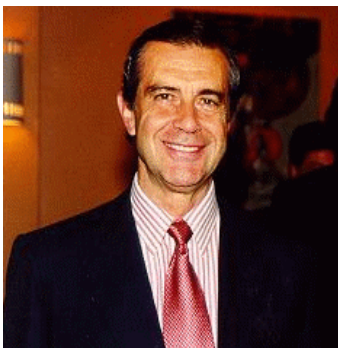
ISBN (diskette/electronic) 1-929017-91-X

1. Chile. 2. Coups, Latin America. 3. Public policy. 4. Economic liberties. 5. Dictatorship 6. International law. 7. Terrorism, Latin America I. Title II. Pérez de Arce, Hermógenes

Contents

Contents.....	iii
About the author	iv
Acknowledgements.....	vii
Foreword	viii
I. The Historical Context.....	1
II. The Military Decision.....	12
III. The Existence of an Armed Threat	18
IV. The Accusation of Genocide	34
V. Killed in Battle	46
VI. Excesses of the D.I.N.A.	55
VII. The Drama Of The Missing	68
VIII. The Question of Torture	89
IX. The Accusation of.....	119
X. Operation Condor.....	133
XI. The Amnesty Law.....	139
Epilogue	146
Notes	150

About the author



For the last twenty years, Hermógenes Pérez de Arce has maintained a regular weekly column in *El Mercurio*, Chile's largest daily newspaper. His policy-relevant arguments have been both original and candid, following his personal style. He delights in calling to remembrance certain historical facts and circumstances which are commonly forgotten by Chileans. He is a journalist and college professor, with a first degree in law and a graduate degree in economics. Since the 1998 arrest of former Chilean President Augusto Pinochet in London, he has concentrated on bringing the truth of the Chilean experience to a world which seems to be quite ignorant of what actually transpired in this small country. Thus, he has a well-defined objective (corresponding to his normal journalistic custom) of



defending Pinochet before the people of the West, which he believes have been ill-informed by popular media accounts and leftist activists. Deeply motivated by the issue, and convinced that it is more political than judicial, he has vigorously worked to present background information given two concerns. First, he is convinced that the historical record and truth have been altered. Second, he believes that adherence to basic judicial rules has been seriously lacking in the Pinochet case. In sum, Pinochet, who is currently a Chilean Senator, has been subjected to an “undue process”. Accordingly, this term has been used as the title of this small book in his defense.



To María Soledad





Acknowledgements

I would like to thank in particular the document service of *El Mercurio* in Santiago, and especially the Document Editor, Guillermo Canales Güemes, for his invaluable help.

Foreword

The request of Joan Garcés, Spanish lawyer, and previously an advisor to Salvador Allende, to Baltasar Garzón, the investigating magistrate and former socialist Member of the Spanish Parliament, to open a case against the former President of Chile, Augusto Pinochet, goes against all the rules of due process.

If the accused had been an ordinary citizen of a more or less civilised country, he would have been at once protected by an appeal of *habeas corpus* in his favour and would have been immediately given his freedom.

The European left, however, has succeeded in depriving Augusto Pinochet of the most fundamental right, guaranteed for almost eight hundred years since the Magna Carta, that of not being illegally arrested.

For six days, Augusto Pinochet was deprived of liberty, as the result of a Spanish request that was not based on even the most minimum



legal requirements, as it was eventually recognized by the British Justice, that required a new request.

Additionally, senator Pinochet was arrested in a surprise night time intrusion, moments after painful surgery, and was left unjustifiably for hours deprived of painkillers and suffering intense pain.

Even if this irregular procedure was later corrected, there remains a complete lack of justification for submitting Augusto Pinochet to trial. Nobody has ever presented even a single proof that he committed any of the crimes he has been accused of.

One of those alleged crimes did not occur at all. It simply did not happen in Chile: that is, genocide. The obvious falsity of some of the accusations, designed to give the impression that such kind of crimes were perpetrated, like the persecution of Jews, has provoked the indignant refutation of Chileans of Jewish origin. The accusation of persecution against the Mapuche minority has been also contradicted by the public and collective appreciation expressed to the then President Pinochet, at the end of his mandate, by the most renowned representatives of the Mapuches.

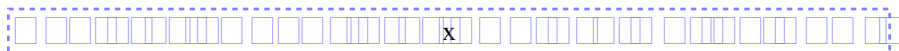
Moreover, the International Agreement on genocide, on which the accusation is based, explicitly states that the competent court is that of the place where the crime was committed.



He is being charged as committing ‘genocide’ for having supposedly persecuted a political group, whereas this crime is defined as the persecution of “a national, ethnic, racial or religious group”, and not a political group. In fact, such groups were explicitly excluded from the Agreement on genocide, at the request of the Soviet Union. In other words, the legal aberration has been committed of applying the criminal law by analogy, a procedure which was repudiated by ancient doctrine and supported by theorists throughout history.

Besides that, in Pinochet’s case Spanish procedural law and the treaty on terrorism had to be applied retroactively, if he were to be accused, against all legal precedents and traditions.

The defence of the present Senator, Augusto Pinochet, before the High Court and the House of Lords in London, was based on his immunity as diplomat and former Head of State. No attempt was made to counter the accusations of the Garcés-Garzón twosome. But these accusations, as one of the Law Lords surprisingly confirmed, were treated as an important background, with no reference to the fact that the whole thing was simply a question of unproved suppositions and nothing more. So the rejection of his right to *habeas corpus*, was in the end based precisely on these suppositions, and the accused was not given the opportunity to defend himself against the corresponding charges.





Moreover, the decisive vote in the House of Lords was that of a judge involved personally, as was his wife, in an organisation, Amnesty International, which was dedicated to opposing the liberty of Augusto Pinochet and was one of the complainants. This Law Lord was both judge and accuser and he concealed this fact. The long arm of the truth, however, did not let him escape.

Augusto Pinochet has been denigrated the world over as having committed numerous crimes and other actions which he did not commit.

And he is being accused of many crimes that have already been subject to judgement and sentenced in Chile.

Specifically, the following basic human rights of Augusto Pinochet have been violated by both British and Spanish “justice”, with the complicity of the governments of both countries:

1) Not to be deprived of liberty without a legal warrant for arrest.

2) Not to be considered guilty of accusations without hearing a defence in due process of law.

3) Not to receive inhuman and degrading treatment.

4) Not to be judged by any court other than the one designated by law.

5) Not to be judged by *ex post facto* laws, that is, laws established after the commission of the crime: “*nullum crimen, nulla poena, sine lege previa*”, as was established by the Romans.



6) Not to be judged for acts which are not legally described as a crime.

7) Not respecting his right to honour.

8) Not to be judged for crimes over which judgement has already been passed.

The writer, Joseph Levine said, parodying Lincoln: “you can trick everybody all the time, as long as you have a big enough budget”. The European left has a big budget and has invested it in the character assassination of Augusto Pinochet.

This book, based on provable fact, is an attempt at a defence against the unjust accusations which have been made against him. It is dedicated to all those who prefer truth, but particularly to those morally upright and intellectually honest persons, of all ideological persuasions, who hesitate to condemn an individual simply on the basis of the accusations of his adversaries, without having given him the opportunity to defend himself.

Hermógenes Perez de Arce,
Santiago, Chile
December 26, 1998



I. The Historical Context

The case in London against Augusto Pinochet is being pursued without taking into account the historical context in which the deeds motivating the case occurred. The legal community has always considered it fundamentally unjust to judge one epoch by applying the moral norms of another. For this reason alone, although there are other reasons, it is universally considered that the passing of time nullifies responsibility.

Twenty-five years ago, the world was living in the atmosphere of the so-called ‘cold war’. The possibility of global war was ever present. The export of ‘guerrillas’ and terrorism from Cuba to the rest of Latin America was a constant in the everyday life of the hemisphere. It had not been so long ago that “Che” Guevara had failed and died in his guerrilla intervention in Bolivia. A large-scale





importation of terrorist weapons had been discovered and frustrated in Venezuela. Castro was talking about how the Andes would become the ‘Sierra Maestra of South America’. The Uruguayan MLN-Tupamaros, the Argentinean ERP-Montoneros and the Chilean Miristas worked together, under Cuban direction, causing serious problems for the regular military forces of the respective countries.

The human rights movement was new and its activity was almost zero. No country showed much interest in the subject. In Chile, less developed and not concerned with such things, as will be discussed later, human rights were not a priority. Democracy itself was not in fashion among those in favour of progress. For them democracy was simply US jargon. The US was considered “imperialist” and it defended “bourgeois democracy”, a system which was going to be superseded by the great utopias: socialism with a human face and, in Chile, to include the traditional meat pies and red wine.

The Soviet Boomerang

When the Armed Forces deposed Salvador Allende at the insistence of the large majority of the population, including political sectors which later became adversaries of the Armed Forces,



Leonid Brezhnev, in the Soviet Union, pronounced: “never again will there be another Chile”.

The entire propaganda power of the USSR, through its “fellow travellers”, those whom the communists always called “useful idiots”, its front organizations and its “movements for peace and friendship”, concentrated their fire on Chile.

The *Leitmotiv* of the campaign was “offenses against human rights” perpetrated by the Armed Forces. Year after year, the USSR managed to get the United Nations Committee on Human Rights to vote against Chile. Gradually, however, voices began to be heard asking: “And what is the civil rights situation like in the USSR itself?”

“People who live in glass houses should not throw stones”. The unleashed pressure for respecting human rights, which was not really directed at human rights, since the USSR itself did not respect them, was rather an attempt to isolate the Chilean Military Government. This effort boomeranged against its originator. The Soviets were required to sign the Helsinki agreements on human rights and Gorbachov was obliged to draw up the “perestroika” (liberalizing reforms) and the “glasnost” (transparency of information).

If there is any system, however, which cannot function and at the same time fully respect in-

dividual liberties and complete information, it is Marxist socialism. A few years later, the USSR disintegrated and almost all of the communist governments collapsed and, symbolically, the Berlin wall was destroyed.

At the same time, Chileans were voting according to the democratic programme designed in the first years of the military government, developed by the Council of State and approved by popular vote in 1980. This programme included an eight-year transition period, ended with the 1988 plebiscite, which contained the provision that, if the candidate proposed by the Military Government was defeated, there would be an open election in 1989. That is what happened.

The human rights theme, raised by Leonid Brezhnev to the status of an international *Leitmotiv*, for purposes of isolating and destroying the Chilean Military Government, did not change even a comma in the programme designed by the Chilean government for the transition to democracy, but instead, caused the collapse of Marxist socialism.

Pinochet will never be forgiven for this.

The Marxist Revenge

A Spanish Marxist, Joan Garcés, who was a close collaborator of Salvador Allende, patiently



fabricated a legal case against the Chilean Military Junta, skilfully rewriting history and adapting the facts to suit his convenience. To this end, he took advantage of the gigantic world network of misinformation about Chile that had been put out by the USSR.

To achieve his revenge all he had to do was to find a judge who shared his ideas and who was lax in his adherence to legality. He had to be capable of twisting the law in order to bring a case against the Chilean Military Government.

Garcés finally found the right man. His name is Baltasar Garzón. Between the two of them they elaborated a version of the events in Chile between 1973 and 1990 in such a way that they could be described as criminal and within the competence of the Spanish courts. It did not matter that this crime did not correspond to any actual conduct of the military government. The intention was to twist the facts, through the use of dialectical arguments, to make them say what they wanted them to say. And up to now they have managed to do that.

As his mentor Lenin said, however, facts are contrary things. Just as the campaign against Chile, based on human rights, back-fired against its authors, the twosome, Garcés/Garzón, has opened a perfect opportunity for letting the world



know the true history of what happened in Chile between 1970 and 1990.

We would like to add a grain of sand to this task. We shall begin at the beginning.

The General Outcry

In September, 1973, the economic situation in Chile had reached an insupportable level of chaos. There were illegal armaments, disregard of the law and of the Constitution on the part of Salvador Allende's Government and justified fears on the part of the democratic majority — it was a minority government — that the Marxist-Leninist groups intended to take over power in perpetuity.

At that time — July, 1973 — the author of this book was a Member of Parliament for the National Party and was interviewed by a French journalist, Jacques Hussenet, of *L'Aurore*, a Parisian newspaper, who was being advised in Chile by the journalist, Rocío Matte.

While having tea and biscuits on the terrace of the traditional Hotel Carrera in Santiago, Hussenet surprised me with a revelation: an important socialist Member of Parliament, with whom he had spoken that day, had assured him that there would never again be multi-party elections in Chile, because a revolution was in progress for establishing a socialist regime of the "people's de-

mocracy” type.

There is, however, no reason why this evidence should convince readers who demand objective proof. Therefore, in the following, I shall refer exclusively to persons not connected with the Military Government that came to power in 1973 and, preferably, to those who were opposed to it.

The Convocation of the Members of Parliament

It is a fact that, on August 23, 1973, the Chamber of Deputies (the Chilean House of Representatives of the Parliament) approved an agreement accusing the Government of Salvador Allende of repeatedly infringing the Constitution and the law, with the only votes against being those of the marxist-leninist members. It was supported by the Christian Democratic, the National, the Radical Democratic and the Radical Left Parties. Among the charges were: illegally arresting and torturing political opponents; allowing the formation of “armed groups for the purpose of fighting against the Armed Forces”; the formation of organizations for the purpose of creating “the incorrectly-named power of the people, whose goal is to replace the legitimately constituted powers and serve as the basis of a totalitarian dictatorship”; attacks against freedom of the press and freedom of education and against property rights and even, through illegal



expedients, making it difficult for citizens to leave the country, a right guaranteed by the Constitution.¹

After this session the Chamber formulated a call to the Armed Forces “to put an immediate end to all these activities which are infringements of the Constitution and the law”.

The significance of this call did not escape the then President, Salvador Allende, who replied as follows:

“The day before yesterday the opposition members formally demanded the Armed Forces and the Police to take a political stand against the Executive”.²

The Accusation of the Judges

The Supreme Court also pointed out to the Executive Power that it was infringing its authority by preventing “the carrying out of court decisions in disregard of their supremacy”.³

The *Intendente* (Governor) of Santiago so much as stated that “it is necessary to assault the courts and massacre all those old mummies”.⁴ This was added to a great number of insults directed at the judges by participants in the Government, including aggression on the part of members of armed militias.⁵





A Representative Senatorial Voice

The Christian Democratic Senator, Andrés Zaldívar, today President of the Senate and his party's former presidential candidate, made the following statement to the magazine *¿Que Pasa?*, August 23, 1973, referring to the Armed Forces: "I believe that they represent the great moral reserve of our country and it is possible that, at a given moment, they could be called upon to solve the situation here. There is no reason to conceal this. Otherwise one is being a hypocrite".⁶

The Reluctance of the Armed Forces

The Chilean Armed Forces had a long tradition of keeping aloof from political participation, which had been respected for decades, ever since a military government had been overthrown in 1931.

Therefore, they did not want to intervene, as the majority of the population demanded.

The Army, particularly, the oldest and most powerful branch of the Armed Forces, upheld the "Schneider Doctrine" which demanded complete constitutionality in all activities of the Armed Forces.

As early as November 1972, the then Senator, Patricio Aylwin, had expounded a thesis about



the constitutional role of the Armed Forces which the then Commander in Chief of the Army, Carlos Prats, at that time a member of one of Allende's Cabinets, felt he had to correct, replying:

"It is not within the capacities of the Army, as such, to judge whether specific orders or decisions of the Executive are illegal".⁷

Aylwin's thesis had been that, precisely because of the repeated unconstitutionality, the "Schneider Doctrine" of sticking to the Constitution demanded that respect for the basic text be enforced. This was a doctrine that was definitely very closely relevant to military participation in politics. And this is what Prats wanted to reject with his answer.

The point came, however, when there were much more explicit public manifestations demanding military interference.

These reached the very homes of the military officers. On August 21, 1973, three hundred wives of officers in active service went to the home of the Commander in Chief of the Army, General Carlos Prats, to deliver a letter in which they expressed their anxiety about the dead-end situation in which the country found itself.

Nevertheless, they were held back with unusual force by the police.



Two days later, however, General Carlos Prats, Commander in Chief of the Army, had to present his resignation after a street incident where, beside himself, he shot at the car of a woman driver who had directed a rude gesture at him. His emotional state was shown to be incompatible with his position.⁹

He was replaced by General Augusto Pinochet.





II. The Military Decision

On September 11, 1973, the three branches of the Armed Forces and the Police Force overthrew President Allende, who committed suicide in La Moneda. This last fact, which the left-wing “official history” refuses to accept, has been sworn to repeatedly by Allende’s personal doctor, Dr. Patricio Guijón Klein¹. He was the first person who entered the room where the President killed himself and he saw him shoot himself in the mouth with a machine gun which had been given to him by Fidel Castro.

This evidence has been accepted as the truth in the Report of the National Commission on Truth and Reconciliation, set up in 1990 by former President Patricio Aylwin to analyse the offences committed against human rights in Chile (referred to below as the Rettig Report², after the name of the Chairman of the Commission.

It is remarkable that this outcome, histori-

cally confirmed and accepted by the Rettig Report itself, a document prepared by a group of persons, the majority of whom were undeniably biased against the Military Government, and which was founded on evidence almost exclusively from opponents of that government, is intentionally and repeatedly ignored in Europe, where the communications media continue to describe his death as “assassination”.

Another fruit of the systematic process of misinformation.

Lack of Preparation for Government

Few persons have stopped to consider the lack of preparation for exercising the functions of government that existed on the part of the Chilean Armed Forces and the Police Force.

In some respects, such as in the repression of the subversive threat which, as we shall soon see was essential, they had the training appropriate to soldiers, that is, directed towards the elimination of the enemy by military defeat in combat.

On the other hand, as is proved by various pieces of evidence cited below, it was estimated that there was a very large, illegal, armed contingent in the country, of ten or twelve thousand men, many of them foreigners.

In any case, the inexperience in governing, the characteristics appropriate to military training

and the various pieces of evidence that there was a significant clandestine armed threat led to a very severe and radical response, from September 11 on, to terrorism and subversion, with a view to eliminating the enemy army.

This was in no way directed towards any particular group, “national, ethnic, racial or religious”, nor even towards a specific political group. It was simply an attempt to defeat the irregular armed forces.

Obviously, one knew that they must be members of those groups and political parties which had publicly shown themselves to be in favour of armed violence. The military’s action, however, was not directed against the economic and social doctrine of these parties, but against their readiness to use arms to suppress the freedom of the rest of the citizens and convert the Chilean democracy into a Marxist-Leninist totalitarian regime.

