

THE VALECH REPORT:  
TEXT, CONTEXT AND HISTORICAL PROCESSES\*

**Antonio Cortés Terzi**

Whoever has accumulated a certain amount of experience acting as a political analyst in Chile knows that it is very risky to offer an analysis immediately after a transcendental event has occurred, particularly if one is trying to identify and envisage the behaviour and reactions of leading groups of all kinds and the principal actors involved. If one aspires to carrying out an accurate analysis that will be valid for a minimum amount of time and that looks to the future, the best is to wait a little so that the actors involved in the event appraise it and finish defining their positions.

The advisability of waiting is not exclusively to do with the normal amount of time that any body or individual leader requires to assimilate an event of importance. If this were the main reason then the waiting would be brief. Chilean leaders, generally, display an admirable capacity for issuing rapid and loquacious opinions.

The advisability of waiting fundamentally is for another reason. For some time now a large part of the Chilean elites with their clamour, and probable a large part of society, have shown symptoms similar to someone with a bi-polar personality, that is to say that they frequently swing between moods of animation and depression.

What happened with the Valech Report substantially falls within that framework. The initial climate —although it included anxiety and consternation— was predominantly positive, to the point of demonstrating national satisfaction and pride. It confirmed that among the countries that had suffered periods of dictatorship, and consequently violations of human rights, Chile was one of those which had got the furthest in clarifying historical truths and in bringing judicial proceedings without disturbing either democratic co-existence in the country or the institutional relations between the civil authorities and the Armed Forces.

But, slowly the climate changed. It began to be charged with dissatisfaction, relativism, ideology, reproach, demands, exonerations, accusations etc.

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The atmosphere passed from the positive to the negative and the sceptical and expectations became confused and diffuse.

The Valech Report had explicit objectives that it fulfilled almost perfectly: to leave a documented testimony about the massive and systematic use of torture in a period of our history, to give moral redress to the victims who had hitherto been ignored and to describe the conduct of institutions faced with such events.

Without being one of its aims and without proposing it, the Valech Report is, in fact, fulfilling another mission: to reveal, by going further than mere reflection, what was the actual and true state of the code of values that prevailed in the different institutions, in the political cultures, in the spheres of extra-institutional power, in informed social groups etc. What has been revealed by this is not exactly flattering, which is shown, first and foremost, in one of the relative frustrations of the Commission: its work has not been all it could be in opening reflexive processes that surpass the casuistic or the corporative and help towards re-encounters.

In the three weeks of knowing about the Valech Report and having completed the cycle of emotional bi-polarity of the elites, it is definitely easier to take on board and analyse both the subject and its repercussions on the protagonists and the national scenario. Easier but not more agreeable because, as we will see later, the reaction of the elites indicates that there was a lot of ritual but little vision.

#### 1. TWO POINTS REGARDING ITS ORIGIN

1. The Valech Commission was formed 30 years after the beginning of the era that unleashed a huge violation of human rights and almost 15 years after the return of democracy. Amongst other things, this means that, up to a short time ago, political, social and cultural factors and interests were operating that prevented actions of the type taken by the Commission.

It is important to remember and take this piece of information into account, because it leads to an obvious question: if these factors or interests were in existence only a short while ago, who or what tells us that they have been wiped out?

What comes out of the Valech Report is a signal that they might have lost influence but that they have not disappeared. Put in more general terms: the idea of setting up an enquiry about prisons and torture or not was, until yesterday, a conflictive point between the various political, institutional and social sectors to such an extent that it prevented an investiga-

tion. Consequently it would be an error to think that the Valech Report ended this conflict.

Obviously it placed it in a radically different state but several of the essentials that originated it in the past are still present today.

This being the case we can come to two conclusions. In the first place, that within Chilean society there continue to exist sectors, groups and organisations that quite simply prefer not to investigate the past and thus the work and the report of the Commission inconveniences them. And in the second place, as a corollary, these same groups, sectors and individuals made an a priori reading of the report, accepted it unwillingly and are not going to validate it as an antecedent for major discussions.

2. The birth of the Valech Commission contains itself a kind of paradox. After its Report, no institution or any political actor, considered to be relevant, has denied the existence of a period in our national life when torture was practiced systematically and on a massive scale by the Armed Forces and police organisations.

Nevertheless, this reality was denied for years by these same institutions and by many of the actors who accept it today. It is certain that the Commission's work was diligent, ordered and reliable as far as information was concerned. But it is no less certain that much of this information was known, both by different organisations as well as publicly, through accusations, testimonies, interviews, documents etc, which were formulated or gathered together by persons and entities.

