

A SPECIAL ANALYSIS OF THE REPORT ON TORTURE

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1. ITS PROBATIVE VALUE AS TO A “MORAL CONVICTION”*

I want to make a provisional but thorough analysis of the final report issued by the Commission that studied political imprisonment and torture during the military regime.

As a starting point, I should like to register the following so as to prevent any mistaken interpretations:

1. Never, under any circumstances, at any stage and for any motive or objective, is it either permissible or ethical to torture anyone.
2. Torture is absolutely of no use at all. Not even as a method of obtaining information that one does not know, because by using it one is never certain if the information so produced is correct. The sum of evils derived from such illegitimate pressure is invariably superior to any evil that is prevented...even supposing that it really is prevented and that there was no other method aside from torture from obtaining that information.

These first two points are crucial and cannot be overshadowed during today's debate. I am saying this while thinking about an interview with a Senator and an ex-Admiral, published in the last (or maybe the last but one) edition of *Ercilla* magazine. There, if I did not read it incorrectly, torture seems to be justified in extreme cases. It's a trick of understanding. It points

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We have left out the sub titles added by the newspaper that gave rise to the following note written by the author on the completion of Chapter 2 (published on December 2nd 2004): “It could be inferred from the titles and sub titles placed in the first chapter of the present series, and which are the newspaper's, not mine, that a) I am writing as an ex-member of the Rettig Commission. This is not the case and so what I say neither compromises nor interprets (as far as I know) any of my colleagues in that organization, which moreover no longer exists. And that b) I want to insinuate that the Rettig Commission was diligent than the present one. That is also not the case. The conditions of the task to be undertaken, as I explained before, were much more difficult in the second case and I am sure that those who were commissioned did the best work possible. But those conditions necessarily had to lead them —and they are not to blame for this— to the result they got”.

to one of those cases, which is both exceptional and exaggerated, in order to cover up a universe of much greater oppression. But neither the universe nor the case —imaginary or real— can escape from the principles that have been expressed.

3. During periods in the military regime, torture was practiced extensively and intensely and this deserves a condemnation without extenuating circumstances or excuses.

4. The civilians who at some moment in time and at some level both publicly supported and served in the military regime —as this columnist did as Director of *Que Pasa* magazine and later on as Minister— have a degree of responsibility for what happened. What degree? It obviously varies according to the person and to his conscience. But it is not logical for us to shake free of this responsibility and leave the men in uniform to be exposed. If we claim the great and positive works of this regime as our own, let us also charge ourselves, where fitting, with its negative aspects.

Having established these premises, I should now like to say and I intend to demonstrate that the report that I will analyze presents the following difficulties:

- A) Its probative value to generate “moral conviction”
- B) The “context” of the periods of torture that is dealt with in Chapter 3 of the document under analysis.
- C) The “institutional” culpability for the torture that there was. And
- D) The political exploitation of the Report.

Today I am only going to refer to the first point.

The National Commission on Political Imprisonment and Torture heard the testimonies of the presumed victims between November 2003 (December for the regions and for residents abroad) and May 2004, approximately 7 months in total, analyzed the accusations and presented their final report in the six months following.

During this period, of the 36,865 cases that were presented, the Commission was morally convinced that 27,255 of these had suffered detention and torture at the hands of agents of the State.

So as to consider this conviction objectively, there are several important background details to clear up:

- a) Nobody is questioning the either the amount of work put in by the Commission or the intellectual and ethical character of its members.
- b) Nevertheless they couldn't hear 35,865 cases in 7 months or complement what they heard with parallel background information and also take 35,865 decisions in the 6 months that followed the first 7.

Nobody could ask them to undertake such a not just exhausting but impossible task.

Furthermore, it appears that in Chapter 2 of the report that this was not the work of the Commission, in fact, since it held 57 sessions, a good part of which were spent in receiving visits from various organizations, experts etc. and not testimonies or background details regarding the tortures that had been carried out.

It does not seem viable, therefore, that that in its 57 sessions the Commission could have seen and decided on the 35,865 cases one by one.

It also does not say that a member of the Commission was present to hear each piece of evidence, such as was obligatory in the similar Commission presided over by Raul Rettig in 1990. At the same time, this would have been practically impossible. It would have meant, for each member of the Commission, three or four meetings daily, with an average length of an hour for each one, over a 7 months period, 54% of them being in the provinces. A very full half day's work on a daily basis and always on the go.

Even if we join together all the months of the Commission to make 13 in all, the result would still be that it would be listening to accusations and getting together the necessary background information to study and come to a decision on each one individually at the rate of 130 – 140 cases per working day, something which is clearly improbable.

What can we deduce from all this?