Later there was considerable discussion about whether there was a war in Chile or not. It is more important, for purposes of a fair judgement, to determine whether or not it was really believed in 1973 that the country was facing a significant armed threat, capable of checkmating the Armed Forces and the Police Force.

This must be taken into account in judging the way in which, at the beginning, the Military

Government met the problems of terrorism and subversion.

War Edicts of the Junta

The initial edicts of the Governing Junta, starting from September 11, 1973, advised the public that armed resistance would be severely countered. Already, in Edict No. 1 it was said that “any act of sabotage will be punished in the most drastic form at the place of its occurrence”.

The successive edicts that day and on following days continued repeating the obligation to hand in weapons. Seventeen edicts were issued on September 11. On this day 30 members of the armed forces were killed and eighteen were wounded, shot by extremists.³

On the following day, September 12, Edict No. 25 was issued which was more severe, two of its paragraphs being:

“1. - All those persons or groups of persons offering armed resistance to the new Government of the Chilean people have until 15:00 today, Wednesday, September 12, to give up their activities and deliver their weapons to members of the Armed Forces and the Police Force.

2. - All those persons who insist on the suicidal and irresponsible attitude referred to above will be the object of a definitive attack on the part of the members of the Armed Forces and the Police

Force. Those who are taken prisoner will be shot on the spot.”

The severe character of these warnings was intended to stop internal fighting as soon as possible, but was also due to the conviction, widely shared at the time, that the clandestine armed forces were very numerous and included in their ranks large numbers of foreigners illegally in the country, estimated to be around twelve thousand, according to a report by the OAS issued in 1974.

This same report spoke of “the mass of guerrilla fighters persecuted in other countries who have entered this Andean country to evade the hand of justice, which can be appreciated by observing the manner, the quantities and countries where they later sought asylum”.⁴

Shortly before the coup, a Lieutenant of the Army, Héctor Lacrampette, had been assassinated arbitrarily on a street in Santiago by a Mexican extremist, Jorge Albino Sosa Gil, who was in Chile illegally, but had found work in a company, Indugás, which had been seized by the Government.⁵

Ironically, Sosa Gil benefited from the Amnesty Law of 1978, so much criticised by the opponents of the Military Government, both in Chile and abroad, and which the last chapter of this book discusses. Thanks to this pardon, he regained his liberty.



Taking into account the presence of foreign guerrilla fighters, War Edict No. 3 had already warned the population of the danger of “letting themselves be persuaded by incitements to violence on the part of Chilean or foreign activists”.⁶

Recounting the aforementioned facts should prove a useful exercise, since it facilitates an appreciation for the atmosphere in which the military coup occurred.



III. The Existence of an Armed Threat

The truth was that, after a brief period of resistance on the part of the extreme left and at the cost of 1261 lives, among them 82 members of the Armed Forces, the result of the severe military action was that, by the end of 1973, the army of irregulars seemed to have been defeated, in spite of having Cuban support.¹

Cuban Troops in Chile

The proof of Cuban intervention, and that there was indeed a contingent of this nationality, can be found in a publication in Havana about the trials carried out many years later against various high officials in Castro's army. One of them, Patricio de la Guardia, was subjected to the following interrogation:

“ **Major Julio González Guethon:** And international missions, apart from this one in An-



gola, had you carried out others previously?

“Patricio de la Guardia Font: I was in Chile.

“Major Julio González Guethon: Were you decorated at that time for some reason?

“Patricio de la Guardia Font: I was decorated with the Internationalist Medal, First Class, because I was leading armed companions in Chile at the time of the Chilean coup d’état and I carried out other special operations.

Did the Cuban officials think about the suffering that they could have caused in Chile with their activities to promote a civil war? Did the Chilean Government of the Unidad Popular, whose complicity allowed foreign clandestine troops to enter the country, think about the suffering they could have caused to the families of those who would have fallen in the inevitable confrontations with the Chilean Armed Forces? Who is guilty of what followed?

Marxist Admissions

Moreover, the magnitude of the challenge posed by the armed extremists has been recognised by many other sources who are against the Military Government or unconnected with it.

The actual General Secretary of the Chilean



Communist party, Luis Corvalán, confessed years later that his party really was preparing clandestine armed groups under the name of “the military front”:

“When it was clear, after the elections of March 1973, that the opposition would try to overthrow the Government by a coup d’état, we started with the slogan ‘no to civil war’ and, simultaneously, we intensified the preparation for combat **of those activists who were working on the military front** and we provided them with some kind of weapon” (author’s emphasis).³

Did Luis Corvalán think about the suffering he could have caused to the families of the victims of the armed confrontation which was necessarily going to occur, as a result of his organising an illegal and clandestine force in Chile, which necessarily, at some point in time, would have to be repressed by the Armed Forces of the Chilean State?

President Allende, in the Moneda Palace, was living himself in an environment which was a mixture of hidden illegality and subversion. Not long ago, a report was published in the official government newspaper *La Nación* of Santiago which was titled “*Recuerdan a Caídos del GAP*” (Remember the fallen of the GAP) (Allende’s personal armed guard, which was always objected to



as illegal by the democratic opposition to his government). It states: “For the first time their names and aliases were revealed” (!). Milton Silva, who was a member of the GAP, says about September 11, 1973:

“In Tomás Moro we had about 100 GAP and we brought down 50, only from Cañaveral. Nobody died there. We had light arms and a few rocket launchers. **We were illegal**, and therefore we only had aliases” (author’s emphasis).⁴

All over the world, however, and even in Chile, it is still stated that “the law was broken” only after September 11, 1973.

Other persons, unrelated to the Armed Forces, have attributed great importance to the illegal armed threat of the Marxist Regime.

The Evidence of Former Presidents

The former Christian Democratic President, Eduardo Frei Montalva, made the following statement to the Madrid newspaper *ABC*:

“Marxism, with the knowledge and approval of Salvador Allende, and perhaps at the instigation of Salvador Allende, had built up innumerable arsenals in Chile which were stored in houses, offices, factories, warehouses. The world does not know that Chilean Marxism had better armaments,



both in quantity and quality than the Army. Armament for more than thirty thousand men, and the Chilean Army is not usually bigger than this. The Armed Forces have saved Chile and all of us, whose lives are certainly not so important as that of Chile, but they are human lives and many, and all threatened preemptorily.⁵

Patricio Aylwin, who was President of Chile between 1990 and 1994, elected as candidate of the Democratic Coalition Party, an alliance of his Christian Democratic Party with the parties that made up Salvador Allende's Unidad Popular, was an ardent critic and opponent of the government of former President Pinochet, just as he had been of Allende's government.

On September 24, 1973, Aylwin was interviewed by a correspondent of the NC News Service, of Washington and Bonn. The interview was published in *La Prensa*, a Santiago newspaper, on Friday, October 19, 1973. The person who had been President of the Christian Democratic Party until September 11 of that year said the following:

"The truth is that the action of the Armed Forces and the Police Force turned out to be nothing more than a preventive measure, anticipating an official coup d'état which the Government was planning with the assistance of an armed militia of

enormous military power, which the Government had at its disposal, and with the collaboration of the no fewer than ten thousand foreigners, which there were in the country, in order to establish a communist dictatorship. When the military pronouncement occurred, therefore, and the Military Government Junta was formed, we, the Christian Democrats, would not have been speaking the truth and would have been inconsistent if we had not recognised that the fundamental responsibility for what happened lay in the activities of the Government of the Unidad Popular and that the Armed Forces did not want to take over the State, but acted out of patriotism, with a sense of responsibility for the historic destiny of Chile, and we have faith in the disposition they have expressed to return power to the people when normality is re-established, so that the people can choose its authorities democratically.”

Later in the same interview Aylwin said: “It is very easy to make oneself the judge of others who are fighting, while one is sitting comfortably in one’s study. I do not feel that I have the moral authority to judge whether they have been excessive or not, because it is certain that the Armed Forces have suffered great losses and have been the recipients of the action. I do not have the figures. I believe there are more dead than has been

said, but at the same time it is clear to me: the version which has been circulating abroad is tremendously exaggerated. When they speak of the dead floating in the Mapocho river. When they speak of the several hundreds of thousands or tens of thousands of dead and wounded and prisoners, this is manifestly an exaggeration”.

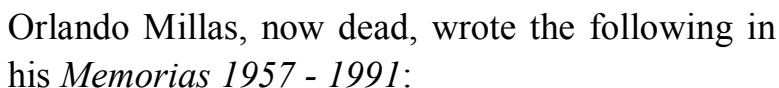
The Combat Forces of the Left

Altogether, it is a fact that, in the clash with the armed extremists, the greatest number of deaths was concentrated in the three political groups which adopted armed extremism: the Communist Party, the Socialist Party and the Revolutionary Movement of the Left (MIR), as will be shown in detail.

If the deaths were relatively concentrated in these groups, however, this was due exclusively to the confessed commitment of each one of them to armed subversion and terrorism.

We have seen above the statements of the communist boss, Luis Corvalán, about the distribution of weapons to the people of his party in 1973. This confession is more than sufficient proof that the communists were arming themselves.

But there is other evidence. The former director of the Communist Party and also former Minister of the Government of the Unidad Popular,



“XXXIV. Boys with the qualities of heroes. We reunited in Moscow in 1974, the members of the political commission of the party who were in exile, that is, the leaders, Volodia Teitelboim Gladys Marín and I and the deputy, Manuel Cantero. ...This was when I found out about the agreement that the leaders of the respective parties had come to in Havana for having contingents of militant Chilean communists accepted as students, with the status of cadets, in the Cuban Military Academy. ...Later I got to know the boys, the flower and cream of our people, with superlative personal qualities. The best of the best of the new exiled generation. ... A bitter aftertaste makes me feel that we led them to destruction in Chile in impossible struggles. ... In the course of their activities, contrary situations arose, various tensions and disparate criteria; but we who took on the terrifying responsibility of suggesting to these adolescents that the road to dignity among their people was the road of taking up arms are those who have the least right to criticise them.

Socialists in Favour of Armed Struggle



The Socialist Party, on the other hand, had come to the explicit agreement in 1965 and 1967, long before 1973, that armed struggle was necessary.

At the general congress of the PS in the city of Chillán in 1967, it was agreed “unanimously” that:

“1. - The PS, as a Marxist-Leninist organisation, proposes the taking over of power as a strategic objective to be accomplished by this generation, to establish a revolutionary state which will free Chile from dependence and economic and cultural backwardness and begin the constitution of socialism. 2. - Revolutionary violence is inevitable and legitimate. It constitutes the only way which leads to taking over economic and political power and the later defence and strengthening of this victory. The socialist revolution can be consolidated only by destroying the bureaucratic and military structure of the bourgeois state. 3. - The pacific and legal forms of struggle ... do not lead in themselves to power. The PS considers them a limited means of action, embodied in the political process which brings us to the armed struggle.”⁷

Not only was this policy maintained after 1967, it was confirmed at the party congress in 1971 in La Serena, being now “in power with the



Unidad Popular, electing a majority of the Central Committee and a General Secretary who believed firmly in the inevitability of armed confrontation”.⁸

Did the socialists think of the suffering of the families of the fallen which would necessarily have to follow the violence they adopted? Are not those who arm inexperienced youths to confront a professional army better deserving to be called assassins than the rank and file of the Army who, out of professional obligation, repress an illegal army?

For its part, the Revolutionary Movement of the left (MIR), which was related to the PS, did not at all follow the pacifist road, but only the road of violence and war.

Even though on September 11 its members fought only marginally, the left-wing itself recognises that it was powerfully armed: if at that moment they retired without fighting, it was possible that they were reserving themselves for a later subversive, terrorist and more prolonged war.

The socialist leader Oscar Waiss said, confirming the commitment to arms of the group:

“The MIR, provided with a solid enough armament, showed its organic weakness, withdrawing (on September 11) without trying to entrench itself in the industrial strongholds, **as was planned** (author’s emphasis). The revolutionary



stridence collapsed like a castle of cards.”⁹

Preconceived Plans

Take note that “it was planned” to dig in and defend the movement in the so-called “proletariat strongholds”. The Chilean left has denied that, for its part, a clandestine military plan ever existed.

But the Armed Forces made it public in its first publication, immediately after September 11, 1973, in the *Libro Blanco de la Intervención Militar en Chile*, where it was commented by a distinguished historian and jurist.¹⁰

Moreover, a distinguished Christian Democrat journalist, Ricardo Boizard, made a very careful analysis of the procedures followed in the courts of the Air Force in the early years of the Military Government, where all the plans of the extreme left were revealed in detail by the accused persons, first for the infiltration, then the neutralisation and the final elimination of hostile elements in the Air Force, with the predominant participation of the MIR and the complicity of some Air Force officials.¹¹

Altamirano's Military Accounting

The person who has best summed up the consistency of the illegal armed threat which was



being built up during the Unidad Popular is the former Senator and former President of the Socialist Party during this Government, Carlos Altamirano. In a book-interview with the Journalist Patricia Politzer, published in 1995, the following dialogue appears:

The interviewer asks:

“—How many men made up this extremely modest armed apparatus of the Socialist Party?”

Altamirano answers:

“—More or less one thousand to one thousand five hundred men with light weapons, as they say in military language, who could never confront a regular army.

“—One thousand men is a considerable force.

“—It wouldn't have been so few if they had been co-ordinated with the military apparatus of the MIR, which was supposedly much more important than ours, with the Communist Party, which was also larger, and with those of the MAPU and the Christian Left. But this co-operation did not occur, and everything that is said to the contrary is absolutely false.

“—Where did the weapons come from that these contingents had?

“—I do not know exactly. They had various origins: some were collected from the Chilean



population itself, others were bought, others donated by various armed groups in Latin America.

“—Supposedly the Cubans made a significant contribution.

“—Most probably, but I cannot say with certainty, because I wasn’t responsible for the military side.

“—And the Soviets participated in this area?

“—No. Well, my inclination is to answer with a straightforward no, but in truth, the privileged relationship with the Soviets belonged to the communists, they could answer your question.”¹²

Summing up the number of armed men, according to Altamirano:

Socialist Party : 1000 to 1500.

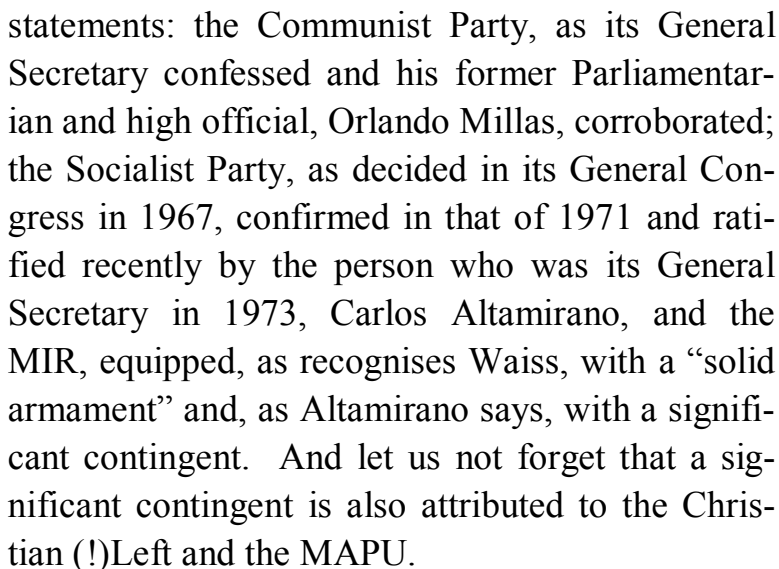
MIR: “significantly more important”: 3000 - 5000?

Communist Party : “also greater”: 2000?

MAPU and Christian Left: 1000 in total?

The calculation of ten thousand men, frequently suggested, complemented by the Cuban “soldier comrades” and an indeterminate number of other foreigners, would seem to be reasonable. And that was a powerful contingent.

In summary, there were three groups definitely in favour of armed struggle, either partially or totally committed to it, according to their own



There is, then, a dose of tremendous injustice in judging, 25 years later, events which are, today, totally stripped of all the weight of uncertainty, fear and hatred which existed in Chile in 1973.

[illegible]



tary regime. In answer to Aylwin's demand that the courts should be more severe against the repressive excesses of the Armed Forces, Retamal answered:

“Look, Patricio: the extremists were going to kill us all. Faced with this fact, let's leave the Armed Forces to do the dirty work, afterwards comes the hour of justice.”¹³

Things always appear different “before” from “after”, when the danger has passed. The affected persons always criticise the damage caused by the firemen after the fire has been put out. There is an old saying that “after the battle, everybody is a general”.

Today sympathisers and relatives of those extremists accuse the Armed Forces of assassination. However, the then Minister of the Supreme Court and later President of the Court was afraid that the extremists were going to assassinate him. Who were, then, the assassins? Those who armed to kill or those who stopped them, preventing the State from falling into the hands of totalitarian extremism?

Worse still, in Chile things “afterwards” don't only **look** different: after 25 years, the armed threat of the extreme left has simply vaporised, has been wiped out of official history. In Chile it has



been forgotten, intentionally by some, by others because of their proverbial bad memory. And abroad it has always been denied.

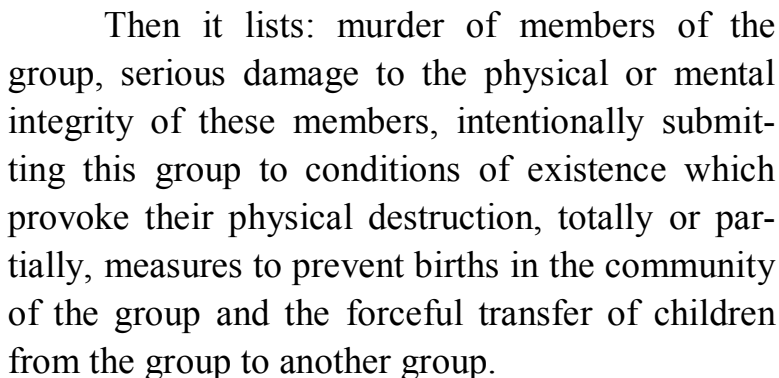
Thus the foreign version prevails, which, like the Spanish version, never took into account the armed threat of the extreme left fomented during the Government of Salvador Allende and with its complicity.

And this is tremendously unjust, because it deprives the defence of Augusto Pinochet and the Military Government, faced with the accusations made against them, of justification for having acted as they did, with armed force and with severity. The justification was that they felt obliged to interfere in their own defence, as State institutions, as we have seen, and to defend the sovereignty of a country threatened with falling into a Marxist-Leninist regime, subjected to the Soviet world.