And there is more: precisely because it was so massive and because of the volume of people involved as victims, witnesses, people responsible etc. there is a huge amount of information and knowledge about and, because of this, the great majority of Chilean society are convinced that these type of events actually happened.

The paradox lies in the fact that the Commission, at bottom, was made necessary because several social sectors and institutions refuted the veracity of the victims, the Church, the defenders of human rights and international organisations. Put somewhat more crudely, in the origin of the Commission lies the de facto acceptance of the doubt which certain military and social elites imposed regarding the reality of torture.

This certainly does not make the initiative any less praiseworthy but neither should the undercurrents behind these deplorable events be hidden: and two of them stand out. One is the tremendous power which has been concentrated in the hands of elites that were forged and organised during the dictatorship and which reached such levels that they could silence a socially established truth for a quarter of a century. The second is the

fragility of Chilean civil society and of its communities shown by the fact that this social truth had to be “officially recognised by the state” in order to be considered true.

## 2. DISCUSSION OR THE CORPORATISM AND FORMALISATION OF DISCUSSIONS?

Through its nature and its own weight the Valech Report is a document for reflection and discussion, especially for the leaders of the elites. We understand by “elites” what is normally understood by such a word: all the groups and subjects that enjoy social power and influence, no matter the source and origin of that power and influence (political, politico-institutional, economic, intellectual, ecclesiastic, communicational, corporative etc).

So, has there been discussion between the elites?. The first definition that the dictionary of the Spanish Royal Academy gives for the word “discuss” is the following: “The examination of a subject attentively and particularly among various persons”. Sticking to this definition and replacing “various persons” with “various elites”, we can confirm that that there has been little, very little, discussion.

Curiously enough, the only event of known discussion whose magnitude paid tribute to the subject was the seminar organised by the Army\*. The range of the presenters and the quality of the contributions gives credence to the fact that effectively we are talking about a discussion between representatives from a very varied world of leaders.

The curiosity lies as much in the fact that it has been the military who called for a major reflection on human rights as in the fact that other institutions have not done something similar. Don’t republicanism and democracy assign functions of this nature to Parliament? The meeting of the Senate regarding the subject was an ordinary meeting where there were speeches but no discussions.

We also don’t know of initiatives adopted by political parties that instigated significant meetings of discussion and reflection. Not even the quite numerous “civil” organisations, which define the question of human rights as the reason for their existence, have carried out activities respon-

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\* The author is referring to the seminar “The Army and Human Rights: the Commitment for the 21<sup>st</sup> Century”, carried out in Santiago on December 7<sup>th</sup> 2004. The papers that were presented at this seminar by Senator Ricardo Nuñez and Andres Allamand together with the closing speech by the Commander in Chief of the Army, General Juan Emilio Cheyre, were reproduced in *Estudios Públicos*, 97.

ding to the idea of meetings and thoughtful discussions, to say nothing of other groups, typical of society, such as businessmen, workers, professionals, journalists and the media etc.

It has been said that there is a before and after for the Valech Report. Such a radical statement does not square with the lack or scarcity of reflection and dialogue. It squares even less with the relatively general attitude that one observes among the elite: the haste to close the chapter.

Among many of the things that the Valech report shows is the survival of another division that cuts across the elitist leaders and their organisations: the agreement, on the one side, about who the victims and the defenders of human rights were and, on the other, who those responsible were or those who remained inactive in the face of this violation of human rights.

Thus the Left put their status as victims in the forefront while the Right and several institutions and organisations persist in defending themselves or excusing and justifying themselves. I.e. neither of the two sides, with the exception of a few people in both of them, is capable of thinking about the question of human rights without charging the other for the events in the past.

As a consequence, when they make statements about the subject, one side makes them having calculated what to say without renouncing their moral and rational superiority as victims while the other makes them having calculated how not to concede to the latter this idea of superiority and how to avoid or moderate civil criticism.

As the debates have been compelled to act within this framework, it is impossible to prevent them from being organised in a corporative and formal way.

### 3. TEXTS AND CONTEXT

One of the clearest expressions of the corporative and formal treatment of the subject can be found in the virtual contradiction that has been established between text (statement of facts) and context (circumstantiality of facts). The preference and the discursive emphasis on one aspect or the other marks the division described above.

It is obvious that the supporters of the military regime seek refuge, defensively, in the context, while the Left waves the facts of the text around and sidesteps the question of context.

Is this a valid, intellectual and morally proven differentiation?. No, it isn't. Facts do not exist without contexts or contexts without facts. If we are

talking about analytical reflection, the distinction is either an absurd ideologizing of the speeches or a juggling of it.