Simply that the Commission was limited to formulating general criteria, to ratifying, in the 35,865 cases, the decisions that were presented to it and to resolving any doubts that the presenter or a member of the Commission might have. And however few those doubts might have been, the time was still not sufficient even to do this.

c) But, in the light of what has been said, who was the “presenter” —and in fact the decision maker— of the cases or at least of the great majority?

It was the Executive Vice President of the Commission with a team of professionals contracted throughout the country. She and they received the accusations, heard the testimonies, analyzed them and finally submitted them to the Commission so that they could be “qualified”, i.e. whether the person had suffered torture or not.

The latter, the Report assures us, “ was the sole right of the Commission”.

“All the work undertaken by the Executive Vice-President’s professionals had no other object but to make that task easier”.

And so it was ... but it wasn't. It was like that as far as the Commissioners having faith in the Vice President and her team went. It was not like that in as far as the fact that MATERIALLY THEY COULD NOT ACT IN ANY OTHER WAY. They could not themselves analyze the 35,865 cases. They either trusted the pre-reports or there would be no final Report.

d) I do not reproach the Commission at all for the above. I am also not commenting, either favourably or unfavourably, about the Vice President and her professionals, since I know nothing about them. I am only confirming that it is THEIR moral conviction that holds up the report and not the moral conviction of the COMMISSIONERS, who simply placed their trust in the former.

I am not disputing their right to do this, but the probative value of one conviction or the other is not the same. The personal trust of the Commissioners is not transferable to the country or to public opinion.

What happened? Simply that the number of cases that were proposed far exceeded what was foreseen. The Commission COULD NOT comply with its own commitments in the time limit that the Constitutional Decree had fixed for it and so adopted the best alternative in order to reach it. I am not criticizing it for this, since the thousands of cases would have demanded many more personnel and a much longer period of time to be studied directly and in depth. I am not even sure that the Vice President has actually analyzed the 35,865 cases rigorously enough during the 13 months. I suspect it was and is impossible.

This therefore would be the first defect of the report as far as proof is concerned.

e) Other elements should be added:

e.1. A great majority of the cases rest on the sole testimony of the person declared the victim, and the additions to the testimony, also in the majority of the cases, are indirect.

e.2. The report indicates that "it has also not been possible to qualify the situation of torture according to its gravity". That is to say the limit between simple mistreatment and torture is too confused and subject to what the deponent asserts.

e.3. "It has not been possible to decide on the accreditation of torture through medical reports or other means of verifying injuries or scars" (the Report). I.e. there has not been any actual psychological or physical proof, only that asserted by the deponent.

e.4. "It must be taken into account that for many people the narration of the events and circumstances of their detention demanded an effort of memory undertaken thirty years after it occurred" (the Report).

e.5. I deduce from the report that the people who declared themselves as victims, or many of them, individualized the dates and the places of their suffering. It does not appear clear if, with these dates or others, one can identify the military or police responsible in the places referred to. It is also not clear whether those responsible were given the right to counter the accusations against them —as, knowing their names, it was basic and elemental justice for them to be able to do so. That was how the Rettig Commission operated.

f) The testimonies, and therefore the accusations and the data related to them, are to remain confidential for 50 years (from speech made by the President of the Republic).

This obviously impedes any critical study of the Report.

Moreover, if this confidential information includes the names of people accused of torture or those who directed or who were responsible hierarchically for places where torture was carried out, in half a century more their names will come to light...in circumstances where they will have had no judicial or extra-judicial opportunity to vindicate themselves. Moreover neither, of course, will their descendants have had, branded, in 50 years time as “families of psychopaths”. To sum up, then, neither those who today want to verify the seriousness of the evidence given to the Commission nor those who have been named as guilty in that evidence nor their families can do anything within a reasonable time frame.

On the other hand “confidentiality” seems to be flexible. According to the La Segunda of yesterday and the El Mercurio of today, the Navy has shown itself convinced of the truth in the charge that Esmeralda functioned as a torture centre. This implies that some institutions or persons can have access to the evidence presented in the Report and others no. Why ?. What are the criteria for the difference?

g) It is worth comparing the workings of the National Commission on Political Imprisonment and Torture with those of the National Commission of Truth and Reconciliation over which Raul Rettig presided.

g.1. The latter had a quantity of cases 10 times less than the former. This allowed for a more thorough investigation, the participation of the Commission in most of the declarations, and for at least two of the members to personally study each one of the cases.

I do not mean that the Commissioners of yesterday were more diligent than those of today, only that —and I repeat— the latter could not manage to fit the excess of cases in the time available.

g.2. So as to reach a conclusion the Rettig Commission had to be morally convinced of only two circumstances, both objective and relatively

simply to verify: that a person was found dead or had disappeared and that he or she had been seen for the last time in the power of agents of the State. Having substantiated such circumstances the conclusion was both natural and logical: the said person had perished at the hands of those agents.