IV. The Accusation of Genocide

It has been precisely the anti-subversive action of the Military Government which has provided the foundation for the accusation of “genocide, terrorism and torture” against former President Pinochet, presently Senator, and another 37 persons (among them two democratically elected Senators), by the Spaniard judge, Baltasar Garzón, at the request of a plaintiff lawyer who was an advisor to President Salvador Allende, the left-wing activist and Spanish lawyer Joan Garcés.

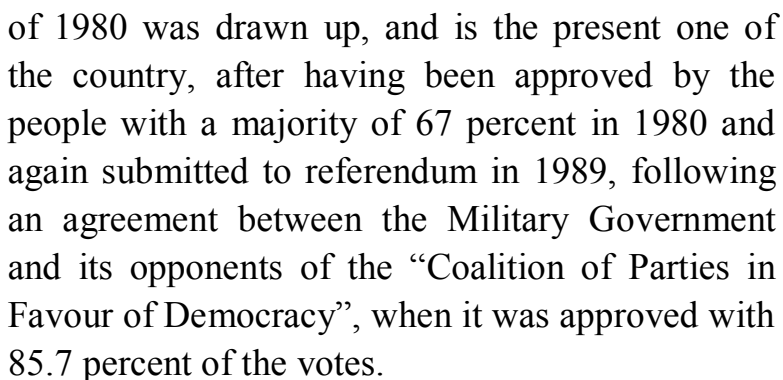
Nevertheless, according to Article 2 of the United Nations Agreement for the Prevention and Punishment of the Crime of Genocide, December 9, 1948, on which Garzón based his charge against Pinochet, this crime is defined as “any of the acts mentioned below, perpetrated with the intention of destroying, totally or partially, a national, ethnic, racial or religious group, as such”.



The accusation of the Garcés/Garzón two-some, in its delirium, maintains that Augusto Pinochet conceived a premeditated plan designed for the selective and systematic elimination of political opponents, specific segments or sectors of the Chilean population, ethnic or religious groups, for the purpose of eliminating any ideological discrepancy and “purifying” the Chilean way of life, by attacking those who advocated socialist or communist (Marxist) political positions, as well as those who simply disagreed”.

At the time when all this conducts attributed to Pinochet would have been allegedly taking place (1973 – 1980), he in fact had asked a committee of lawyers to draw up a new Constitution for the establishment in Chile of a free and pluralistic democratic regime.

35



If a policy of genocide had existed in Chile, then nothing seems mores contrary to it as having bequeathed to the country, as did the Military Government, the broadest and most complete system of guarantees of the rights of everyone, without exception, as are contained in the present Constitution.

If the goal had been to suppress all the population with left-wing ideas, then it would have been necessary to eliminate millions of persons. Instead of having been eliminated, these persons were the majority and won the election at the end of the Military Government. The Coalition is, after all, an alliance of the centre with the left.

We shall see below that the number of the dead between 1973 and 1990, **with known political association with the extreme left**, the concept is underlined, were hardly more than 1000, including in this figure, those persons who cannot be found, but probably lost their lives, having been, in



fact, victims of aggression against their human rights.

This is something which, as we will also demonstrate, the Military Government did not encourage, but rather tried to avoid, after the initial turbulence and lack of control caused by the confrontation of the regular State forces with the illegal subversion.

Moreover, even the Garcés/Garzón twosome recognise in their charge that “it can be clearly understood from an analysis of the Acts and studies of the 1948 Convention (on genocide, which forms the basis of the case against Pinochet) that the Sixth Commission, in charge of preparing it, consciously excluded, after extensive debate, political groups as objects of genocide, basically because of the objection of the Soviet Union”.¹

Apparently, however, for that twosome the lack of a basis is no obstacle, because we are not facing a legal action which requires it, but a political strategy. It is a question of using the judicial power of a country, with the connivance of its political authorities and those of another country, in this case, the English Labour Party, to not investigate with due process whether a crime has been committed, but to punish, by way of “undue process”, the political adversary who was the precursor



of the world-wide defeat of the real socialisms.

In any case, whatever the motives of the anti-judicial assault, it can be stated categorically that:

1. - There was never any pronouncement on the part of the Chilean Military Government directed to the elimination of any group because of its nationality, ethnicity, race or religion.

2. - Neither was there, nor can ever be found an instruction, directive or order from Augusto Pinochet in this sense.

3. - Never did it even occur to any of the opponents or adversaries of the Military Government to formally accuse him of such a crime, until this unadvised political strategy was released by the Garcés/Garzón twosome.

The Function of the DINA

If there has been something not discussed up to now, it was that the security agencies the Military Government created, particularly the National Intelligence Agency (DINA), had as its major responsibility the combating of armed subversion, whatever its origin.

Whether it did it well or poorly is another question, but what nobody ever ventured to say was that there existed an extermination plan against a specific “national, ethnic, racial or reli-



gious” group, or even a political group, except when it was actively participating in armed struggle.

Another “argument”, which is cited only because it is picturesque, presented by the Garcés/Garzón twosome to affirm the existence of “genocide”, is the death in the Upper Bío Bío river, at the hands of the police on September 12, 1973, that is, one day after the coup d’état, of four Pehuenche Indians . A “genocide” of four persons!

General Pinochet, according to this twosome, in the first moments of the military coup, took time out from the exhausting immediate task, to develop a plan for the extinction of the Pehuenche people. This was supposedly communicated to the police in the distant Upper Bío Bío, to make them participants in this plan. And the police are supposed to have proceeded with the “extermination of four persons, under his instruction. All this as one of the basic concerns of the director of the military coup during the first hours of its coming into effect.

Where the Garcés/Garzón twosome border on the sublime is when they state in the charge:

“The purpose of this systematic action is to achieve the establishment of a new order — as Hitler tried to do in Germany — in which there was



no place for certain classes of persons — those who did not fit into the established cliché of nationality, western civilisation and western Christian morality.

That is, all those should be exterminated who, according to the supposedly dominant hierarchy, did not support the concept of an ultra-national society in the fascist style, obeying ‘international slogans like Marxism or atheism’².

This fantastic deformation of the truth, — just one more in the charge — describes as an “ultra-national concept of society in the fascist style” the work referred to above, which led to the approval of the 1980 Constitution which, as we said, assures, as did no previous Constitution, the guarantee of personal and political freedom in Chile.

Under this Constitution, up to today, Chilean democracy has lived and continues living its most stable and prosperous period since Independence. And this, as a demonstration of pluralism and alternation of power, under authorities who are precisely those who were the adversaries, the opposition to the Government which wrote this Constitution.

Thankful for their Own “Genocide”

Moreover, this accusation of a “genocide”



against the Mapuche people is difficult to make compatible with the fact that, close to the end of Pinochet's presidential mandate of 1981 – 1989 (to which he had been designated by public election, simultaneously with the vote on the Constitution with the 1980 plebiscite, something which seems to be forgotten) and having been already defeated in the 1988 plebiscite by his political opponents, the General Committee of Mapuche Chiefs, representative of the 300 thousand indigenous persons in the south of Chile, at Cholchol, that is, in the heart of their lands, designated Augusto Pinochet as “Maximum Chief and Guide” (*Ullmen F'ta Lonko*). They presented him with a signed parchment with the confirmation of the recognition they gave him “for having concerned himself, from the beginning of his presidential mandate, with the recuperation by the Mapuche people of its dignity, assuring that they receive the social benefits and ownership of their lands, which had been historically denied to them”.³

Many indigenous peoples in the world would like to suffer such a “genocide”.

The Accusation of Anti-Semitism

The political delirium of the Garcés/Garzón twosome, however, reached its climax in the accusation of “anti-Semitism” directed against Augusto



Pinochet and his government, to reinforce the picture of genocide and to horrify the English Law lords, which this pair managed to do.

Certainly, the Chilean Jewish community was even more horrified. A former Minister of Pinochet, of Jewish descent, Sergio Melnick, wrote an extensive article in *El Mercurio* describing the excellent relationship of the resident Jewish community with the ex President and ended with these words: “Many things can be said about General Pinochet’s Government, both good and bad, but clearly it cannot be said that it was an anti-Semitic government. It was exactly the reverse!”⁴

The President of the Representative Committee of Jewish Organisations in Chile, Elimat Y. Jason, has even written to judge Garzón himself indicating to him that the organisation he represents, “which brings together the Jewish communities and institutions in the country, emphatically states to you that in the period in question (during the military regime) Chilean Judaism was not affected by organised anti-Semitic demonstrations, being able to conduct its religious, cultural and educational activities without difficulties”.⁵

What confidence can you have in a judge who so frivolously invents facts which do not exist? Or who so irresponsibly accepts the statements



of one of the parties?

Mistaken Criteria

The thing is that the Garcés/Garzón pair understood that there was only one way to get the activities of the Chilean Military Government under foreign jurisdiction, so did not hesitate in committing what any first year student of criminal law learns is a legal aberration, typical of totalitarian regimes, and into which no lawyer should ever fall: applying the penal law by analogy.

Garcés/Garzón must have said to themselves, just as Lenin said, “if the law does not serve me for condemning Pinochet, all the worse for the law”.

If all the above seems to be incredible, it is even more so that the Audiencia Nacional de Madrid has unanimously ratified this aberration, in a memorable decision which will go into the annals of anti-justice because of the very elaborate rationalisation by which it is attempted to justify the unjustifiable and to demonstrate that where the 1948 Convention clearly says one thing, it means to say exactly the opposite.

Politics have been stronger than the law.

Or fear has been stronger: we know the capacity of the global left - wing movement for denigrating those who frustrate their designs.

Garcés/Garzón and the Audiencia have not



only closed their ears to the express intention of the Convention, but also to its Article 6, according to which: “Persons accused of genocide or of any one of the acts listed in Article 3, will be judged by a competent State court in the country where the act was committed or before the international criminal court which is competent with respect to those of the contracting parties which have recognised its jurisdiction.”

Since politics (or fear) are more powerful, this text, which confers exclusive competence to the Chilean courts for judging any supposed act of genocide which they are trying to impute to Augusto Pinochet, has also been violated, given that an international court for this purpose has not yet been legally established.

And, in any case, such a court could not be competent, because another ancient principle, also violated in this case, is that nobody can be judged by a court which was not established before the commission of the crime for which he is being judged.

An Ethical Assassination

In the name of *what* is this lack of the most elementary justice? It is said, in the name of morality. It is a very strange individual morality, with no doubt, this one which violates the fundamental



norms of law. Because law is nothing more than a reflection of the social morality.

What is this like in Spain?

We found recent evidence in a widely-read Madrid newspaper, in which the following moral paradigm appears:

“I reaffirm to myself in what, for me, is an ethical postulate with pre-eminence over any law: I do not ask for a just trial for Pinochet. Despots are not judged: they are eliminated... Any other alternative is an illusion: the legal one more than any other. ... No, I have not asked for — will never ask for — a just trial for Pinochet. Twelve bullets in his gut, yes. Or an angelic flight like the one of Carrero Blanco” (Spanish minister murdered in a terrorist attack, under Franco’s regime).

Exemplary apostles of human rights. This one is called Gabriel Albiac and he transmits his edifying thoughts to the public in the Madrid newspaper *El Mundo*.⁶



V. Killed in Battle

We have seen who the troops of the natural adversaries of any armed national body, the guerilla fighters or revolutionaries, belonged to. Now it is appropriate to study who was killed in the battle.

To talk about “genocide”, even if it were true that this occurred, it would be necessary to establish that a significant number of the national, ethnic, racial or religious group in question was eliminated.

Total Killed in 17 Years

The 1991 Rettig Report correctly indicates four of the main armed groups, identified by Altamirano in the previous chapter, as those who suffered the most dead during the Military Government.¹ The list is as follows:



“Victims according to political affiliation:”

Socialist Party	405
MIR	384
Communist Party	353
MAPU	24
FPMR (Comm. Party)	19
Radical Party	15
Christian Democratic	7
Christian Left	5
National Party	4
Other Parties	15
Not Known	<u>1048</u>
TOTAL	2279

It should be noted that this total includes all the dead and disappeared in the 17 years of the Military Government, including those who fell at the hand of left-wing terrorism, during street protests or in the armed confrontation of both sides, which were a total of 254, according to the same report.²

It should also be noted that the list includes cases of deaths in Argentina, with no Chilean intervention even suggested by the Rettig Report (see, for example, the cases of Laschan, Hueravilo and Magnet in volume II of that Report) and sui-



cide cases (for example, Cantuarias Grandón, p. 211 of the Rettig Report, op. cit.).

Anti-Subversive Actions

The above table shows that the armed action of the Military Government was directed against those groups who had chosen to take up the arms. It was not prejudicially directed against any specific ideology as such, notwithstanding the fact that, because of a situation irrelevant to any military intention, those who were carrying arms and were illegally organised for an irregular war belonged to a particular ideological tendency, the Marxist-Leninist.

And those who took up arms also killed on their own account. Between September 11 and December 31, 1973 alone, 82 uniformed men fell, victims of the armed groups of the extreme left.³

The total of dead and disappeared between these dates was 1261.⁴

The disproportion between the number of deaths of the two sides is to be expected in a confrontation between a well-trained regular army and an irregular armed force, formed in secret or (Milas' version, chapter III) abroad.



Can one Speak of Extermination?

As for the point in discussion, not now in the area of law, but in the simple area of common sense, we shall honestly answer for ourselves the following question: do the above numbers permit talking of “genocide” or “massive extermination”?

As can be appreciated from the figures in the above table, there wasn’t even a concentrated persecution of a single political “group”, since the majority of those killed were not identified as belonging to any group. These persons without political affiliation evidently died because they took up arms. If it had been a question of genocide, they would not have been killed, because they did not clearly belong to any of the groups that were the objective of the supposed extermination. They died, however, because there was no persecution of that kind, but only the unavoidable task of confronting armed groups with the same means.

Guerrilla Fighters and not “Dissidents”

The military defeat of the MIR was not an easy task for the Military Government. It was dealing with a subversive organisation which, in mid 1973, declared that it had five thousand fighters and two thousand men under arms.

In October, 1974, their newspaper, *The Clandestine Rebel*, described a battle with the Po-



lice and the Armed Forces which occurred on October 5, 1974 and in which Miguel Enríquez, the highest director of the MIR was killed. He is counted, of course, among the “victims” figuring in the Rettig Report.⁵

The Rebel says: “As the police were on their way to search the Santa Fe house, they were seen by our comrades, and Miguel Enríquez and Bordaz immediately took up their weapons, while Sotomayor went to the back of the house to get a rifle.

“The clash with the group of police who intended to search the house began quickly. Because of the strong resistance they met and the casualties suffered, the police proceeded to fall back to concentrate police and military reinforcements...

“We have to report with indignation and pain, that Humberto Sotomayor abandoned the battle at the beginning, demonstrating an incredible attitude of cowardliness and treason.

“Miguel Enríquez, who opened the firing and met the forces of repression heroically, was seriously wounded in the face in the first stage of the combat. These wounds caused him to lose consciousness, but later he recovered and was able to continue fighting. Already dying, he tried to break through the cordon, but was already to weak



to succeed and died, shooting his rifle under the fire of the henchmen of the dictatorship,

“Comrade Carmen Castillo was also wounded at the beginning of the combat.

“Comrade Bordaz, after having resisted alongside Miguel Enríquez, managed to break through the cordon.

“The press of the dictatorship has concealed the fact that the repressive forces suffered more than ten casualties, both wounded and dead” (pages 43-44 of *The Clandestine Rebel*).

Communist Armed Contribution

The MIR was not the only subversive armed force active during the Military Government. We have seen Orlando Millas’ statement (chapter III) about the military policy of the Communist Party, which sent their young people to Cuba for training. This group never abandoned what it called its “military policy”.

In this respect, and continuing with evidence from the left itself, let us look a what Antonio Cavalla Rojas (“specialist in military matters”, says the newspaper), director of the Christian Left wrote in the Santiago newspaper, *La Epoca*, in 1987.

Incidentally, this newspaper, *La Epoca*, was in opposition to the Government. How can that



be? There was an opposition press under “the dictatorship”? Yes. Two newspapers and the majority of the political magazines, especially during the 1980s, were in opposition. The most popular radio station was in opposition.

To return to what Cavalla wrote in *La Epoca*: “The military policy of the Communist Party is ineffective. ... How the Communist Party implements this policy is evident: by allowing their militants to join the Manuel Rodríguez Patriotic Front (FPMR) and by other means. ... After five years of war between the FPMR and the Chilean Armed Forces, there is no possibility of error: the FPMR has suffered hundreds of dead and wounded, the Chilean military forces hardly thirty...⁶

The discrepancy of Cavalla’s figures with those of the Rettig Report result from the fact that many of the FPMR dead were not recognised as belonging to this group by the Report; and also, Cavalla’s calculations only cover five years (those of the existence of the Front at the time) and not the 17 years of the Report.

“The moral attitude of the FPMR is unacceptable” — ends Cavalla — “They use the Catholic Church organisation, the Vicaría de la Solidari-

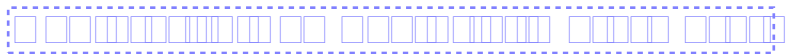
dad (which, however, is only carrying out its duty to help persecuted persons), the Fasic (Federation of Soical Aid of Christian Churches), student federations, social agencies, poor families, etceteras, tricking them.”

Arsenals Imported from Cuba

The largest operation of the subversive military action was the successive disembarkation of arms from Cuban ships in January, June and July of 1986: 3200 rifles, 114 Soviet-made rocket launchers RPG-7; 164 anti-armour rockets LAW (those used in the assassination attempt against President Pinochet in the same year, 1986, which cost the lives of five of his guards); grenades, ammunition and other supplies.

The United States Commercial Attaché in Chile, George Jones, stated, when part of the contraband arms were discovered, that, with what had been captured — which was not all of it — one could already talk about the largest contraband of arms which had ever been recorded in Latin America.

According to the version in the press at the time, “he said yesterday that his country did not doubt the authenticity of the discovery of arsenals in Chile, emphasising that it is the largest quantity



of individual weapons which has been reported as having entered a Latin American country and that they are certain that they were smuggled in by communist forces to help the terrorists of the extreme left who are active in the country”.

The diplomat made these statements when he went to the Police Hospital to express the condolences of his Government and of the US Embassy in Santiago for the uniformed police who had been wounded in the last few days, saying that the use of terrorism is not the road to solve political problems. “The road to solution is dialogue, reconciliation, conversation and avoiding all violent confrontation.”⁸

Deaths Caused by Terrorism

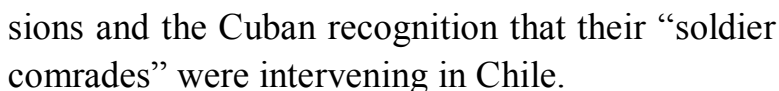
In the single year, 1986, there were 23 deaths caused by extremist attacks, principally by the FPMR, among them passengers of the Metro and public buses, passing pedestrians, as a result of terrorist bombs placed on the streets or the explosion of car-bombs. The number of wounded was certainly much higher.⁹



VI. Excesses of the D.I.N.A.

This can be attributed to the lack of respect of its director for the legal norms, but it can also be explained by the reason mentioned above, that military training is directed to the elimination of the adversary and that that criterion dominated in this agency. Since they were dealing with an irregular army, it had to be defeated by any method available.