In this dichotomy, there is something both hidden and sinister in the thinking of both sides: in neither of them exists the full conviction that the violation of human rights should be condemned per se, completely independent of the politico-historical environment and of who the victims are. If there is a solid and absolute conviction about it, then why does the Left tend to refuse a debate about contexts?. Are they frightened that the different contexts might lead to the removal of that condition of absolute and metaphysical innocence for which they are appealing?

For its part, the Right looks to the context to mitigate the sanctions that crimes against human rights deserve, hiding behind the idea that circumstances attribute degrees of innocence to those responsible and blame to the victims.

Let us understand something: guilt or innocence have nothing to do with the condemnation of violations to human rights.

Whatever the circumstances in which they happened, the massive and systematic practices of torture are equally to be blamed. It is certain that lately —thanks to the Valech Commission— all the protagonists have recognised this principle, but with what conviction? There are a lot of elements present that allow one to have doubts about the presence of this conviction in more than one sector.

The truth is that in this dichotomy between text and context we arrive at the absurd. Is it necessary to insist and go on insisting that Chile was living through an exceptional experience in 1973, with a very high instance of political and social conflict, political violence, intense confrontations, institutional instability etc. and the political, social and economic re-ordering that the military imposed could not be shaped without its quotas of repression and the use of force?

But, then again, this is the typical context in which there arises a propensity to violate human rights. When we indict the Armed Forces for crimes against human rights, we are not making a general judgement about the use of force to implement planned political ends – that's another theme. What we are indicting is the specific use of force to violate human rights, which means —as General Cheyre has said— the violation of military doctrine, ethics and honour.

To put it bluntly: in exceptional and abnormal circumstances is precisely when speeches and ethical convictions about human rights are put to the test. Humanity has long gone on creating principles and laws to this respect by virtue of the experiences we have had in wars, revolutions, eth-

nic, religious and political persecutions etc. Therefore, to explain the violations of human rights through the existence of exceptional situations is, conceptually, a tautology and, practically speaking, an argument with no sense.

#### 4. CONTEXT AND PROCESSES

The above does not imply that a clarification of the circumstances is useless. But its real usefulness lies in an aspect which tends to be avoided, because it obliges one to penetrate the “dark side” of human nature to show how vulnerable the institutions of the State can be before the violence of that “dark side”.

The theme is simple but painful. Because of this —although people think about it— it is either hushed up or referred to elliptically. To know the different contexts in which human rights were violated is important so as not to repeat them, because in repeating them nobody can be sure that human rights will not be violated again.

At heart, the leaders and the community in general suspect —and suspect correctly— that determined circumstances tend to lead to “crime” and that the crime is a possibility that is both unavoidable and eternal. People think, at the end of the day, that to educate and enlighten persons about respect for human rights is not guarantee enough because the temptations that the circumstances produce, the “actual state of things”, could be more powerful.

If the problem is looked at in this way it is essential to discuss the circumstances, but to discuss them seriously it is vital to understand that the circumstances are not the fruit of one spontaneous generation but the result of long political, social, economic and cultural processes which happen to end in a particular scenario.

The general crisis that characterised the year 1973 was the result of innumerable conflicts accumulated and ignored for many years and not only the result of political errors and incompetence, or too much ideology, or conspiracies and arbitrary radicalism etc. To ignore the organic link between context and process explains in part why the Left is reluctant to have a debate about the context. If the picture of 1973 is read in terms of taking out the historical process, then effectively the Left appears to have the maximum responsibility for the crisis and its policies enter the realm of dementia. But if this same picture is studied as part of an historical process, then responsibilities for the crisis are watered down and shared between an infinite number of protagonists, factors and reasons.

To discuss the text of the Valech Report in its context and discuss the process that led to such a context is a task that is still pending and one that probably will stay pending since the corporatism of the criollo elites simply would not find itself in agreement with the intellectual detachment that a task of this type demands.

The fact this is happening, i.e. not taking advantage of the opportunity to have a discussion of this nature, is something that speaks badly about the sensitivity of the elites to assimilate modern phenomena.

Far from what we tend to believe, the modern world and its development contain processes that make possible the emergence of circumstances that threaten the idea of respect for human rights. Nobody doubts that humanity has progressed in the discussion and cultural understanding of the subject.

But also nobody doubts that there are certain cultural factors that contradict this idea of discussion and that there are movements around that could promote the recurrence of a similar crisis.

