

A. REPORT*

PROLOGUE: REFLECTIONS AND PROPOSALS OF HIS EXCELLENCY THE PRESIDENT
OF THE REPUBLIC, RICARDO LAGOS ESCOBAR**

TO NEVER LIVE THIS AGAIN, WE MUST ALSO NEVER DENY IT

On the 12th of August 2003 I let the country know of my proposal regarding Human Rights. I pointed out that the suffering of the victims, of those who had been detained and imprisoned, the great majority of them tortured, was immense. Independently of the ideas that each one of us professes, these compatriots deserve the respect of all Chileans.

Thus I decided to create a National Commission on Political Imprisonment and Torture, which would be capable of investigating the world of those who suffered both a deprivation of their liberty and torture for political reasons between September 1973 and March 1990.

I have now received the Report from the Commission. Chile's maturity makes it necessary us to know some part of the truth that has been hidden up to now from the eyes of most of our people. Its contents will be made public and within the reach of all Chileans and the international community.

It is a document that has been drawn up extremely carefully, in which the testimonies of 35,865 persons resident in Chile and abroad have been gathered together.

Out of them, around 28,000 were accepted as valid and slightly more 7,000 failed to comply with the strict requirements laid down by the Commission. These 7,000 people will have the right to have their situation reconsidered by the Commission, which will go back and study their history and background and take a definitive decision regarding their position.

In the Report the context which produced the detentions and the torture is tackled, the different periods of repression examined and the methods of torture used identified. There is a register of the detention centres, an analysis of the profile of the victims and of the consequences of the suffering of those who were detained as well as the consequences on their families and finally proposals for making amends.

* Extracts from the Report of the National Commission on Political Imprisonment and Torture

** Speech in which His Excellency the President of the Republic informed the country about the Report of the National Commission on Political Imprisonment and Torture on November 28th 2004. Complete text.

I do not think I am mistaken when I point out that the elaboration of this Report constitutes an experience without precedent in the world, since it reconstructs —31 years later— a complete picture of the tremendous degradation that our country lived through and looks towards creating the conditions for repairing our collective memory. It represents an act for dignifying the victims and a determination to heal the wounds in our national soul.

The Report is an expression of the moral fortitude of a Chile that needs to look with maturity at the profundity of the abyss into which it fell. It gives an account of a community that can now, more than ever before, look at misfortunes that have never before happened in this country steadfastly and without fear. It reports on a country that is stronger today than before because it is united around peace, freedom and the law.

The Reading of the Report

I have read and analyzed this Report most carefully. The accounts of the victims have moved me deeply. We are talking about disturbing experiences, to the point where emotion makes it difficult to read many of the passages. I have felt the magnitude of the suffering very closely, the wantonness of such extreme cruelty and the immensity of the pain.

I should like to express here, as President of all the Chileans, my solidarity and feeling for the victims and their families.

Nobody who reads this Report can remain indifferent. I am sure that the immense majority of my fellow citizens will feel the pain of those who suffered and reaffirm their adhesion to freedom and human rights.

On reading this Report there are various questions that hound us time and time again.

How can such horror be explained?. What could provoke the human behaviour that appears here?. I do not have the answer to this. Like in other parts of the world and at other moments in history, reason does not manage to explain certain elements of human behaviour in which cruelty predominates. How can one explain the fact that 94% of the people detained indicated that they had suffered torture?. How can one explain that, out of the 3,400 women who gave their testimony, almost all of them had been the object of sexual violence?.

And there are other questions. How could we live 30 years in silence?. We know that during the dictatorship silence was the consequence of fear, but this does not explain everything. From the side of the victims,

silence is related to an attitude of basic dignity. The Report tells us: “To draw back the veil on torture, humiliation and physical and psychological violation is something that is very difficult to do. Even in front of one’s own spouses. And this same understandable silence was deepening the damage of sufferings that had not been shared, something that we preferred to hide away on the shelf of nightmares and rip out from the archives of history”.

The tone of the Report is one of broken lives, destroyed families, personal perspectives crippled and an impotence to give one’s children a better life. All this was covered up for a long time by means of a dense and unhealthy silence. It had to end and now it has.

The integrity of the victims and their families, as well as that of the institutions and people who were always at their side, prevented this silence from converting itself into oblivion. The moral fortitude of the victims shows this.