[illegible]



Extremism is expert at hiding its crimes. It is not responsible to anybody. If it triumphs, it turns into a totalitarian regime and, by definition, a totalitarian regime does not have to take responsibility for its actions. If it is defeated, it converts its dead into “victims” and describes the war it lost as an “extermination”, as we have seen in the case in Chile, where the “soldiers” the extremist groups talked about in their internal documents and battle instructions have disappeared into thin air.

The commission of crimes by those who are in the field, fighting an irregular army which attacks always from a safe position, without warning and which recognises no rules, is a problem affecting all those governments which have to meet such situations. Then, when the governments have solved this problem, they are in the position of having to pass amnesty laws, as has always happened, at least in Chile in similar historical circumstances, as will be recounted in more detail below.

For the government in question it is impossible in these situations to guarantee the conduct of each member of its security services. To hold former President Pinochet to be personally responsible for these events is very unjust and forms part



of the “undue process” which has been taken up in Europe against him.

It is necessary, however, to point out something very important: **the majority of the disappearances and deaths in the country occurred in the last three months of 1973 and the first part of 1974, before the DINA had even been officially created.** In fact, it was created by Decree Law No. 521, published in the official newspaper on June 18, 1974. This does not preclude, of course, the possibility of proving that the same persons who later made up the DINA could have carried out unacceptable actions before this date.

It also does not preclude recognising that a repressive method, as practised by the DINA in its three years of existence, cannot be justified, not even with the argument that it was dealing with armed extremists and terrorists whose intention was to establish a totalitarian regime by force.

Precisely the western Christian approach which the Military Government wanted to follow in its activities — a purpose which, as we have seen, so much horrifies the Garcés/Garzón two-some — prevented it from whitewashing everything that was done against the illegal extremist army. If it had done this, it would have fallen into moral contradiction and legal aberration, which would have been just as fragile as the one being



perpetrated by the Garcés/Garzón twosome against the former head of that Government.

Pinochet did not do this, since he dissolved the DINA and found another person to direct the new security institution, the CNI, (National Information Centre).

The Difficulty of Acting Against the DINA

Why then, it could be asked, was there a delay in putting an end to the so much criticised activities of the DINA?

In the first place, it must be pointed out that the DINA was not the only agency which committed excesses. In fact, its undue activities were considerably fewer than is usually published.

In fact, the large number of deaths and disappearances occurred in the first weeks of the Military Government, before, as we have said, the DINA was even organised, and spontaneous acts against the extremists occurred both on the part of the police forces themselves and on the part of soldiers and also civilians who had probably been victims of the abuses and assaults which were frequent under the Unidad Popular.

The initial explosion of violence, resulting from the climate of hate and illegality which the Allende Government had established, was what caused the majority of deaths and disappearances



of persons, as will be documented below.

What happened was that, when the country had already settled down considerably, the DINA continued acting as though this had not occurred. This is confirmed by the single fact that the agency was dissolved and the National Information Centre (CNI) was created, with a new Director: the total of human rights problems during the following twelve years was fewer than in the last year of DINA's existence (and that last year had been the year of fewest problems since 1973), as can be seen in the Appendix of the Rettig Report.

What were the reasons for not dissolving it before 1977?

The first reason was probably the full confidence of President Pinochet in his subordinate, Colonel Manuel Contreras, who denied the denunciations against him. In those first years, the Head of State tended to believe what Contreras said more than the denunciations of his critics.

The second reason was the global campaign of left-wing propaganda, which was based on gross falsifications of what was happening in Chile, as can be confirmed by everybody living in the country. So when it was stated abroad that "the waters of the Mapocho are tinted with blood and its bed is piled up with cadavers" and at the same time we could see with our own eyes that this was not so



and never had been so, as Patricio Aylwin pointed out very well (chapter III), all of us tended to believe that the rest of the denunciations were equally false. And the President, reassured of this by his Head of Intelligence, ignored the denunciations as part of the fraudulent campaign led by the Soviet Union against his Government.

The third reason was that Colonel Contreras was very much respected and was supported by his colleagues. Dismissing him was going to be a long and delicate task for Pinochet.

Probably as a result of the Letelier case (the killing by a bomb of Allende's minister Orlando Letelier, in Washington DC, in 1976) —this is what informed persons think — Pinochet, from the moment the crime was committed, was certain and convinced that the Chilean security services were not involved. When evidence to the contrary arose, he began to suspect that Contreras was not telling him the whole truth.

The assassination of Letelier occurred on September 21, 1976. Contreras was dismissed eight months later and the DINA was dissolved.

Lack of Preparation for Governing

There is, however, a very important element to be taken into account when judging the Military Government, as was mentioned in Chapter I, and



which deserves separate consideration: the Chilean Armed Forces had not been trained to take charge of the Government, even less the government of a country in ruins and divided into irreconcilable groups, one of which was powerfully armed and intended to take over power, “destroying the bureaucratic and military apparatus of the bourgeois State”, according to the unanimous decision of the Socialist Party, as cited above, and this was Allende’s party.

Given this lack of preparation for governing, it was the civilians who were working closely with President Pinochet who were his principal assistants in carrying out the basic tasks of the, at the beginning, improvised regime. And it was from them that the main influence came to put a stop to the activities of the DINA.

As early as April or May, 1974, the author of this book attended a luncheon of the weekly magazine *¿Qué Pasa?*, of which he was co-founder and collaborator. The luncheon took place in the Apartment-Hotel, Américo Vespucio, managed by the famous gastronome, Hernán Eyzaquirre.

The guest of honour was the English writer and journalist, Robert Moss, who sympathised with the Chilean right-wing and had taken a stand in favour of the Military Government from its be-



ginnings. Now he objected to the anti-terrorist activities which, as was reported abroad, did not conform to the due canons of respect for the human rights of the extremists.

During the meeting, the lawyer and former student leader of the Catholic University, Jaime Guzmán, at that time advisor to the President of the Military Government Junta, Augusto Pinochet, revealed something which I have always kept in mind:

“I have told General Pinochet repeatedly that the DINA commits excesses and is steadily gaining more power. I have pointed out to him that it is turning into a real State within the State, because it often acts on its own account, without the control or the knowledge of anybody.”

There is evidence that other persons had made the same criticism of the DINA to General Pinochet.

For the reasons outlined above, not until 1977, and probably after too much delay, the President convinced himself that he should listen to the critics of the DINA, rather than to its Director. He suppressed the agency, as told above, replacing it with the National Information Centre (CNI) under the direction of Army General Odlanier Mena, who had an impeccable service record and introduced profound changes in the anti-

subversive procedures.¹

The Communist Payment

In reference to the mention of Jaime Guzmán it is pertinent to recall that he founded the Independent Democratic Union Party (UDI) towards the end of the Military Government and was elected Senator in 1989.

Before he had completed two years of office, he was assassinated in 1991 by the FPMR, the armed communist group, without their taking into any account at all Guzmán's constant campaign for respecting the human rights of everybody, including the terrorists of the same party who assassinated him.

The actual perpetrators of the crime were the only ones captured, since the intellectual authors, who are probably very active in the "defence of human rights" and in the accusation of Pinochet, have never been personally identified.

But shortly after their arrest even the actual perpetrators escaped from the penitentiary where they were prisoners.

There is evidence that the fugitives have found a comfortable and safe refuge in Cuba.²

Further Evidence Against Genocide

It is so false, therefore, that there existed



“genocide” or “extermination” of the armed groups of the extreme left during the Military Government, as the Garcés/Garzón twosome have fantasised, that the supposed victims were able to continue committing numerous crimes and attacks after the end of that regime.

In fact, after 1990 and under full democracy, the former security agent, Fuentes Morrison, was assassinated by them; the retired Colonel of Police, Fontaine, was also assassinated; Generals Leigh and Ruiz of the Air Force were seriously injured; Army Major Carlos Pérez and his wife were assassinated.

What the Figures Show

To sum up, it can be said, then, that precisely the act of having suppressed a service which was very effective in its anti-subversive activities, but which did not respect the law, reveals that the then President Pinochet did not agree with the illegal procedures of some of the members of his government and cannot be held responsible for them.

The suppression of the DINA was reflected in the figures, since the deaths in the war against extremism decreased from 25 to 9 between 1977 and 1978, as can be seen in the table below. The number of missing persons also dropped, as will be shown below.



It is necessary however, to note that, in fact, the number of deaths had been dropping steadily since 1973, both, in part, because of the effectiveness of the DINA in defeating its enemies and, also in part, because of what we can assume to be the growing number of directives of the Government itself to its security agencies requiring them to stick to legality in their struggle against subversion and terrorism.

The annual list of victims is as follows (including those caused by terrorism and those killed in battles recognised as such by the Rettig Report)³:

<i>Year</i>	<i>Dead</i>
<i>1973</i>	1261
<i>1974</i>	309
<i>1975</i>	119
<i>1976</i>	139
<i>1977</i>	25
<i>1978</i>	9
<i>1979</i>	13
<i>1980</i>	15
<i>1981</i>	36
<i>1982</i>	8
<i>1983</i>	82
<i>1984</i>	74

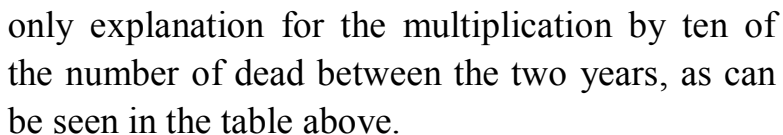


<i>1985</i>	50
<i>1986</i>	50
<i>1987</i>	34
<i>1988</i>	27
<i>1989</i>	26
<i>1990</i>	2

It should also be taken into account that the number of dead in each year cannot be attributed exclusively to the severity of the repression, since it also depended on the intensity of the terrorist activity.

This is yet another proof which contradicts the “genocide” thesis: if the intention had been to “exterminate” groups with specific ideas, the task would have been carried out constantly and systematically. The figures show, to the contrary, that, when the armed terrorist challenge was greater, the number of deaths was greater. It was, then, not a question of the planned “genocide” of a group, but simply a response against armed violence against whoever committed it.

For example, between 1982 and 1983 the military apparatus of the Communist Party, which Corvalán told us about, was reinforced by the creation of the Manuel Rodríguez Patriotic Front, a movement organised for war. This seems to be the



In fact, it is considered that only a part of the huge contraband of weapons discovered in 1986, mentioned above, was captured by the government, as was described earlier.

Finally, the fact that at the very moment of carrying out the first parliamentary elections at the end of the Military Government, in 1989, the parties of the extreme left maintained approximately the same electoral contingent as it had had historically, before 1973, proves the non-existence of any idea of “suppressing” left-wing ideology, as Augusto Pinochet and the Military Government are accused of doing.



VII. The Drama of the Missing

According to the Report of the Rettig Commission, the total number of persons arrested and missing is 957.

Higher figures, given later by organisations derived from the Rettig Commission, do not carry the same authority as those of this Commission. Their credibility is weakened by the one-sided bias of the evidence they collected and also of their researchers, since the figures of those organisations includes cases which were considered by the Rettig Commission to be insufficiently proved.

Reading through the accounts of the disappearances confirms some things which should be emphasised: first, frequently policemen, soldiers and civilians worked together to arrest those who were later declared to have disappeared; second, the unusual frequency with which disappearances occurred in rural, sparsely populated areas; third,

the frequency with which the victims turned out to have been related to parties or groups which had advocated violence and the taking over of power by the use of arms.

In 1974 the Santiago newspaper, *El Mercurio*, the most important newspaper in the country, published a book summarising the news that had been printed during the period of the Unidad Popular, a real “diary of the newspaper”. It was called “A Brief History of the Popular Unity” (“Breve Historia de la Unidad Popular”).¹

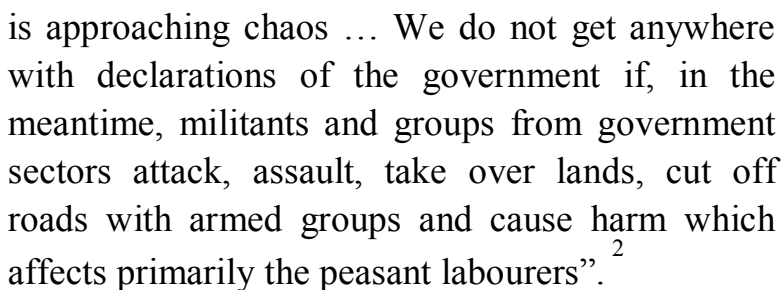
A study of this book side-by-side with the accounts of the cases of persons that were arrested and missing after september 11, 1973, offers some insight into these events.

Logbook of the Violence during the UP

For example, it is striking how many persons are declared to have been arrested and missing or dead in such a small, unimportant place as Liquiñe, in the south of the country.

However, as early as February 3, 1971, in the first months of the UP period, *El Mercurio* reported that the President of the Christian Democratic Party, Narciso Irureta, had denounced the existence of a “guerrilla centre in Liquiñe which was extending its activities to the Argentinean border”.

Irureta added that in the south “the situation



Leafing foreword some pages in the logbook we come to March 5, 1971: “110 large farms have been taken over and 30 labourers are prevented from working in Llanquihue”; March 23: “militants of the Revolutionary Peasant Movement, led by students and carrying firearms... have taken over two large farms in Cabrero (Concepción)”; March 24: “two thousand agricultural workers are at a standstill in the Department of Parral, with the take-over of 24 farms ... the invaders spend their time slaughtering animals and, unjustifiably, keep for themselves the agricultural produce and livestock”; March 26: “three workers were wounded by bullets when 30 peasants who work on the large farms in Parral, the Camelia, the Santa María and the Santa Eliana farms, tried to take back the illegally occupied lands”.

With respect to this last piece of news, it should be noted that an examination of the list of persons who were arrested in 1973 and disappeared, shows that Parral appears with extraordi-

nary frequency.

Let us go down the same page of the *Breve Historia*: March 26: “Extremist elements occupied a large farm close to Cabrero (Concepción) and kidnapped an old woman and four children”; April 4: “the leader of the Christian Democratic Youth, Juan Millalonco, was shot dead in a clash with members of the Socialist Party”; April 19: “in the Temuco Regional Hospital the farmer, Rolando Matus Castillo, died of wounds received in a shoot-out following an attempt by the Revolutionary Peasant Movement to take over his small farm, Carén, in Pucón”; April 29: “forty Mapuches attacked the large farm, Brasil Sur, in Lautaro. An aunt of the owner died of a heart attack, due to the violence of the attack”; May 20: “a group of about 50 persons, many of them armed, assaulted the large farm, Brasil Sur, in Lautaro. The attack resulted in the shooting, during the skirmish, of Juan Milipán, presumably a member of the assault group, whose participants were identified as members of the Left-wing Revolutionary Movement (MIR)”.

An examination of the list of persons arrested and missing also reveals the very frequent mention of the fact that they were militants in the MIR.

The Sowers of Hatred



Let us look arbitrarily at some other pages of the *Breve Historia*: July 26, 1971: “The MIR was especially prominent in the socialist meeting. Its spokesman, Miguel Enríquez, said in his speech that the only valid alternative for the people to be able to assume power is to destroy the legal institutions which are an obstacle to the revolutionary process”.

Enríquez appears in the Rettig Report as killed in a clash with soldiers in 1975, as we have seen in chapter V.

Let us turn over more pages of the *Breve Historia*: July 31, 1971: “eight individuals assaulted the Santa Blanca vineyard in Rancagua, shooting to death the son of the owner, Gilberto González Gómez”.

Was he “standing in the way of the revolutionary process”?

And, in fact, on August 4, *El Mercurio* also reported: “the members of the group which assaulted the Santa Blanca vineyard ... turned out to be members of the Left-wing Revolutionary Movement (MIR). The news was provided by the Investigating Magistrate, Alejandro Arias Torres” (*Breve Historia*, op. cit., p. 75).

An Official ... and Partial History



The Rettig Report did not cover facts which occurred before September 11, 1973. This is one of the reasons for its partiality, for which it was criticised even by the Supreme Court. Therefore, the “official history” which it claimed to present, ended up including only those facts which were the consequences, but not their causes. These must be recognised in order to judge what happened in Chile.

Moreover, the whole direction of the examination was biased, as we said before, in favour of one of the groups which clashed. For example, General Odlanier Mena, Director of the CNI for several years, was never called to appear before the Rettig Commission. Of the fifty investigating lawyers, it was possible to count on your fingers those who could be considered to be supporters of the Military Government or independent of the groups which opposed it. The large part of the evidence was supplied by groups of the extreme left which had taken on the name of “human rights organisations”. Logically it had to be like that: armed extremism was left-wing; the deaths which they suffered almost invariably left relatives of the same political persuasion; and these relatives took care to provide evidence which supported their point of view which, understandably, was that the dead were innocent and that the government agents



had violated their human rights.

Different Epochs

The majority of the persons arrested and missing were taken in 1973 and 1974, in various types of action and in different parts of the country, mainly by groups of police and soldiers, accompanied by civilians with some frequency, and they were sometimes taken away in civilian cars.

The Rettig Report contains 957 “arrested and missing persons”. If, however, you discount those who disappeared outside of Chilean territory (Argentina, in almost all these cases); and the situations where the death of the person was later confirmed, according to the Report itself, there remain some 800 cases of persons who actually remain missing.

Of these, almost half (383) disappeared between September 11 and December 31, 1973, at a time when the DINA was just beginning to be set up and in an atmosphere of widespread confusion. Indeed, it is a fact that groups of civilians participated out of revenge against the spread of hatred, abuse and threats which was typical of the period of the Unidad Popular.

According to the reckoning that can be made by examining Appendix II of the Rettig Report, from 383 persons arrested and disappeared be-



tween September 11 and December 31, 1973, the figure went down to 224 over all of 1974 and to 83 in 1975. It increased to 97 in 1976 and fell again to 18 in 1977.

During the rest of the Military Government (twelve years), 23 persons disappeared, as is discussed below; and these, generally, in isolated instances of apparent revenge for specific terrorist acts, in which groups difficult to identify acted secretly.

There was, then, no “policy of disappearances”. On the contrary, the policy of the Military Government was to control this situation so that it would not happen. For this reason the disappearances decreased from year to year. And also, precisely for this same reason, and because of other illegal situations, the DINA was dissolved and its Director was removed from intelligence responsibilities.