In effect, contemporary modernisation and its process of development is and will be fatally accompanied by a deconstructive dynamism which will transform itself into a substratum of social, political and institutional breakdowns, of people living on the margins of society, of rebellions etc. and to which, in the end, we can add the uncertainties and fears that modernity engenders. Simultaneously, daily and practical life in these modern times educates us, as part of our culture and with implacable force, in the logic of cost-benefit and in valuing a human being as a “thing”.

If we join both these phenomena together, it is not difficult to imagine, in the eventuality of a social and political crisis, the little value that would be assigned to human rights in a scared society that has been used to looking through glasses that classify everything, including human beings, as utilitarian or “things”.

“I ASSUMED THAT TORTURE WAS PART OF THE RULES OF THE GAME”\*

(Interview)

*In 1974, the sociologist Antonio Cortes Terzi arrived in Santiago from Concepcion, where he led the Socialist Party after the coup. He played an active part in the Party in the capital until he fell into a trap and was detained in a building belonging to the Chilean Air Force ( the FACH).*

\* Interview given to Alvaro Valenzuela M. and published in the newspaper *La Segunda* on the 11<sup>th</sup> of November 2004.

ACT: I believe it was the Specialists School, but I'm not sure. There they began all interrogations straightaway with beatings and torture. Afterwards, if they thought that those of us who had fallen into the trap had some importance, they took us to the Air Force War Academy where the tortures were much more professional. They were the usual ones, the pau de arana (tying the legs and hands and then putting a pole between them and then lifting the prisoner up), electric shocks...

*Nevertheless, he admits, apart from what went on in the interrogations, "the conditions there were a real torture in themselves: we were kept tied up all day, sitting down, with the right to stand up for a half an hour every once in a while. Moreover, some of us, not all, had to sleep chained to the bunk. It's not worth going into more details, but that was the situation I was in for almost 8 months".*

*Analytical and completely rational, the sociologist whose polemical columns of today are stirring up the world of the Concertacion (the Coalition Government in Chile), displays these same characteristics when remembering what he lived through 30 years ago. With zero emotion, only an ironic comment or the remembrance of some anecdote colours his account. Occasionally a more personal sentence appears to show how what happened continues to have an impact on him: "Now, when I think about it, I ask myself how I stood all that. I don't understand it myself...", he says.*

*In truth Cortes doesn't come across as a victim and maybe, in part, this explains his decision —"a kind of personal luxury that I gave myself"—not to turn up to the Commission and testify. This and an uncompromising analysis of everything that happened in Chile, marked by his lectures on Marx and his so called structural rationalism.*

ACT: This makes me see torture and all violent events as being enacted within a certain logic that is present in the political life of humanity. I am very much a historicist: history changes and men change with it. So my appreciation of the matter is that political violence at that time —and not just in Chile— had a very high level of acceptance among all political cultures. And I am talking about violence because within that I include torture. The value which is put on human rights today is not the same as it was then, not even on the part of the Left. The Marxists had a phrase in those days, "violence is the midwife of history", and that never caused a scandal.

AV: *Is this to accept that torture was part of the rules of the game in that era?*

ACT: This is a very personal thing: if you asked me that then I would say yes. In other words for me and many of my generation, and for

many of us who were involved in certain activities, we took it for granted that if we were detained we were going to be tortured and probably killed. It was within some of the rules of the game that you could reject but that you knew existed.

AV: *You are saying that this was prevalent in all the political cultures of that time.....*

ACT: In the culture of the Left. As far as the Right is concerned, they have always had a culture of power and force: they formed gangs and also used extreme violence. The only current of thought that didn't have a theme of violence within it was the Christian Democrats, precisely because of their adhesion to Christianity.

**“I wouldn't bet” that the Left wouldn't have done the same.**

AV: *Doesn't what you are saying, perhaps, coincide with what they are saying on the other side: that we can't sit in judgement today using the parameters of that time, when “everyone was face to face in a war”?*

ACT: I am talking about the context in which things were said but the point is exactly the inverse of how the Right is using it. What we are talking about is that one should demand ethical behaviour from institutions such as the Army or the Armed Forces precisely when the context is complicated and challenging. However much there might have been an atmosphere or circumstances that favoured violence, the Army should have shown its doctrinaire strength.

AV: *The typical response of the Right is “if the Left had won, things would have been worse”. What do you think?*

ACT: There such hypothetical situations that it's difficult to put oneself in that situation. But what we have to take on, and this is why it's hard to talk about these things, is that those who were tortured and those who tortured were Chileans. So what we should ask ourselves is what should have been done in Chilean society to develop a culture that would have effectively prevented what happened from happening. Therefore I wouldn't bet that there might not have been a similar response on the part of a successful Left since I can't see where those deeper elements are in our society to prevent it.