Several people have asked if it makes sense to make a report so many years after the events. The document itself gives an answer by pointing out that “the experience of political imprisonment and torture represented a vital rupture that crossed through all the dimensions of existence for the victims and their families and which accompanies them up to today”.

We are not dealing only with the horrors of the past but also of damages that remain today. Moreover we needed to confront this traumatic part of the truth and complete the process of justice and redress to which the victims have a right.

In those dark days of yesteryear, through imprisonment and torture, they tried to wrest away the dignity of those fellow citizens and their families forever. To re-vindicate them 30 years later is to exalt the dignity that they never lost and that was the moral sustenance in the fight to recover democracy.

The recovery of memory

In its almost two hundred years of history, Chile has had few ruptures as profound and painful as that of 1973. None have been so critically investigated as the latter. This alone makes it the healer of the body and soul of our country and it can serve us by strengthening the sense of belonging to a community that is capable of learning from its mistakes and of overcoming divisions that at one moment seemed to be irreparable.

It has been a long, patient and complicated road. The first step was the Commission for Truth and reconciliation, created by President Aylwin

and presided over by the lawyer Raul Rettig. Thanks to its work, it was possible to establish, to a large extent, the truth about our fellow countrymen who died as a consequence of political violence and to ascertain beyond any reasonable doubt the drama of what happened to those who were detained.

Another fundamental step was the Table for Dialogue, set up by President Frei, in which the Armed Forces and other institutions participated and which increased our conscientiousness about the magnitude of the tragedy and came out in favour of a process of national reconciliation.

The road of redress for the victims was constructed in a variety of ways, with the aim of toning down, in part, the ravages of the repression. Last year I formulated my proposals in a document entitled “There is no tomorrow without a yesterday”. Today these proposals are at the legal stage before the National Congress.

The basic lessons

I have said the following on various occasions: the rupture of democracy and the framework for our co-existence was produced in the midst of political and ideological upheavals that we were not capable of controlling. This break down of institutions and the installation of arbitrariness and terror were the consequences of those collective and individual mistakes.

One can understand the atmosphere of political intransigence prior to the coup d'état, the erroneous transformation of adversaries into enemies, the international framework of the Cold War as background to an institutional breakdown but there is no justification for the severity that followed. Thus I fully share the view of the Commander in Chief of the Army when he stated: “Does the scenario of global conflict excuse the violations of human rights in Chile?”. My reply is one and unequivocal: no. The violations of human rights can never be justified by anyone or have any ethical justification”.

No and a thousand times, no. There will never be any ethical justification for the atrocities that were committed and detailed in the Report. Never again.

The recognition of this sad chapter in our history allows all Chileans to feel that today they are part of the same community with the same destiny. This recognition allows us to feel that our armed institutions belong to all the Chileans.

To recognize the derailing and loss of direction that in one moment in the past permitted the armed institutions and the State to become separa-

ted from their historical traditions, from their own doctrines that saw them grow and develop, is the quality needed for us to re-take the path that was always laid out by the founders of the Republic.

The Report draws up an inventory of the places used for torture, points to those agents of the State who practiced it, establishes the measures used by different public organizations, identifies the laws that protected these repressive practices and describes the conduct of the courts. The long list of barracks, police stations, units, ships, offices, prisoners camps and secret places covers the entire national territory. The conclusion is clear and unavoidable: political imprisonment and torture was an institutional practice of the State, absolutely unacceptable and completely foreign to the historical tradition of Chile.

Today we can look at our past more serenely. We are constructing a democracy that grows more solid by the day and is fighting for progress and social justice, both of which form the basis for a cohesive nation. We have regained the harmony necessary between society and its armed institutions. We have sufficient strength to transform the pain into a memory and the memory into national unity and a shared future.

Redress

The work of the Commission and the circulation of the Report constitute the most important act of redress for the victims. The silence has ended, oblivion has been disinterred and dignity has been re-vindicated.

But this still requires something more. If it is proven that agents of the State are responsible, then the State has to respond to this, which means adopting measures that will help to mitigate the effects of the pain that was caused.

I shall say this very clearly: these measures are aimed at healing wounds not at re-opening them.

In this sense I agree with the three lines of redress as presented by the Commission. In the first place, institutional measures, which will be crystallized in the creation of a National Institute of Human Rights to promote, via education, respect for human rights while at the same time taking charge of the resources and confidentiality of the information that has accumulated from the time of the Vicaria de la Solidaridad to the work undertaken by the Commission.