How can this initial cruel and anarchical period be explained? The persons who had felt themselves persecuted, robbed and abused during the Unidad Popular, after its government fell, identified as armed extremists — and in many cases they were so — those persons who had abused them during the Marxist regime.

What, for example, would be the feelings of the family of a solitary farmer’s wife who was



humiliated and abused by a socialist group which also took over her house because she was alone, driving her to suicide? This was the case of Antonieta Maachel in Valdivia, where 30 peasants, at the instigation of armed socialist agitators from outside the neighbourhood, took over her farm and kidnapped her, humiliated her, and then partied all through the night, as though they were the owners of her house.³

In a country in the state of development Chile was in, in 1973, with a large part of the population still uncultured and uncivilised, and in a period of political anarchy, behaviour characterised by a certain amount of barbarity was nothing to be surprised at. We shall find a parallel when we analyse the case of torture.

The primitivism of some sectors of the population in young countries tends to manifest itself precisely in the midst of the confusion which results from political convulsions, above all, when there has been a previous period during which one sector has practised barbarism and abuse of the other and suddenly the reins of power change hands in an abrupt manner.

A smaller, but significant, number of the persons arrested and missing was, nevertheless, not the spontaneous result of local acts of revenge.



Suspicion points, according to the Rettig Report, to DINA personnel and, to a lesser extent, to other uniformed institutions. In declining order, to the Police, the Army and the Air Force. The Navy was cited in only two cases.

The Disappearances Stop

Certainly this problem was one of the main reasons which triggered President Pinochet's decision to suppress the DINA and replace it with the CNI and to remove the director of the DINA from security responsibilities.

As we have said before, probably Pinochet did not at first believe the charges made by his adversaries and also by some of his civilian advisors that this situation existed.

He was finally convinced, however, and he acted.

In fact, of the 957 disappearances registered in the Rettig Report, only 23 occurred after the dissolution of the DINA, which happened in August, 1977.⁴

If Pinochet replaced one agency with another; if he substituted one director of intelligence for another; and if simultaneously the disappearance of persons began to occur as exceptional events and, in the few cases where they did happen



again, it was due to non-identified persons acting secretly, then there are considerable grounds for presuming that Pinochet's instruction was that this illegal procedure should stop. Therefore, he cannot be accused of the crime of arresting persons to make them disappear, when precisely what he did was to take precautions so that this crime would not be committed again.

Certainly, besides this presumption, there is the evidence that there is absolutely no proof of even a single order from Pinochet to make somebody disappear in all the 17 years of his government.

Causes and Characteristics

To sum up, the dispassionate study of the matter of the missing persons reveals that, in the first place, the problem was mainly circumscribed to the period immediately after September 11, 1973; in the second place, that the different circumstances and locations in which persons disappeared, suggest situations with various causes, with perpetrators belonging to various agencies, including the participation of civilians with no connection with the Government or the State; and third, that the problem had its root in the climate of hatred, violence and abuse adopted by the Marxist Government, which does not excuse what hap-

pened, but does explain it as a spontaneous revenge, made more violent by the fall of that Government.

There was no "Policy of Disappearances"

During the first years of the Military Government there was less control and discipline over troops acting against terrorism and subversion, on the one hand; and on the other hand, the terrorist organisations had not yet been defeated or dismantled. Both things explain the concentration of disappearances in that period.

Another proof that it was not a matter of a State policy is found in the fact mentioned above: the Navy, for example, which was part of the Military Government, does not appear as participating in disappearances, except for a couple of cases. And it could have participated, because it was responsible for the government of port areas in various parts of the country.

If it had been a matter of Government policy, all State institutions would have had to follow the same pattern of conduct, but they didn't.

Proof After the Fact

The only convincing evidence of what happened to persons arrested and missing can be found in those cases where the remains of the mis-



ing ones were later found and, therefore, the courts had more grounds and evidence for investigating the circumstances. We shall refer to some of the more representative cases.

One of these, which involved a large number of people, occurred on September 13, 1973 and continued over the following three weeks in a small agricultural town in the central part of Chile called Paine: 25 men were arrested by the local police, accompanied by local civilians.

In this area there was a great deal of agitation during the Government of the Unidad Popular, due to the usurpation of lands. There had been a climate of violence and threats, lead by armed civilians against farmers who had been deprived of their property through illegal occupations; and they had seen their houses, with their families inside, occupied by armed and hostile left-wing elements.

Those 25 men arrested in September 1973 disappeared. Years later, the remains of twelve of them were found in clandestine graves. According to the Rettig Report, “the perpetrators were State agents and civilians from Paine”.⁵

The victims of the deeds in Paine, indicates the Rettig report itself, were agricultural labourers connected with the MIR, who had participated in the usurpations and threats referred to above. The



climate of hatred in the area, released by these aggressions, had been severe.

Such deeds, after being investigated by the Chilean courts, ended up being dismissed, because finally the Amnesty Law of 1978 was applied to them.

Nevertheless, the investigation carried out made it clear that no superior government instruction had been involved.

In the first days after September 11, the Junta must understandably have been absorbed with concerns which removed them from what was happening in each agricultural village in the country.

A case similar to that in Paine occurred at Lonquén, another agricultural town in the central region. In this case, as in the previous one, the cadavers of the persons initially counted as disappeared were found and the facts were then investigated.

Fifteen Lonquén labourers, twelve of them belonging to three families which had participated in episodes of usurpation and violence against owners of agricultural lands, were arrested by police, who were driving landowner's vehicles, immediately after September 11, 1973.

The fate of these arrested persons was not known until their bodies were found in 1978, al-



most five years after their arrest, piled up in the ovens of an old abandoned lime quarry.⁶

The legal investigation once again led to the confirmation of spontaneous and uncontrolled action on the part of the local, low-rank uniformed police, apparently accompanied and assisted by local civilians, against persons related to extreme left-wing groups and who had participated in illegal usurpations of lands and carried out acts of violence during the Government of the Unidad Popular.

The Ignorance of the Higher Authorities

The same impression of spontaneous, uncontrolled action, with clearly no connection at all with higher levels of authority, is confirmed by another case, recently published in the press in Santiago.

A man had been arrested and was missing since October 16, 1973. He had left-wing tendencies and was taken in under a charge of hiding explosives.

After remaining a month in jail, he was submitted to trial before a military war court and was, according to journalistic information, based on declarations of his relatives, "removed from the public jail. Some hours later, his wife was in-



formed, by a phone call from a friend and also by the police, that her husband had been executed”.

Paradoxically, the Military Courts, a year and a half after the execution, providing evidence of the absolute lack of connection with the deed on the part of the government apparatus, “notified” the already executed person that his sentence had been reduced from 15 to 10 years in jail.⁷

Cases Nothing-to-do with Chile

In no less than thirty of the cases of missing persons which the Rettig Report charges to the account of the Military Government, the deeds occurred in Argentina, without sufficient — and sometimes without any — proof of the intervention of agents of Chilean nationality. One other case occurred in Bolivia.

Today it has been put in doubt that the Government could not have known or found out where these people were. It also has to be taken into account, however, that there was a real clandestine army of the extreme left and to join it, its members simply disappeared from their usual environment and their homes.

At the same time, the authors of illegal arrests or kidnappings of extremists also did not leave traces and it was not in their interest to admit

responsibility for this conduct, knowing that it was illegal.

Moreover, the reports received by the superior authorities about persons who could not be located, made it apparent that the move into secret of left-wing elements was a common tactic. Denouncing people as missing was part of the strategy of these groups or, simply, it was a way of protecting their families in the event of an investigation of the subversive and terrorist crimes in which these individuals were involved.

Common Delinquency

In other cases, also detailed in the Rettig Report, persons and their vehicles disappeared, without the vehicles having been found, which suggests strictly criminal action at the margin of any official action. These cases were also excluded from the benefits of the 1978 Amnesty Law.

It is worth the trouble repeating that, in the cases of disappearance which it was possible to explain later, those responsible for them, whom the Rettig Report calls “State agents”, have been invariably low-rank elements, acting without the knowledge of higher authorities and sometimes without even the knowledge of their immediate superior officer. Can a person be called a “State



agent”, if he is acting on his own account, not carrying out an order of any superior officer and is violation of the laws of the state?

The issue of the persons arrested and missing is painful, but it is not a subject about which those who were the authorities during the Military Government have better information than that which Judicial investigation reveals. This is demonstrated by the fact that, although at the moment there are about 800 legal cases related to deaths and disappearances of persons, approximately 600 of them are paralysed for lack of information.

It is obvious that the hundreds or thousands of those responsible for the arrests and presumed deaths will not present themselves voluntarily to confess their guilt. On the other hand, since it is a question of criminal and clandestine activities, there is no official record of them.

It will only be possible to have persons come forward who have useful information if they are guaranteed complete immunity, at the least.

It is worth noting that, over almost eight years, not a single one of these cases had been directed against former President Augusto Pinochet. If there had existed even the most minimal indication that he, or someone responsible to him, could have had information, it is absolutely certain that the corresponding charges would have been



brought many years ago.

Only since 1998 and at the initiative of the General Secretary of the Chilean Communist Party, Gladys Marín, probably advised from abroad, has there begun to be charges brought against Augusto Pinochet for deaths and disappearances, but with no known foundation which accredits his personal responsibility. The question which arises is, evidently: if there is no new information, why was this action not taken during all these years?

A Cloak of Oblivion

The country of the ordinary, simple people affected by this situation has had the common sense to accept it and put it behind them.

The discussion of the persons arrested and missing is only continued by those who participate in political organisations to whom this subject is politically profitable.

On the other hand, the majority of the Chilean people know that the guilt for what happened in the country is shared. It knows that there was an armed threat from the Marxist left and knows that its intention was to establish an undemocratic regime. And it knows that the Armed Forces were asked to intervene by the majority of the citizens.

The people also know that some members of



the Armed Forces committed excesses and crimes. At bottom, however, the people understand that the persons who provoked the situation were those who proposed to take over power by armed force; those who, in fact, used arms illegally, violating the rights of other persons, until the Armed Forces intervened.

This conviction that both sides are guilty is the explanation of why there have been so many years of peacefully living in harmony in Chile.

Now this peaceful harmony been disturbed by a foreign intervention, rejected by the majority of Chileans: the arbitrary arrest in London of former President Augusto Pinochet.

Foreign Evidence

The best illustration of what has been said above can be found in the town of Paine itself, where a great many inhabitants were arrested and many of them continue to count as missing persons today.

In spite of this, until recently, the people of the town were living together in peaceful harmony, based on the implicit acceptance of the guilt of both sides and mutual forgetfulness.

But the case of Pinochet has reawakened the divisions.

A foreign correspondent had the opportunity



to see this. He wrote in the *New York Times*, in a report dated November 12, 1998, titled “The Pinochet Controversy Revives Fears which had been Buried in Chile”.⁸

The special envoy, Clifford Krauss, reported how in Paine, “a small town of grape and citrus farmers”, slogans have reappeared which say: “Death to the Marxist dogs” and “Viva Pinochet”, painted on the walls of a grocery store belonging to the widow of a left-wing man who was killed 25 years ago, and on the walls of the house of a right-wing truck driver the slogan “The People, United, will Never be Defeated”, a typical slogan of the Unidad Popular.

The report adds:

“Florinda Millán, the 40 year old mayor of the town, says:

‘The memories are painful and disagreeable and that is why the majority of the people prefer to keep the door closed on those memories’.”

And the correspondent concludes, suggestively:

“ But the Pinochet case has opened that door wide again.”



VIII. The Question of Torture

In Chile, before 1973, as for many years, there had been frequent accusations of torture directed against both the uniformed and the plain-clothes police, especially against the political branch of the latter.

Nevertheless, until the Military Government, these accusations never resulted in legal cases ending in punishment of those responsible.

The cases which were successful in punishing torture under the Military Government were not due, it is true, to special vigilance on the part of the regime, but rather to a global campaign to denounce the violation of human rights in Chile, headed by the Soviet Union, and started on September 11, 1973. This has had a positive result in that the practices of the Chilean police have improved.

Before September 11, 1973 denunciations of



torture had also been frequent and were probably true, but, since there was no international pressure to investigate them, and no sector in the country ever showed any enthusiasm for complaining about this crime, unless it affected persons on its own side, no real agreement was ever reached to move against the practice of torture.

One basis on which we Chileans could come to an agreement about our past would be to recognise some of these traces of brutality, common to the nation as a whole, and decide to get rid of them.

This common brutality became historically very obvious when it came to torture.

The First Extremist Challenges

During the Christian Democratic Government of Eduardo Frei Montalva (1964-70), the extreme left formed its first guerrilla and terrorist groups, obeying Cuban instructions and fulfilling the decisions of the Socialist Party, as mentioned earlier, to encourage armed struggle and the violent take-over of power.

The principal group was the Left-wing Revolutionary Movement (MIR), although there were others, such as, for example, The Organised Vanguard of the People (VOP) which in 1971, under the government of the Unidad Popular, assas-



sinated in cold blood Frei Montalva's former Minister of the Interior, Edmundo Pérez Zujovic, on a street in Santiago.

In any case, reacting to violent subversive activity, in the form of attacks and kidnappings—particularly that of a journalist in the city of Concepción, who was subjected to torture and humiliation by his kidnappers—the plainclothes police of the mid 1960s intervened. Then legal cases were brought and several terrorists were arrested.

There were immediately accusations of torture.

Accusations against Frei Montalva

Thus, on August 8, 1970, the left-wing magazine, *Punto Final*, published an extensive account of the torture suffered by left-wing elements, which was included in a presentation made to the Supreme Court by lawyers of this tendency, among them distinguished criminal lawyers and professors of law, like Eduardo Novoa, Alvaro Bunster, Aníbal Bascuñan, Eduardo Long Alessandri and the General Secretary of the University of Chile himself, today presidential candidate of the governing Coalition, Ricardo Lagos.¹

In this paper, 71 pages long and accompanied by 66 documents containing manuscripts with



accounts by the victims of torture and beatings, as well as photographs and recordings, six murders, supposedly committed by the police, 17 cases of physical and moral torture and humiliation, three illegal searches and many cases of unnecessary violence were described.

In the denunciation it was added that the French teacher, Benjamín Fabre, had been subjected to police punishment and had had an ear-drum broken. Later, however, without anybody bothering to investigate anything, not even the French government, Frei Montava's Government expelled Fabre from the country.

On page 3 of the above mentioned article in *Punto Final* an arrested student, member of the MIR recounts his experience:

“... standing in front of a desk, at which a policeman sits, I hear the shouts of my comrade behind me, who is being beaten, I immediately receive a blow in the testicles which makes me double over; when I try to straighten up, they hit me on the head with a cane, which broke in the process and I lost consciousness. ... Some boots were holding me down on the chest and the testicles and another on the throat. An officer asks if I am thirsty, to which I answer yes, in spite of the difficulties caused by the boot on my throat; immediately the officer pours water (boiling) out of a ket-



tle he is holding in his hands into my mouth which I had open waiting for the liquid ... I spit the burnt skin out of my mouth ... The whole day passes the same way. Blows to the head and the body. They refused to give me anything to eat ... They lay me naked on a bare table (it seemed to be metal), they opened my buttocks to try to put something like a pencil up my asshole ... someone there objected, arguing ‘this one is obstinate in the head’ and then they put something like a metal plate on my eyes underneath the blindfold and then they stick something up the opening of my penis and tape it on. They tie me up from head to foot and tell me that when I want to talk about something I should lift up a finger of my right hand; at the same time they subjected me to long electric discharges; between them they beat me on clothes placed on my stomach, while another tells me that my mother has already been arrested. Since I did not have anything to say, they put objects on my ears, on my temples, on both eyes, obliging me to agree with the supposed declarations of my comrade. When they took me out, I could not walk or move at all, they carry me blindfolded on the shoulders of a detective to the office where I was before. It was 10:00 at night...”



Frei Montalva: Systematic Torture?

With respect to torture, *Punto Final* says that the document of the lawyers and law professors “begins with the letter from Magaly Honorato, who committed suicide in 1965 in desperation caused by the torture he received from detectives”.

This documented, left-wing accusation covers events which occurred from the first months of Eduardo Frei Montalva’s Government, in 1965, to the end of his administration, in 1970.

Systematic torture? Can those who were Ministers of Frei Montalva’s Cabinet, some of whom are today Ministers in his son’s Cabinet or senior leaders or Parliamentarians of the Christian Democratic Party, travel freely outside the country? It could be dangerous for them. The crime is imprescriptible and universal. Proofs of personal responsibility are not necessary to accuse them of it ...

In 1969 the Supreme Court, nevertheless, ignored the accusation described above. No legal action was successful during those years.

Nor was there any significant concern abroad about the use of torture in Chile, probably because it was not used by a right-wing government.

Besides that, it was not a period when “human rights” was an important question. The left



was not worried about it. To the contrary, human rights were inconvenient for them in governing a large part of the world.

A Democratically Shared Case

If it were not tragic, it would be picturesque: the case of the multiple tortures suffered by those involved in a conspiracy, in which the United States' CIA seems to have intervened and which was led by a retired officer of the Armed Forces, to prevent Allende coming to power in October, 1970. Some young, right-wing Chileans were also involved.

The frustrated *putsch* ended with the unpremeditated assassination of the Commander in Chief of the Army, General Schneider, during a kidnapping attempt which was meant to incite the Army to intervene.

Following investigation, nearly all the protagonists were rounded up and put in jail.

Naturally, following the Chilean custom, all those arrested were submitted to torture.

The tortures began under the democratic government of Frei Montalva and continued under the recently elected government of Salvador Allende, that is, they took place between November 1970 and the first months of 1971.

The authors of the torture were detectives, in



spite of the fact that they had been placed under the direction of an impeccable and distinguished member of the Armed Forces, precisely because of the conspiracy which led to the death of Schneider.

It is a certainty that this director did not authorise the torture. Perhaps neither Frei Montalva nor Allende authorised it either, although both of them must have known about it.

The practice of torture, however, was so public and notorious that the right-wing magazine *Portada* commented it, ironically, without being even slightly contradicted by anybody.

In an article titled “Let us legalise Torture!”, *Portada* said:

“It seems to be an established fact that the persons suspected in the Schneider case — or at least some of them — have suffered torture at the hands of the police: electric charges to sensitive organs and parts of the body; blows, being shut up in the dark or in filthy cells together with crooks, perverts and agitators, etc.