And there are certain discussions pending today, that have been postponed, about how much value was assigned to democracy in resolving the conflicts peacefully and how much did a hidden class hatred influence things: how much hatred on behalf of the upper class for the lower class

and vice versa. And if this component was there in what happened then we cannot say “never again” since it hasn’t been resolved. Because today I see a society that has a lot more hatred in it, at least by the people for the upper class, than before.

AV: *Why isn’t “never again” enough?*

ACT: There was a social breakdown equivalent to a civil war or a revolution. This wasn’t a question of this ideology or those soldiers but a social phenomenon that was channelled by political forces. If you only say “we have to punish those responsible and re-vindicate the victims” you’re not getting to the bottom of things. And there is one thing that worries me: these types of Commissions, which without a doubt help, do something that makes me uncomfortable because in a way they concentrate on the problem of two actors, the Armed Forces and the Left, those responsible and the victims. But what about the rest?. What about the behaviour of the businessmen, the media, the Church?.

AV: *Would you say that the Army had done more than the political parties about the subject?*

ACT: I look with a certain amount of healthy envy at what the Army is doing, because the other branches have not followed the same path, i.e. the capability to keep the process going in a dignified way and establish explicit doctrines .For example, by saying that circumstances don’t justify abuses. That in itself is a spectacular advance.

As far as the parties are concerned, there is nothing to say about the Right: they just go on and on trying to justify what happened. They have never confronted the subject in an honourable way.

On the Left, there have been processes of transformation that are more significant than a lot of speeches. But there is something that I miss coming from them as well as from the Armed Forces: the first explanation that the political and military institutions owe is to their own people and not to their adversaries. On the Left it’s not enough just to say that we made a mistake, because those mistakes led to people taking up a weapon, led to them resisting and risking their lives. And for that there’s no excuse.

**His reasons: “I was tortured without the need for a Commission”**

AV: *Finally, why did you decide not to go before the Commission and testify?*

ACT: I discussed the point with myself and the decision not to go won by a simple majority. One of the things that makes me uncomfortable is

that I feel that these Commissions have been forced into existence because of an attitude of the Right and previous military commanders that says “look, we have to have a Commission and bring 30 or 40 thousand people before it so that we can recognise that there was torture in Chile”. This makes me rebel and my not going was a kind of resistance: I was tortured without the need for a Commission.

AV: *Were there other considerations as well?*

ACT: Although I recognise that they’re valuable, my vision is that these Commissions run the risk historically of setting excessive bounds to what a dictatorship means. So I ask myself why does the Commission tackle this subject and not others, something which is going to lead to future generations believing that there was a problem here between the military and certain people who were badly treated and nothing more.

Maybe the strongest element in my case —and this is purely subjective— is that at the moment of my detention I knew perfectly well what I was involved in and what the risks were. As a consequence I consider myself different to the people who suffered and felt that they were completely innocent since I actually felt some sort of guilt: I recognised that my way of thinking was risky.

But other people who were simply leaders of their communities should be listened to more because in their case the act was really abhorrent. To say it in another way, it’s like the death of civilians during a war: we were acting almost like soldiers in the conflict, we belong in another category. The real drama is about those who were absolutely innocent and ingenuous receiving punishment. These people are more representative than me, they’re the victims who’ve been treated the most unjustly.

AV: *Isn’t a little arrogant to say “it happened to me because I looked for it”?*

ACT: It can sound a bit like pride, it’s like saying that I’m a soldier who’s been defeated. I don’t know whether it’s pride or arrogance or the acceptance of something. It’s not that I excuse what happened to me, it’s just that for me it’s different. Too much attention has been put on exceptional situations, like mine, and not on the tremendous punishment that was received by society, by the masses who suffered internal exile and saw their life projects destroyed.

**“I didn’t find any difficulty about my son going into the Army”**

AV: *You’ve got a son who’s an Army officer. How did you face up to his decision to go into the Army?*

ACT: With absolutely no difficulty whatsoever.

AV: *At some moment, didn't you feel a sense of outrage, considering what you'd been through?*

ACT: No, I had no more worry than the normal ones about if it's the right career, if it's the best for him etc. I was never the enemy of the military per se, it was just that certain bodies of men commanded by certain leaders had put us in the category of enemies. But the institution of the Army I look at as a State institution. To doubt that is to doubt that Chile can go back to being a respectable Republic. □