In the second place, symbolic and collective measures that should express the moral recognition of the State and society towards the victims, and at the same time legal measures that will prevent both present and

future generations from living through the terrible experience that we ourselves have known. These measures should definitely not produce any confrontation with the Armed Forces, since they are permanent institutions of the Republic and, as such, belong to all Chileans.

IN the third place, measures leading to individual redress that can be expressed both legally and economically.

The measures leading to legal redress refer basically to publicly re-establishing the good name of these people, many of whom were accused of crimes that they have never committed, and of fully restoring their rights as citizens.

In the economic sphere, as I have already said before, it is impossible to repair the physical and spiritual damage that has marked the lives of so many of our countrymen and women. I also think that it would be a lack of respect to the victims that his valuable process of moral regeneration should degenerate into a discussion purely about money.

Nevertheless I feel that the State, which has already made an effort with respect to the families of those who were executed or who disappeared, to those who suffered exile and decided to return and to those who lost their jobs for political reasons, should therefore make some compensation, which even though it be economically austere, would be one way of recognizing its responsibility for what happened.

After a lot of thought, and taking into consideration the fact that most of the victims are over 55 years of age, I have decided the most adequate form of redress is to pay the victims a pension which will help them obtain a better quality of life in the years that they have ahead.

With regards to the amount of the pension, I have to take into account all the obligations that the State has towards society, particularly towards the poorest families in our country.

Putting in the maximum amount of effort in this subject, I have decided to send to the National Congress a project for a law of redress that establishes that each one of the victims will receive a pension equivalent to the value of one and half times the minimum pension, i.e. a little more than 112,000 pesos per month. It has to be remembered that the amount of these pensions increases when the person reaches 70 years of age. Those who are receiving a pension because of human rights will be given this new pension.

I am conscious of the fact that, for many, the recognition of their having been a political detainee constitutes a moral redress sufficient to recover their wounded dignity. They could, in a gesture of solidarity, renounce this economic benefit and these funds would be apportioned to the activities of the National Institute of Human Rights.

On the other hand, and welcoming the proposal of the Commission, I have determined that the victims named in the Report should receive preference as far as education, health and housing are concerned.

In education, the State will guarantee that all those victims who had their studies interrupted, whether through reasons of imprisonment or torture, can continue them free of charge, whether they are in primary, secondary or higher education. As regards health, all the victims recorded in the Report will have free treatment and be beneficiaries of the Programme for Rehabilitation and Integral Health Care (PRAIS). Moreover the State guarantees the technical support and physical rehabilitation necessary for those victims who continue having physical problems as a result of imprisonment or torture. And as to housing, the victims will have preferential treatment in gaining access to housing benefits, all of which will be explained very soon by the Minister in charge.

Final words

I am extremely proud of all the effort that has gone into this and which has involved so many people and institutions. It makes us stand tall as a community and dignifies all Chileans: it is a proof of the Republican courage of a nation that believes in its institutions, in its historical strength and its humanist and democratic vocation.

I should like to thank the members of the Commission and their collaborators for their work, and in particular that of Monsignor Sergio Valech, which personifies the determinant role played by the Catholic Church and other churches in defending human rights at the most difficult moments. I also appreciate the collaboration given by both civil and military institutions.

The members of the Commission carried out a painful task like few would have been able to do. By doing so, they demonstrated an immense love for their country.

Finally I should like to thank all those Chilean men and women who testified and who were prepared to relive their suffering for the good of their country. And as they themselves asked, their testimonies will remain confidential and no one will have access to them for the next 50 years.

The path to make us recognize this past has been long, difficult and complicated. To assume the basic truth of what happened and to designate responsibility has not been easy for any Chilean.

As a society we have been gradually opening our eyes to the reality of those of our fellow countrymen and women who have disappeared, who

were executed, exiled and dismissed from their posts and now we are seeing the reality of those who suffered political imprisonment and torture.

As a State, as far as possible, we have continued proposing and defining measures of redress, moral, symbolic and also economic, for those persons who were victims of abuse of their most elemental human rights. By recognizing these victims of political imprisonment and torture we are completing a chapter in our history through which we had to pass.

We have not done this to re-open divisions and rekindle anger but to strengthen the idea of co-existence and unity among all Chileans. This is the spirit of the Report. This is the spirit that must prevail once the suffering and the pain are known.

Because we have been able to confront the truth head-on, we must also be able to overcome the pain and bind the wounds.

To never live this again, we must also never deny it.