“It is also evident that such torture is inevitable. In fact, the direct superiors of the torturers had not been able to put a stop to it, as is evident: the then President of the Republic, a recognised Democratic and Christian lawyer; his Minister of the Interior, Patricio Rojas, prestigious former employee of the OAS, to which he has now returned

with unanimous approval; the Undersecretary of the Interior in the previous Government, Juan Achurra, another Democratic and Christian lawyer; and the interim Director of Detectives during the last days of Frei's Government, the honourable retired General Emilio Cheyre. If such notable persons — moreover, persons with complete authority over the police — have not been able to put an end to torture, it appears undeniable to us, that it cannot be extirpated.

“Moreover, on the other hand, it is evident that torture, as well as being inevitable, is *accepted by public opinion* (emphasis in the original). The test is in the fact that such methods are disapproved of when they affect one's friends, but accepted complacently or with indifference when they affect one's enemies. When those tortured were members of the MIR, the VOP or other ultra-left-wing movements, right-wing circles kept quiet, while the lawyers of the left, led by the lawyer and university professor Eduardo Novoa, protested indignantly before the Supreme Court, which certainly did nothing. Now that the tortured come from the ultra-right, it is the right which protests, while Novoa's lawyers are keeping their sensitivity for a better opportunity and the Supreme Court continues to do nothing. What does this mean? Simply, as we said, that protesting about



torture is a tactic of political guerrillas, but, basically, nobody finds it important; therefore, everybody tacitly accepts it.

“We come to the conclusion, therefore, that torture is an evil (theoretically speaking, as purists), but an unavoidable evil, which public opinion, supreme judge in democratic States, tolerates.

“Why not, then, legalise it and regulate it?”²

That article makes the actual state of public morality at the beginning of the 1970s manifestly clear; and it also makes clear the manifest inequity, already referred to in this book, of claiming to judge events of that epoch with the moral values of 1998.

More Torture Under the UP

Public recognition that political opponents of the Unidad Popular suffered torture at the hands of the police and security services of the regime, and the frequency of this, is precisely what led to the inclusion of a Chapter in the Agreement of the Parliament’s Chamber of Deputies of August 23, 1973, representing the democratic majority of the country, which said:

“10) That among the constant attacks of the Government against the fundamental guarantees and rights established by the Constitution, the following can be emphasised: ...



“g) It has perpetrated frequent illegal arrests for political reasons, beyond those already mentioned with regard to journalists, and has tolerated the subjection of the victims to beatings and torture in many cases;^{”3}

That accusation of the democratic majority rose out of the frequent denunciations made by opponents to Allende. Once again, however, these denunciations were given no attention by the courts of law, nor by international agencies, nor by the governments of other countries.

To justify that allusion in the Agreement of the Chamber, the cases would necessarily have had to be numerous, and they were.

On the other hand, unlike the Military Government, the Government of the Unidad Popular did not have to meet the challenge of organised subversive and terrorist movements. The truth is, the terrorists groups which existed before 1973, were formed by precisely these elements of the extreme left, the supporters of the Government of the Unidad Popular.

The Police Under the UP

One of these terrorist movements, the Organised Vanguard of the People (VOP), assassinated the former Minister of the Interior of the

Government of Eduardo Frei, Edmundo Pérez Zujovic, in cold blood in April, 1971. He was accused of the death of left-wing extremists which had taken place in 1969, in the course of a usurpation of lands in the city of Puerto Montt.⁴

Shortly before Pérez Zujovic was assassinated, the VOP had assaulted a shop and killed its owner for not handing over the money in his cash register.⁵

On May 23, in another assault, the VOP had assassinated a policeman, Tomás Gutiérrez.⁶

The reaction of the Detective Service, under the direction of the socialist, Eduardo Paredes, was immediate.

Two of the criminals, the brothers Arturo and Ronald Rivera Calderón, were surrounded and shot by agents, in an operation without premeditation and whose radicalism, if it had taken place under the Military Government, would have resulted in a case for “violation of human rights” or at least for “unnecessary violence” and would have led to the dead men, the brothers Rivera Calderón, figuring in the Rettig Report among the victims of “State agents”.

The brothers Rivera Calderón, however, had been very closely connected with the Unidad Popular and the Socialists, particularly with the Di-



rector of Detectives, Eduardo Paredes. Their legal declarations could have been very inconvenient for the regime.

The leader of the VOP, Arturo Rivera Calderón, as said above, riddled with holes by the Detective Service, together with his brother, had been previously pardoned by Allende, in December 1970, as soon as he came into power, together with other terrorist prisoners, under the justification that they were only “idealistic boys”.

Another member of the VOP, the third assassin of Pérez Zujovic, desperate, and knowing he had no possibility for survival, took revenge for what he considered treason on the part of his extreme left-wing comrades, particularly Eduardo Paredes: he covered his body with explosives and, converted into a human bomb, blew himself up in the police headquarters, while he was trying to reach Paredes’ office, causing his own death and that of five detectives who happened to be near by⁷

The Charges Against Paredes

After the assassination of Pérez Zujovic, the Vice-President of the Christian Democrats, Osvaldo Olguín, brought a charge against Paredes in the Senate:

“He left known criminals in liberty, whom he had had in his office, and used police vehicles



to send them home. He did not give an order to pursue Ronald Rivera (identified as the assassin of Pérez Zujovic), even knowing that he was the author of at least two previous crimes. All this, because Paredes was previously connected with the MIR and the VOP”.

Paredes accompanied Allende in the Moneda up to the end on September 11, 1973.

The circumstances of Parede's death have not been clearly established, but the Rettig Report counts him as a victim of the violation of human rights which it attributes the Military Government.

The Torture of Political Opponents

The detectives, denounced in the Senate for their ties with left-wing armed groups during the Unidad Popular, showed absolutely no benevolence towards the opponents of that Government, in spite of the fact that these were not terrorists or guerrillas and were not armed.

Some especially notorious cases illustrated the situation.

The first was that of the young director of the newspaper *El Condor*, in the city of Santa Cruz in the central part of Chile, Maximiano Errázuriz, today Deputy for the National Renovation Party.

This journalist wrote editorials with frequent



and sharp criticism of the Government of the Unidad Popular and Salvador Allende.

The regime filed a charge against him, based on the Law of Internal State Security, and arranged to have an order of arrest issued against him. The application of this same law by the Military Government, years later, was very much criticised by the left.

Nevertheless, the journalist was not only arrested, but also kidnapped. Detectives who told him they belonged simultaneously to the Police and to the MIR, according to what Errázuriz later said, took him to isolated rural places and were not satisfied with beating him and torturing him by burning various parts of his body with cigarettes, but tied him to the railroad which was, of course, in use, abandoning him there for a long time, during which time he, understandably, suffered some considerable anxiety.

Errázuriz said that the agents insisted that he sign a declaration about a supposed conspiracy against President Allende, according to his later statement to the newspaper *El Mercurio*.⁹

Finally they untied him and took him to the jail in the nearby city of Rancagua, whose mayor was a well-known, left-wing militant and who decided to throw the journalist in with the worst criminals, with the recommendation that they give



him “suitable” treatment.

Another widely-published case, not devoid of illegitimate force against a political opponent, affected the president of the National Party Youth, Juan L. Ossa.

His torture motivated a protest from the leadership of his Party which was published in the national press, a legal process which finally failed for lack of proof, as had always happened in Chile until the arrival of the Military Government, and a presentation was also made to the United Nations Commission on Human Rights, sponsored by the then Senator and President of the National Party, Victor García Garzena.

Lamentably, the Commission on Human Rights dismissed the accusation on the grounds that it was presented “too late”.

Those who are not left wing have little luck in defending their human rights. The present case against Pinochet amply demonstrates this issue.

Characteristics in Common with Other Cases

Ossa’s story about his torture has in common with that of Errázuriz, that their interrogators tried to make both of them sign a declaration that there was a conspiracy against the Government.

Ossa’s story appeared in *El Mercurio* on January 23, 1972 and in its most illustrative as-

pects says:

“I was arrested on Wednesday, January 12 (1972), together with my two companions, Pablo Moraga and Ricardo Sepúlveda, by uniformed police at the toll station at Angostura. The police claimed that the car (mine) in which we were travelling had been reported as stolen.

“After a very long wait, we were taken by detectives to the station in Rancagua, where we were kept in isolation until the next day. The transfer was carried out with a great deal of publicity, since several television cameramen and a great many journalists of the Unidad Popular and, even, the Communist Deputy (Representative), (Jorge) Inzunza, had rushed to Angostura.

We arrived at the Intelligence station in Rancagua and, after a short wait, I was taken to the second floor of the building. There, at the end of the staircase, I was taken by surprise and blindfolded and, after having been made to turn repeatedly in circles to make me dizzy to the point of fainting, I was led to a room at the other side ...Next, I was seated in a wooden chair with wide arms and tied to it tightly by the wrists and ankles, but with pads...

“...still blindfolded, I was interrogated by several persons... I was told that they were fully aware that I was a lawyer, vice-president of the



National Party and president of the National Youth, as well as aware of my social ties and connections with influential persons, adding that they would make me “sing” and that my declarations would have to involve my Party and its directors and the Party headquarters. These warnings, offered with vulgar insults, were followed by the announcement that they would give me electric shocks and that, later, I would be dragged to a cell to be violated by common thieves. This psychological pressure peaked with the insolent statement that, undoubtedly, I would later reveal the details of the announced torture, but I would not be able to prove it sufficiently.

“Next, they proceeded to loosen part of my clothes and to plug poles on my left ear, my cranium and another in my groin. Then I was tightly gagged with a cloth between my teeth. During the following forty minutes I received no fewer than 20 electric shocks, some very short, some lasting as long as half a minute or more, as far as I could judge.

“After a few minutes and because I could not answer all of the many questions I was asked, since I was gagged, I was told that when I wanted to “sing” I should lift some fingers to indicated my intention.

“The questions had a marked political inten-



tion. They tried, among other things, to make me state: that I was involved in the organisation of armed groups and taking part in seditious and terrorist activities; that I associate my Party with the Fatherland and Liberty Movement and Pablo Rodríguez; that I admit my supposed participation in the attack on the monument to Ernesto ('Che') Guevara and in the recent shooting of the chauffeur of the Intendente of Llanquihue, etc.

"The effects of the application of those electric shocks are, literally speaking, indescribable. ... the muscles are spontaneously affected and the body suffers every kind of convulsions and spasms; they produce rapid dehydration, as a result of so much sweating; one breaks out in all kinds of whining and shouting, choked by the gag...

"...After about 40 minutes of periodically experiencing the tortures described, I was untied and taken to another room. Then they took off the blindfold, and handcuffed, lying on the floor, I waited for the new interrogation.

"...This took more or less five hours, according to the usual procedure, but I was still under the effects of the physical and psychological suffering I had experienced and the fear that it would be repeated. Two officials participated in this new interrogation permanently...; moreover, occasionally and sporadically, the Subdirector of



Detectives, Carlos Toro, intervened, who did not show much interest in listening to my new declaration, but only wanted my admission that the National Party Youth is organising ‘armed groups’, an admission which I refused to make.”

An Old Armchair

This story is illustrative, because it reveals the existence of the permanent installation of instruments for shock torture.

Probably the wooden chair with wide arms had been there since long before the Government of the Unidad Popular, which corresponds to the general view in Chile that the “skilful interrogations” with which the police obtained confessions from the delinquents or, under the Unidad Popular, from honourable persons as well, as in the cases recounted, took place under systematic torture.

Moreover, this denunciation implicated the Subdirector of the Detective Service of the epoch, Carlos Toro, a Communist militant. Toro continues today as a director of the Chilean Communist Party and is frequently moved, together with the General Secretary of the Party, Gladys Marín, to make accusations of the violation of human rights under the Military Government, including accusations of torture.

There was never even the slightest reaction



from the Allende Government to Ossa's or Errázuriz' accusations, or to any of the many others. Certainly, the Subdirector of Detectives was not removed from his post; no judge took the trouble to present himself personally at the jail in Rancagua to investigate anything, not even to look at the wooden armchair. It is only appropriate to ask oneself whether this chair, with wide supports for the arms and its electric terminals, is still there...

Implicit Recognition

Accidentally, the author of this book, who was a Deputy (Representative) for the National Party in 1973, had the opportunity to witness a confession, implicit in the facts related by Ossa and in the levity with which the Government of the epoch, and the country in general, judged the question of torturing political opponents, as the magazine *Portada*, quoted above, denounced.

In any event, around March of this same year, 1972, I was lunching in the company of the then Deputy and later Senator, Patricio Phillips, also of the National Party, in a downtown Santiago restaurant, the "Maïstral", famous for its central European cuisine and managed by a Czechoslovakian member of the nobility who had fled Communism in his own country.

The Director of Detectives, Eduardo Pare-



des, unexpectedly entered the restaurant with half a dozen of his detectives and they sat down at one of the tables.

There happened to have been a long-term friendship between Deputy Phillips and Eduardo Paredes' father, so the former stood up from our table, while the later stood up from his and they approached to greet each other and to ask about their respective families. When this was done, I could hear Phillips asking Paredes harshly:

“How could you do that to the Ossa boy?”

The answer I heard from Paredes was approximately as follows:

“But we didn't do anything to him... Look, don Patricio: we showed him a little electric battery, one of the little ones, from the door of the office, and this was enough for him to start telling us the story of his life without us being able to stop him...”

Paredes companions collapsed in laughter at the description.

For Phillips and for me Paredes' words were an admission that Juan L. Ossa really had been tortured, although it had not left visible traces which would constitute proof before the courts.

Is it my intention with this account to say that torture has always been practised in Chile and that, therefore, it was justifiable to continue prac-



Honestly, it has to be concluded that, if the police and the security agencies of the democratic governments habitually used torture in interrogations of persons who were not even terrorists, and obviously tortured indiscriminately those accused of terrorism, it was absolutely unreasonable to expect that under an authoritarian regime, initially improvised, made up of persons who had no training for governing, who had to take over because of an historical emergency, and who were threatened by thousands of armed guerrillas and terrorists, that there would not have been cases of torture.



to that proposed by *Portada* at the beginning of 1971.

But situations, such as those which have been recounted above, contributed to the extreme hatred which had grown up in the general population against the Marxist regime and which became apparent after September 11, 1973.

Those who sowed hatred and abuse, later harvested the bitter fruit they produced.

Torture Begins to be Punished

It was under the Military Government, as said above, that proved cases of torture were investigated for the first time.

At present, former Army Major Carlos Herrera Jiménez, continues serving his sentence of ten years for having beaten up a truck driver connected with the FPMR, Mario Fernández, during an interrogation in La Serena, thereby causing his death.

The reports in the newspapers about the case, profusely quoted, indicate that: 1) Fernández was a Christian Democrat; 2) he was beaten up by agents of the CNI; 3) He lost his life as a result of the torture to which he was subjected.

Are these facts false? No, they are not, but they also do not tell the whole truth. The Rettig Report itself sets down a significant part of it.¹⁰



It reports that Mario Fernández López, 49, truck driver, militant of the Christian Democratic Party, died on October 18, 1984. He was arrested in the early morning of October 17 at his home in the city of Ovalle by agents of the CNI. He was taken to the offices of this agency in La Serena, where he was tortured by CNI agents.

“The next day he had to be transferred from this place to the Emergency Service of the La Serena Regional Hospital, which he entered at the point of death. His death occurred at 22:30 as the result of severe violence from blows to the abdominal wall which caused him to suffer a hypobolemic shock caused by traumatic rupture, according to the autopsy report .”

This time the law investigated the case. The eventual punishment was ten years in jail for the principal person responsible, Major Herrera Jiménez, who at the time was serving in the CNI.

Why was a “Christian Democratic truck driver” beaten up? Was it a persecution with ideological motivation? That is what many people think and that is what the Garcés/Garzón twosome say in their accusation, with no foundation whatsoever.

But this is not the truth. This has been revealed to us by one of the principal leaders of the Manuel Rodríguez Patriotic Front (FPMR), a



group dedicated to terrorism and guerrilla activities, adopted and funded by the Communist Party, with substantial Cuban support.

Sergio Buschmann, head of the FPMR, is naturally at liberty in the Chile of today, where the subversive elements have not only been pardoned, but have been converted into “victims” and accusers. He expounded in an article titled “Las Vacaciones de Buschmann, el Ultimo Guerrillero”.¹¹

Here is part of the interview with Buschmann:

“—You said that the Christian Democratic truck driver, Mario Fernández, assassinated (sic) by CNI agents in 1984, was a member of the Manuel Rodríguez Front. What activities of the Front did he participate in?”

“—I cannot say. I can only say that most of the political parties had members who participated in the Front. One of those was Fernández.”

You can never justify beating up an arrested person. But the connotations are different, even legally, of beating up an innocent DC truck driver and beating up a member of a terrorist group who transports explosives, a person protected by an apparent militancy in a Party to which terrorism is foreign, above all, if these explosives are for the purpose of committing assaults which could cost



lives, such as putting bombs in the Metro, setting buses on fire or setting off car bombs.

All of these assaults were committed in Chile by the FPMR and, although with less frequency, continue to occur.

“Commando to Avenge Martyrs”

Under the Military Government , besides the case of truck driver Fernández discussed above, the legal investigation and later condemnation of the members of an organisation called “The Commando to Avenge Martyrs” (COVEMA), made up of detectives, was notorious.

Also in this case, a member of the MIR, Eduardo Jara Aravena, died after being beaten up by detectives. He was interrogated about the assassination of Colonel Roger Vergara, an Intelligence officer, the work of the MIR, as the Rettig Report recognises.¹²

Jara was submitted to illegal force, after which he was freed.

After he was freed he felt unwell and went to Emergency Clinic No. 4 in Santiago, where he died on August 2, 1980.¹³

These facts led to a legal process which ended in the condemnation of a group of detectives who had, on their own account, formed the so-



called COVEMA, which was dissolved by court order.

This group was certainly not a Government organisation and the courts were charged with the investigation of its activities, which could be punished, precisely because of the Jara case.

To sum up, there are five points to consider in the face of the absolutely ungrounded imputation that Augusto Pinochet is guilty of the charge of torture:

First: There was never any proof whatsoever connecting his person with any situation of illegitimate force used on arrested persons; the existence of any order from him, written or verbal, recommending the application of this type of force, has never been found.

Second: Before the Military Government, torture was a generalised practice used by the police in Chile for interrogating arrested persons. This was known by the governments, the politicians, the lawyers and the judges. Torture was freely practised under the Governments of Frei Montalva and Allende, with no concern about this being expressed, either internally or internationally, and with no court action at all to punish it.

Third: It is true that it was more because of international pressure than because of internal reaction that accusations were processed from the



end of the 1970s and the beginning of the 1980s against those suspected of having practised torture. This occurred for the first time under the Military Government and, in fact, the penalties were severe.

Fourth: In this matter, as in others, it seems very unjust to apply the ethical demands and — very justified — criteria usual in 1998, formed over two and a half decades of concern about human rights, to events which occurred 25 years ago and more.

Fifth: If there were hardly any denunciations of torture under governments controlled by a Parliament and against which there was no significant subversive armed threat, it was obviously exaggerated to expect that under an — at the beginning — improvised Military Government, which had to confront the threat from thousands of armed irregulars, suffering chronic terrorist assaults of guerrilla forces with substantial foreign support, the absence of this flaw could hardly have been expected.

Sixth: In this respect not only has torture not gone unpunished, it has been punished with more severity than worse crimes, such as assassinations in cold blood by left-wing extremists.

So, while these extremists have received generous pardons and reprieves, an intelligence officer who caused the death of an extremist by beat-



ing him during an interrogation is serving ten years in jail and he has not been permitted to receive any of the benefits granted to those he helped to combat. Even having tried to save the life of his victim by taking him to a public hospital was not considered an attenuating circumstance. It was doing this which, incidentally, led to his self-incrimination.

IX. The Accusation of “Terrorism”

After the non-existent accusation of “genocide”, the accusation against Augusto Pinochet of “terrorism”, presented by the Garcés/Garzón two-some, is the most inconsistent, precisely because terrorism was always the main threat against the Military Government which Pinochet headed.

Only counting incidents in the three last months of 1973, there were 82 dead and 48 wounded among the armed forces as a result of terrorist attacks, as has been detailed above (note 1, chapter III).

In 1974, taking into account only the assaults which caused injury or death to personnel of the Armed Forces and the Police, there were 52 cases; in 1975 the number of cases fell to less than half that number, to 25; and in 1976 there were only 3 cases.¹ Later, with the founding of the Communist FPMR, in 1983, and in the years fol-



lowing, the number of victims of assaults began to increase again, and was particularly high in 1986.²

That year the terrorist assaults of the FPMR caused the death of four civilians, eleven police and one soldier, in assaults which ranged from attacking a police bus with ‘Vietnam bombs’ to placing an explosive in the Santiago Stock Exchange in peak operating hours.

As well as the above, this same year the FPMR kidnapped the son of a businessman, Gonzalo Cruzat, demanding a ransom of five hundred thousand dollars, which was paid; and the Subdirector of the newspaper *La Nación*, but the amount of the ransom paid in this case was not made public. Both were set free by their captors.

These figures refer only to FPMR activities. They do not included attacks made by other groups of the extreme left such as, of course, the MIR.

In other words, the Military Government was still being forced to carry out an effective preventive action in the 1980s.

As a demonstration of its intention to avoid any offence against human rights in the course of these operations, however, the Military Government issued Law No. 18,623 on June 11, 1987, which prohibited the National Intelligence Centre (CNI), the top security agency, from holding ar-



rested persons, obliging CNI to pass them over to the regular police, who, in turn, were obliged to put them at the disposition of the courts.

The text of this law includes the following instruction: “All individuals arrested by the National Intelligence Centre under an order issued by a competent authority must be detained or arrested in their houses or taken immediately to a jail or a public place of detention, as determined in the respective order of arrest”.

Certainly, abuses could have occurred even in such cases. In fact, they can still occur: under the present Government of Eduardo Frei Ruiz-Tagle numerous cases of abuse have been registered. This certainly does not authorise accusing the President personally of offences against human rights, and even less will it authorise putting him in prison in any country when he completes his term in office, on the basis of an order of some Spanish judge who is an enemy of his, as has happened to former President Pinochet.

Some of the cases for which President Pinochet has been accused of “terrorism” are especially illustrative of the lack of any foundation for such an imputation.

The Cases of Prats and Leighton

General Prats and his wife were assassinated



in 1974 in Buenos Aires by means of a bomb placed in his car.

This double crime has been under investigation by the Argentinean courts for 25 years. In spite of the efforts made by the plaintiffs and the judge herself, María Servini de Cubría, it has not been possible to find a single proof, of any kind, of participation in the deed on the part of Augusto Pinochet, who has also always affirmed the appreciation and friendship he felt for his colleague Prats and his wife.

On the basis of circumstantial evidence, Judge Servini de Cubría is keeping a former member of the Chilean Armed Forces, who was living in Buenos Aires at the time of the assassinations, in jail. He has always denied his participation in this double murder.

As for the trial for the shooting attack in Rome, where Bernardo Leighton and his wife were wounded, it was closed by the Italian courts after a thorough investigation and ended with the condemnation of an extremist connected with Italian fascism, Steffano Delle Chiaie.

The Italian Government itself has recently stated that, during this trial, no evidence whatsoever was produced which links former President Pinochet with that case.



The Letelier Case

On September 21, 1976, a bomb placed underneath the car of the former Minister of Foreign Affairs of the Unidad Popular, Orlando Letelier, then resident in Washington DC, killed him and his secretary, Ronni Moffit, who was accompanying him in the car.

The explosion occurred at Dupont Circle, near the residence of the Chilean Embassy in Washington and also not far from the Embassy offices, in the very days when an official mission sent by the Military Government was travelling to the US capital to negotiate an important loan agreement.

As is obvious, the Chilean Government denied, right from the beginning, that it had any connection with the attempt and declared that it knew nothing about its origins. It seemed clear that such an event could only cause damage to the international image and credit standing of the Government.

Two years later, the investigations of the US courts identified a person suspected of having placed the bomb, the US citizen, Michael Vernon Townley, who was resident in Chile.

This person, who had had some connection some years earlier with the US CIA, had later worked for the DINA.



The Military Government always denied any knowledge of what Townley was doing and, at the same time, was assured by the Director of the DINA, Coronel Manuel Contreras, that he himself had no knowledge.

At the same time the Military Government facilitated the investigation of the case, in every way necessary, beginning by excluding it from the application of 1978 Amnesty Law.

When the US authorities demanded the extradition of Townley, in spite of the fact that he had some right not to be extradited (there was a charge against him in the city of Concepción, pending since 1972), the Military Government simply proceeded to expel him from the country by administrative means, placing him in the hands of US justice.

Faced with the charge, Townley came to an agreement by which, in exchange for a complete confession, he would receive a new identity and a reduced penalty.

This confession attributed the responsibility for the death of Letelier to a group of Cubans in exile and to the DINA.

Finally, the Cubans, who had been accused and condemned, obtained their freedom by means of various legal procedures and there is nobody in jail in the US for this crime.



The same case was also pursued in the Chilean courts, however, and in the end, Manuel Contreras and Pedro Espinoza, the former ex Director and the latter ex Chief of Operations of DINA, were condemned to seven and six years of prison, respectively, for the assassination of Letelier, but only on the basis of circumstantial evidence, not on the basis of direct and legally valid proof (the evidence of Townley is not valid in Chilean courts).³

In fact, then, in this case there has been less “impunity” in Chile than abroad.

Both former officials are still in jail, since they have been denied all the privileges for decreasing or alleviating their penalties, those privileges which, under the administration of President Aylwin (1990-1994), had been extended, without exception, to the left-wing extremists and terrorists who had committed crimes up to 1990 and whose acts had not been covered by the 1978 Amnesty.

Being left-wing has its advantages before the law, not only globally, but also in Chile.

The trials initiated in the United States and in Chile have made it clear that there was no proof at all of participation by Augusto Pinochet in the crime investigated. All together, ignoring the fact that this case is closed, the Spanish courts intend to



try Pinochet for this crime again, without proof, of course.

The most eloquent recognition of the innocence of Augusto Pinochet in the Letelier case has been provided by the son of the assassinated former Foreign Minister, the Deputy Juan Pablo Letelier.

Although, probably not able to resist the temptation of the opportunity for publicity, Letelier recently presented himself before the British Law Lords, who are denying *habeas corpus* to Pinochet, as the “son of one of his victims”. Shortly before, when he was asked in Chile by the journalist Raquel Correa about the guilt of the former President in the death of his father, the conversation proceeded as follows:

“Raquel Correa: You have recently dedicated yourself to excusing the Chilean Army and its Commander in Chief of all guilt in the affair.

“Juan Pablo Letelier: I have not dedicated myself to excusing them; what I have said, over and over again, because I was taught to speak the truth, is that no evidence has been found after the examination of thousands of files which allows one to maintain that there was participation either of the Army or of its Commander in Chief in the assassination of Orlando Letelier.”⁴

Communist Leaders with their Throats Cut

With equal lack of grounds, Augusto Pinochet is accused of participation in cases where the Military Government not only did not intervene, but provided the law with the means of punishing those responsible for the crime.

In March 1985, three communist leaders were arrested in an apparent police raid, but no authority admitted to responsibility for having ordered their detention.

The Government, lacking information, asked the courts, as a matter of urgency, to designate an investigating Minister to investigate the case.

Unfortunately, two days later, the bodies of the arrested persons were found on a rural road, dead from having had their throats cut.

The Government gave its intelligence agency, the CNI, the responsibility for investigating the case, which it did, confirming that it had been members of the police force, acting secretly, who committed the kidnapping. The CNI passed this evidence to the investigating Minister, José Cánovas, of the Santiago Appeal Court.

Moreover, at that point, the Government Junta (the Legislative Power during the transition period 1981-1990), at the request of President Pinochet, asked the General Director of Police, César Men-



doza, who was a Member of the Junta, to resign.

Mendoza was immediately dismissed, because of his ultimate responsibility for members of his institution having been involved in the crime of kidnapping the communist leaders.

Only many years later did the courts confirm what the CNI had informed them at the beginning: that a group of uniformed police had been the authors of the kidnapping and death of the communist leaders.

Neither the plaintiffs nor the court tried to waive the possibility of compromising the intelligence agencies or the Government in the crime.

The crime also served to bring to light a significant fact: one of the assassinated persons, José Manuel Parada, was the file clerk and head of the Analysis Department of the Vicaría de la Solidaridad of the Santiago Archbishopric, and until the date of his assassination nobody of that institution, nor of the Church, had discovered that he was a senior communist leader.⁵

If this news was surprising enough, another piece of news which appeared in the press a year later was even more so: a member of the FPMR, Alfredo Malbrich, arrested in 1986 by the security forces, mentioned Parada as the person who recruited him for the terrorist group.



In his declaration he said, in fact: “On May 1, 1979, I am arrested by the police on the Alameda Bernardo O’Higgins and taken to Police Station No. 1. My wife went to the Vicaría de la Solidaridad and placed a demand for *habeas corpus* in my favour. When I’m freed, I go to the Vicaría, a place where I meet my friend José Manuel Parada and he asks me to collaborate by letting my home phone be used as a mail box and in carrying little messages. Later, he asked me if I’d like to collaborate in a more systematic way; I accepted and he tells me he’ll give me a connection to Enrique.”

Starting with this, Malbrich recounts his activities in buying and transporting arms, his voyages to Argentina, Bolivia, Panama and Germany, as mailman for the PC; his participation in the unloading of the contraband arms at Carrizal Bajo, described above, “to establish a revolutionary Marxist-Leninist government, following the example of Cuba and Nicaragua”, according to his own words.⁶

Finally, after a trial lasting ten years, the assassination of the communist leaders was punished with the imprisonment in perpetuity of four policemen and a civilian who collaborated with them; and with 15 years in prison for a former police



captain who was an accomplice in the crime.⁷

Once again it was evident in Chile that the severity of the punishment of a policeman who has assassinated a terrorist has been much greater than the severity in punishing a terrorist who has assassinated a policeman.

In any case, the trial in the case of the three communists-FPMR leaders not only did not find any responsibility whatsoever of the Government presided over by Augusto Pinochet, but, to the contrary, it showed that it was the diligence of this Government which made it possible to collect the evidence quickly for clearing up what happened and punishing those responsible.

The Death of the Priest, Alsina

In the accusation of the Garcés/Garzón two-some, Augusto Pinochet figures as also being implicated in the death in 1973 of the Spanish priest resident in Chile, Juan Alsina.

Well, a very complete and objective investigation by the National Television Channel, controlled by the Coalition Government, (that is, it is a channel with a political line contrary to the Military Government) resulted in a documentary programme in the series called "Special Report".

It was broadcast by this network during

prime time on August 11, 1994.

This programme — copies can be requested at the station — determined, in summary:

1) The priest Alsina was working as Head of Personnel of the San Juan de Dios Hospital in Santiago on September 11, 1973.

2) When the Military coup was announced, other priests of the congregation recommended to him that he leave his work at the hospital, because of the danger it presented; but Alsina answered them that he had no responsibility in events which could bring him under any suspicion on the part of the Armed Forces;

3) This same priest had, during the Government of the UP, discovered a significant administrative fraud at the Hospital, perpetrated by several employees, among them, some with connections with the UP;

4) These elements, knowing that a military law (quoted above, chapter II, note 5) threatened severe penalties, including execution, of those who kept secret arms in their power, falsely informed the Armed Forces that Alsina stored arms in the Hospital and, in fact, arms were found there;

5) A patrol of the “Yungay” Regiment of San Felipe, under the command of a certain Captain Cáraves, arrested the priest Alsina on September 19 on the basis of this denunciation, took him



in a vehicle to a bridge over the Mapocho river and shot him there as the person responsible for secretly storing and distributing arms, applying the maximum rigour of military law No. 23;

6) The journalistic team of the television programme looked up Captain Cárvanes, only to find that he had died prematurely in a town close to Viña del Mar. Among his acquaintances was a priest, the last confessor of the captain, who was interviewed and revealed that he had received Cárvanes confession and had listened to his expression of life-long grief and remorse when he found out, after the shooting of Alsina, that the accusations, which had led to the drastic measure taken against him, were false.

Naturally, in the confusion and violence of the days immediately after September 11, many similar lamentable incidents occurred.

It is profoundly unjust to directly attribute a death in such circumstances to the then Commander in Chief of the Army and Member of the Government Junta, who had seen dozens of men die from bullets of the extreme left and who, at that moment in time, had no way of knowing the magnitude of the armed challenge which the extreme left represented. The probability that this was very serious indeed obliged Pinochet to proceed energetically.



X. Operation Condor

When there is a terrorist threat of an international nature, the police forces of the threatened countries co-ordinate their activities. This is not only logical and legally irreproachable, but always has been done and always will be done. Recently, we read the following cable:

“La Rochelle, France (AFP and Reuters): The President of France, Jacques Chirac, and the Prime Minister, Lionel Jospin, at the end of the French-Spanish summit meeting in La Rochelle, assured the Head of the Spanish Government, José María Aznar, that France would support the anti-terrorist struggle in Spain.

“‘France will continue with its policy of police co-operation with Spain,’ said Chirac after closing the summit meeting, while Jospin indicated that his government hoped that Spain would be freed from violence.



“I affirm that the French government will continue its legal and police co-operation with Spain, assisting them while respecting their decisions,’ Jospin added.

“Aznar, on his part, thanked the French for their co-operation against terrorism and hoped that would allow new progress in the situation created by the decision of ETA to establish a truce and that this would bring ‘an end to terrorism’”.¹

The International Terrorist

Twenty-five years ago, the terrorist challenge to the governments of Latin America, was a by-product of the Cold War. In 1974, in Paris, a Junta for Revolutionary Co-ordination (JCR) was founded. It included the National Liberation Army (ELN) of Bolivia, the Peoples Revolutionary Army (ERP) of Argentina, the Movement for National Liberation - Tupamaro (MLN-T) of Uruguay and the Left-wing Revolutionary Movement (MIR) of Chile.

The secretary-general of that JCR was — why not? — the Cuban, Fernando Luis Alvarez, a member of the Cuban Intelligence Centre (DGI) and husband of Ana María Guevara, “Che” Guevara’s sister.

The Political Committee of MIR, in its jour-



nal *The Clandestine Rebel*, reported these events in October, 1974, in the following terms:

“9. In the international area our party will improve co-ordination and joint efforts with the ERP, the MLN-Tupamaros, the ELN of Bolivia and together we shall fight to strengthen and accelerate the co-ordination process of the Revolutionary Left in Latin America and in the World...

“10. We call on all brother organisations and movements to redouble the fight in their own countries and to strengthen and expand the Coordinating Committee for the Southern Cone.”²

The Alliance against Terrorism

What could the governments threatened by international terrorism do? Obviously, the same as France and Spain are doing today, co-ordinate their anti-terrorism activities. That was how “Operación Condor” was born.

If, in carrying out their operations, the security forces committed criminal acts, then that would mean that something similar happened as that which happened in the GAL operation of Spanish security in France. For such crimes, the person who committed them should be personally punished.

In Chile, as in the other countries involved



in the supposed agreement, up to now such crimes have not been proved, in spite of the fact that the doors of the courts of the countries involved have been open to reporting and demanding that they be investigated.

It does only occur to Baltasar Garzón to bring Felipe González to trial for illegal acts by his subordinates — of whom it has been proved that he had much more direct knowledge than anything known at the time by Augusto Pinochet of the acts of his subordinates. But in that case the superior Spanish court (Audiencia) rejected the pretension of a trial. Similarly, although it has been stated that there could have been co-ordinated action by the police forces of the various countries, there is no basis on which to accuse the present Chilean Senator for any illegal acts during such co-ordinated actions.

Ideologies and the Dead

The actual President of Bolivia, Hugo Banzer, who was also President between 1971 and 1978, replied quite frankly when he was questioned about “Operación Condor”. The press reports indicated:

“ ... in the midst of the development of an intense and bitter national debate, the President, Hugo Banzer, strongly affirmed that he has noth-



ing to hide about the so-called ‘Operación Con-
dor’... ‘If it is necessary to make an investigation
then I will make one. If there is anyone who wants
to present a demand for an investigation, I will
make one, there is nothing to hide,’ was his re-
ply...

“Asked if he knew anything about this op-
eration, the President of Bolivia said that, when he
left power in 1978, he had heard it mentioned:
‘Somewhere I heard a comment that it was some
kind of intelligence system in which each govern-
ment informed the others about the existence of
persons who were conspiring to disturb the stabil-
ity of that epoch, but I never heard anything about
its being a mysterious plot’.

“For him, the Operation had a logic in the
context of the Cold War between the great powers.
‘ This bi-polarity was translated into a hot war in
Latin America. There, they had the ideologies and
here we had the dead. It is the literal truth, not
only in Bolivia, but in the whole of Latin Amer-
ica.’”³

The OLAS, the Latin American Solidarity
Organisation, whose headquarters were in Cuba,
formed another instrument for co-ordinating the
export of armed revolution to Latin America.

The Garcés/Garzón twosome has tried to sa-



tanize the “Operación Condor”, but it cannot be disputed that, in confronting a co-ordinated challenge from terrorism, the security police of the threatened countries had to co-ordinate themselves, in turn, as they must always do.

Latin American terrorism was not child’s play. In the report cited above on Banzer’s remarks, it was added:

“According to this version (that Argentinean police advised Banzer in 1973), the principal Argentinean advisor was the Commissioner Jorge Vilar, who acted as the Chief of the Argentinean Federal Police and who, himself, died victim of a terrorist attack.”



XI. The Amnesty Law

Historically, following periods of social unrest and clashes which have divided societies, peoples have resorted to forgetfulness or to amnesty (from the Latin *amnestia*, forgetfulness, which was derived from a Greek word) to cure their wounds.

As early as 403 BC, following the expulsion of the Thirty Tyrants from Athens, an Amnesty Pact was proposed “among the different currents of opinion which continued to upset life in the city to excess, even by some of those most prejudiced by the former regime, such as Anitos.

“Under this pact no one, and certainly not the Thirty Tyrants and those magistrates who had been tools of the tyranny, could be accused for incidents which occurred prior to the magistrature of Euclid (years 404-3), after the end of the Peloponnesian war.”¹

In Chile, as well, historically, following pe-



riods of political and social unrest in which there had been violence and transgressions of the legal order resulting in deaths, internal harmony was re-established by means of forgetting, of political amnesia, that is to say, by amnesty.

The Amnesties of 1891

During the Revolution of 1891, which overthrew President José Manuel Balmaceda, following a civil war which cost 10,000 lives (in a country with 2 million inhabitants), there were numerous criminal episodes stemming from the mutual hatred of the two sides in the fight: sackings and assaults, shootings without trial and the assassination of opponents.

In one case, the police of Balmaceda's Government killed 30 young members of the opposition. They were meeting on a farm at Lo Cañas, a village close to Santiago. They were all executed on the spot without even, except in a few cases, a summary trial.

Once the Revolution ended in September, 1891, and with Balmaceda overthrown, a wide-ranging amnesty law was immediately passed covering almost everything that had happened during the 8 month war, for it established some exceptions.

Nevertheless, shortly afterwards, in Febru-



ary and August, 1893, new amnesty laws were passed, which were even more wide-ranging, giving a general pardon with only two exceptions: the killings at Lo Cañas and the actions of Balmaceda's last ministry.

But in the end, "in August, 1894 the amnesty for actions during the Revolution was made absolute with no exceptions".²

Deaths at the "Seguro Obrero"

Almost half a century later, there was another brief uprising which took more than 60 lives: the Nazi revolt of September 4, 1938.

Armed groups of national-socialist students attempted a revolutionary coup against the Government of President Arturo Alessandri, who was approaching the end his mandate.

Armed, and confident of receiving Army support, the students occupied the main campus of the University of Chile and the building of the Seguro Obrero (workers insurance). This was a skyscraper overlooking La Moneda, the presidential palace. From the upper floors of the building, they began firing on the palace.

The hoped-for help from the Army did not arrive. On the contrary, the military remained loyal to the Government and put down the revolutionar-



ies, who were made prisoners.

Those who surrendered in the University were taken to the Seguro Obrero building, where the others had also surrendered.

Then there came the order to shoot them and they were nearly all killed, more than sixty people.

The historical responsibility for these events was never precisely fixed, but apparently the argument prevailed that those who revolt against established authority should take the consequences.

In the end, on April 17, 1941 an Amnesty Law was passed in which it was said:

“A general amnesty is also conceded to all those citizens who participated in the repression of the revolutionary student movement of September 5, 1938.

“Amnesty is also conceded to all those citizens charged or condemned for crimes arising from political actions, and to members of the Police Force charged or condemned for crimes committed during the discharge of their duties.”³

An Amnesty celebrated by the Church

Consequently, when a little over four years after the coup of September 11, 1973, an Amnesty Law was passed, which benefited equally those involved in terrorist or subversive acts and those



who had committed crimes in repressing these, it was simply a process which was traditional in Chile after violent events of political origin.

The Amnesty Law of 1978 excluded from its benefits numerous crimes, such as parricide, infanticide, robbery with violence or intimidation, producing or trafficking in drugs, kidnapping or corruption of minors, misuse of public funds, fraud, rape or sexual abuse, contraband and tax offences. But it also specifically excluded the assassination of the former Foreign Minister of the Unidad Popular, Orlando Letelier and his secretary, Ronni Moffit.⁴

This Amnesty Law allowed 1475 left-wing extremists, condemned by military courts, and 578 uniformed officials, also condemned, to recover their freedom, according to information supplied by the Advisory Commission on Human Rights of the Military Government. This Commission was made up of distinguished independent lawyers.⁵

At no time was the Amnesty Law considered an obstacle to reconciliation, as the extreme left now claims.

To the contrary, in the declaration of the Archbishop of Santiago, given through the *Vicaría de Solidaridad*, in respect of this law, it was seen to be a step towards reconciliation.



The church's declaration expressed:

"The Supreme Government has decided to concede a general amnesty for various crimes committed during the period of the state of siege.

"The Church of Santiago values the spirit of harmony and national reconciliation invoked by the adoption of this measure and celebrates it as a welcome sign of fraternal re-encounter. ...

"The wish for peace shown in the present amnesty demands to be corroborated by everyone in a spirit of generosity. Only a new attitude of respect, comprehension and pardon can bring Chileans together to form a new society stemming from consensus and protected by law."⁶

It was also reported in the press how in various parts of the country groups of prisoners imprisoned mainly for subversive crimes, recovered their freedom, while Government declarations expressed the hope of "their full incorporation in national life ...".⁷

The amnesty was positively welcomed, even by the socialist leader, Clodomiro Almeyda, who was in exile in Sweden: "This amnesty has positive elements. We should take advantage of it, despite the risks, because for the little opposition we can make inside Chile, it will be very effective".⁸

Applause arrived, as well, from Brazil, also



under a military government: Cardinal Paulo Evaristo Arns, leading supporter of human rights, argued that Pinochet's decision constituted, "a nice surprise and was highly promising". The cable report continued that "like the members of parliament of the opposition Brazilian Democratic Movement, Monsignor Arns said that 'now it is virtually a moral obligation for Brazil to consider the question of an amnesty, so that we can maintain our credibility in the eyes of the democratic nations'"'.⁹

Paradoxically, the Chilean extreme left, which based its hopes on increasing social rancour, tried to have the amnesty discredited on the grounds that it favoured the police and soldiers. Not, of course, to the extent that it favoured its own subversive forces.

So neither the left nor its adversaries, the supporters of the Military Government, who have always called for reconciliation, have ever suggested that the 1475 extremists and terrorists released as a consequence of this law should be deprived of pardon and subjected to trial.

This clearly demonstrates who, in Chile, wants to live in peace and brotherhood and who wishes to perpetuate hatred and confrontation.



Epilogue

The best arguments for proving the lack of substance in the Garcés/Garzón demand are given by Spanish justice, itself. We read in *El Mercurio* of Santiago on November 21, 1998, the following:

“In the judicial decree published yesterday, the judge of the Audiencia Nacional of Madrid, Ismael Moreno, decided to drop the charges (against Fidel Castro), on learning that the incidents described did not correspond to the crimes imputed (genocide, terrorism and torture).

“In his decision, Moreno indicated that the Cuban regime could not be accused of genocide since, although in the accusation they speak of 18,000 assassinations with reference to the carrying out of the death penalty on the island, there was no existence ‘of intention to destroy completely or partially any group’, and, therefore, for legal purposes, there has been no crime that can be



typified as genocide committed.

“It should be understood that there was also no crime of terrorism as ‘governments cannot be terrorists, since terrorism means the subversion of the established order’.

“At the same time, it rejects the claim that the events included in the accusation can be described as crimes of torture, since the beatings or mistreatment by the use of electric shocks, described in the accusation, could be considered as ‘degrading treatment’, but not as torture.

“Finally, Moreno emphasised that in this case it is necessary ‘to exercise the most elementary prudence’, given the significance of the opening of an investigation in the Audiencia Nacional against an active Head of State.”

All these arguments, except the last one, also serve to drop the Garcés/Garzón charges against Augusto Pinochet.

But this would not be “politically correct”: Augusto Pinochet is not left-wing.

The accusation against him is not a legal question. It is political vengeance against the person who destroyed the Marxist myth. The left will never be able to pardon him for having been the first to overthrow a communist regime; for having defeated the guerrillas and the terrorism of the extreme left and pacified his country; for having



founded a free and prosperous economy and given to his fellow citizens a government with guaranteed freedoms and a stable democracy, giving up power to his successor in exemplary free elections, under the slogan “Mission Accomplished”.

The Chile Pinochet received was a country in ruins, in anarchy, divided, backward and poor. The country he bequeathed is cited everywhere as an example of prosperity, progress and social stability.

And it is this historical testament which the left is trying to destroy, by destroying its principal architect through a fabricated case.

But, despite this “undue process”, and perhaps because of it, in the long run, nothing will be able to silence the truth. The real figure of Augusto Pinochet as statesman, the consistency of his achievements, the enormous difference in magnitude between the virtues of his accomplishments and any errors or defects which may have been committed or occurred, will in the end be recognised.

The victim of this wretched trick will occupy the historical role which corresponds to him, as a precursor in an era which has seen one after the other of the leftist myths evaporate in thin air and the consecration, first in Chile and later in the whole world, of the most important political, eco-



conomic and social changes of the second half of the twentieth century.

Notes

Notes to Chapter I:

- (1) Pertinent parts of the Resolution of the Chamber of Deputies (House of Representatives), August 23, 1973, fully reproduced in the book *Antecedentes Histórico-Jurídicos: Años 1972 – 1973* (Historical – Judicial Background: 1972 – 1973), Editorial Jurídica de Chile, Santiago, 1980, p. 143.
- (2) *Historical – Judicial Background*, op. cit., p. 149.
- (3) Pertinent parts of the speech of the Chief Justice of the Supreme Court to the full session of the same Court, March 1, 1973, reproduced in *Ibid.*, p. 139.
- (4) *Ibid.*, p. 133.
- (5) *Ibid.*, p. 69.
- (6) *Qué Pasa* (weekly news-magazine) N° 123, August 23, 1973, p. 37.
- (7) *El Mercurio* (newspaper), Santiago, section “Tribuna”, November 5, 1972.

(8) *El Mercurio*, briefing, August 21, 1973.

(9) *El Mercurio*, briefing, August 23, 1973.

Notes to Chapter II

(1) Whelan, James, “Out of the Ashes”, Regnery Gateway, Washington DC, 1989, p. 508.

(2) The version of Allende’s suicide, without the detail of Fidel’s gift, given in the *Report of the Commission for Truth and Reconciliation*, below, *Informe Rettig*, *La Nación*, Santiago: March 5, 1991, p. 28.

(3) Numbers killed from the “Presentation of the Chilean Army to the National Commission for Truth and Reconciliation”, vol. IV. Santiago: 1990, p. 113.

(4) “Report of the Special Consulting Commission on the Security of the Organisation of American States, 1974”, Partially published in *La Segunda*, July 13, 1990, p. 16.

(5) *El Mercurio*. Santiago: August 29, 1973.

(6) The first 25 War Edicts of the Military Governmental Junta were published in *El Mercurio*,. Santiago: September 26, 1973, p. 22.

Notes to Chapter III.

(1) Number of fallen in the *Informe Rettig*, op. cit., p. 196. Number of military fallen in “Presentación del Ejército de Chile a la Comisión Nacional de Verdad y Reconciliación”, Santiago, 1990, tomo

IV, p. 457.

(2) “Vindicación de Cuba, 1989”, Editorial Política, Belascón N° 864, Havana, Cuba, p. 291.

(3) Corvalán, Luis: “Informe al Pleno del Comité Central del Partido Comunista de 1977”. *Chile-América*. Rome: September, October, 1977. Cited by Cuevas, Gustavo. Pinochet: *Balance de una Misión*. Santiago: Editorial Arquén, 1998, p. 5.

(4) *La Nación*. Santiago: September 8, 1997, p. 11.

(5) UPI Agency cable, dated in Madrid, October 11, 1973, published in “*El Mercurio*”, Santiago, October 12, 1973, p. 35.

(6) Millas, Orlando. *Memorias 1957 - 1991*. Santiago: Ediciones Chile-América, 1995, pp. 186-187.

(7) Jara, Cristián: “El Marxismo y la Crisis de la Democracia en Chile”, Instituto de Ciencia Política de la Universidad de Chile, Santiago, November, 1991, p. 24.

(8) *Informe Rettig*. op. cit., p. 9.

(9) Waiss, Oscar: “Aprendamos de Nuestros Errores”, *Revista Política Internacional*, N°s 600 y 601, April 1975, quoted by Cristián Jara, op. cit., p. 92 and 93.

(10) *Libro Blanco de la Intervención Militar en Chile*. Santiago: Editorial Lord Cochrane, 1973, pp. 114-176.

(11) Boizard, Ricardo. *Proceso a una Traición*. Santiago: Ediciones Encina, 1974.

(12) Politzer, Patricia: “Altamirano”, Ediciones Melquíades, Buenos Aires, 1989, p. 33.

(13) Aylwin, Patricio: “El Reencuentro de los Demócratas”, Ediciones Grupo Zeta, Santiago, 1998, p. 59.

Notes to Chapter IV

(1) Version contained in “Documentos ABCe”, Madrid, Internet, Thursday, November 12, 1998.

(2) Ibid.

(3) *El Mercurio*. Santiago: November 14, 1988, p. A-2.

(4) Letter in *El Mercurio*, November 21, 1998, p. A-2.

(5) Letter in *El Mercurio*, November 22, 1998, p. A-2.

(6) “Opinión”, *El Mundo*, Madrid, Thursday, November 26, 1998.

Notes to Chapter V

(1) *Informe Rettig*, op. cit., p. 196.

(2) Ibid. p 96.

(3) See note 1.

(4) Reproduced in Heinecke Scott, Luis. *Chile, Crónica de un Asedio*. Santiago: Sociedad Editora y Gráfica Santa Catalina, 1992, vol. I., p. 98.

(5) *La Epoca*. Santiago: July 2, 1987.

(6) Heinecke Scott, Luis. *Chile, Crónica de un Asedio*. Santiago: Sociedad Editora y Gráfica Santa Carolina, 1992, vol. I, p. 98.

(7) *El Mercurio*, Santiago, September 7, 1986, p.



C-2.

(8) “Presentation of the Chilean Army to the National Commission for Truth and Reconciliation”, op. cit., vol. IV, p. 143ff.

Notes to Chapter VI

- (1) Decree Laws 1876 and 1878, August 13, 1977.
- (2) *La Segunda*, Santiago: October 21, 1998, p. 18.
- (3) *Report of the Commission for Truth and Reconciliation*, p. 196.

Notes to Chapter VII


- (1) Donoso Loero, Teresa (Ed.) *Breve Historia de la Unidad Popular, documento de El Mercurio*. Santiago: Editorial Lord Cochrane, 1974, p. 40.
- (2) *El Mercurio*. Santiago: November 30, 1970.
- (3) *Informe Rettig*, op. cit., pp. 151-152.
- (4) *Informe Rettig*, op. cit., p. 50 ff.
- (5) *Informe Rettig*, op. cit., p. 50.
- (6) *La Hora*. Santiago: November 21, 1998, p. 13.
- (7) *Informe Rettig*, Anexo II, cases Aine, Alonso, Ancura, Appel, Aros, Atanasiou, Biedma, Camprec, Claudet, De la Maza, Delard (2), Quinchavil, Ramírez, Riquelme, Rojas, Saavedra, Sagauta, Stoulman, Tamburini, Tapia, Venegas. Bolivia: caso Valladares.
- (8) *The New York Times*. New York, November 12, 1998.

Notes to Chapter VIII

- (1) *Punto Final*. Santiago: Tuesday, August 18, 1970.
- (2) Supplement “El Mes”. *Portada*, No. 16. Santiago:, November 1970, p. 99.
- (3) Pertinent parts of the Resolution of the Chamber of Deputies (House of Representatives), August 23, 1973, fully reproduced in the book *Antecedentes Histórico-Jurídicos: Años 1972 – 1973* (Historical – Judicial Background: 1972 – 1973), Editorial Jurídica de Chile, Santiago, 1980, p. 143.
- (4) *El Mercurio*. Santiago: June 8, 1971.
- (5) *El Mercurio*. Santiago: April 24, 1971.
- (6) *El Mercurio*. Santiago: May 4, 1971.
- (7) *El Mercurio*. Santiago: June 16, 1971.
- (8) Version of the Senate debate published in *El Mercurio*. Santiago: June 11, 1971.
- (9) *El Mercurio*. Santiago: September 25, 1971.
- (10) *Informe Rettig*, op. cit., p. 150.
- (11) *El Mercurio*. Santiago: November 12, 1995, p. D-10.
- (12) *Informe Rettig*, op. cit., p. 155.
- (13) *Informe Rettig*, op. cit., p. 150.

Notes to Chapter IX

- (1) “Presentación del Ejército a la Comisión Nacional de Verdad y Reconciliación”. Op. cit., vol. IV, p. 112.
- (2) Heinecke Scott, Luis. *Crónica de un Asedio*. op. cit., Vol. I, p. 96.

- 
- (3) *El Mercurio*. Santiago: May 31, 1995, p. A-1.
 - (4) *El Mercurio*. Santiago: June 4, 1995, p. D - 2.
 - (5) *Informe Rettig*. op. cit., p. 254.
 - (6) *El Mercurio*. Santiago: August 28, 1986, p. A-1.
 - (7) *El Mercurio*. Santiago: October 28, 1995, p. A-1.

Notes to Chapter X

- (1) Cable reprinted in *El Mercurio*, Santiago: November 22, 1998, p. A-6.
- (2) Quoted in Heinecke Scott, Luis. *Chile: Crónica de un Asedio*. Vol. IV, op. cit., p. 10.
- (3) *La Hora*. Santiago, November 5, 1998, p. 6.

Notes to Chapter XI

- (1) Plato: *Apology of Socrates*, Editorial Universitaria, Santiago, 1988, p. 31
- (2) Vial, Gonzalo. *Historia de Chile (1891-1973)*, Santiago: Editorial Santillana del Pacífico S.A., 1893, Vol. II, p.44.
- (3) Law No. 6,885, published in the *Diario Oficial* No. 18,939, April 17, 1941.
- (4) Decree-Law No. 2,191, published in the *Diario Oficial* No. 30,042, 19 April 19, 1978.
- (5) Correa Bascuñán, Mario. *Una Visión Olvidada*. Santiago: Rector, Bernardo O'Higgins University, Santiago, 1996, p. 211.
- (6) *El Mercurio*. Santiago: April 22, 1978, p. 12.



(7) *El Mercurio*. Santiago: April 22, 1978, p. 1.

(8) Ibid.

(9) Ibid.