The Commission of today, on the other hand, needed to be persuaded of very complex fact: the torture of a particular individual and the circumstances surrounding it and in 35,000 cases, not 3,500.

Its report therefore cannot approach the reliability of the Rettig one.

h) So does this mean that the document under analysis lacks probative value?. I am rather afraid that it does. However I believe that three aspects of the document are useful:

- It confirms the reality, intensity and extent of torture under the military regime. It is clear, nonetheless, that this has been evident from the Rettig Report and that today's document only expands the fact with dates and details. Many of them are horrible, the fruit of an investigation that though it was well intentioned and laborious, was also superficial and the details of which we will not know about for fifty years.
- It periodizes the ups and downs of torture between 1973 and 1990 which will permit a deeper study of its causes, a task that the Report itself does not fulfil, but others would be able to carry this out using it as a starting point.
- It proposes plausible measures for making amends and has drawn up a list of victims to be compensated. Maybe one can find this somewhat "inflated" given the superficiality of the process used, but it is preferable to compensate those who do not deserve it rather than not to do it for those who do.

II. THE "CONTEXT"*

In my opinion the most serious thing about the Final Report of the National Commission on Political Imprisonment and Torture is Chapter III entitled "Context".

This should have been the most illuminating and useful part of the Report...that which, by explaining the political and ideological climate and

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The note that appears at the end of this chapter in the original publication, relating to the sub-titles with which Chapter I appeared, is included at the foot of page 344 in this edition.

the circumstances surrounding the horrors that happened, would have helped to establish why they happened, assisting in this way in preventing a repetition of them in the future.

But this did not happen.

The chapter has been written from a certain position and with such scarcely concealed bias that it serves no purpose at all for the effect it was trying to produce. On the contrary, by adulterating the “context” —obviously through passion and not intentionally— it not only fails to provide the service it was supposed to provide but also prevents the authentic lessons that derive from such terrible events from being deduced.

It is obvious that these events would rightly cause anger but the role of the Commissioners was to prevent that this would distort the Report. They do not achieve this.

It is worth looking at a couple of examples of this nature from the “context” so that, later on, I can concentrate on the links between them and the torture carried out during the two periods that the Report considers to be the gravest: the three last months of 1973 and the beginning of the 1980’s.

I insist, at the risk of sounding fatuous, that nothing justifies torture nor “explains” it (a hypocritical euphemism that is sometimes used). But it is fundamental to discern those elements that aided its appearance and increase, looking more to the generations and years to come rather than to the past...so that the horror does not repeat itself.

1. I read: “The VOP (Vanguardia Organizada del Pueblo or the Organised Vanguard of the People), reported to SELECTIVE POLITICAL ASSASSINATION, like the extremist Right group Patria y Libertad (Land and Freedom)..”

After the triumph of the Unidad Popular in 1970 the Vanguardia did indeed have a brief career that consisted almost exclusively of selective assassinations: a policeman guarding a supermarket, a local businessman and the ex-Minister of the Interior Edmundo Perez Zujovic.

Patria y Libertad, whatever opinion we may have of them, never committed a “selective political assassination”.

How can a serious document bring up matters like this in such inexact and strange terms?

2. Chapter III asserts that the “spirit of annihilation” of a “so-called external enemy” was the “official policy of the military regime”. It is a debatable but defensible thesis. Nevertheless it has to be proved. How does the Report prove it? With a long quote of some 14 lines —the second most extensive, it seems to me, in the chapter— taken from Proclamation N° 30 of

September 17th 1973 ...and signed by the officer in charge of the Cautin Zone !.

This officer is interpreting the “official policy of the military regime” six days after the coup.

We could go on giving examples but those above are sufficient to demonstrate the barely concealed bias in Chapter III.

The three last months of 1973

The Report expands on the idea that the pro-UP armed groups the lacked numbers and arms sufficient to “threaten a professional army”.

This line has come to be the watchword of the parties on the Left who had those groups. It reached its highest point, converting itself into real campaign, last year during the commemoration of three decades of military rule and the death of Salvador Allende.

In compliance with the watchword, the numbers that the extreme Left had had in arms 30 years before began to “decrease”.

Even ex-members of the MIR began to affirm —as a Socialist senator of today, who belonged to the organization at that time, points out— that its military apparatus “was (in 1973) overestimated”. Nevertheless its newspaper *El Rebelde* (The Rebel) had called for “direct action from the masses to crush the coup attempts”.

That is an example of the shrill and bellicose calls that came from the Left during the final months of democracy.

48 hours before the military coup, the Secretary-General of the Socialist Party (the PS) was saying to his impassioned followers in the National Stadium:

“Chile will become another heroic Vietnam if traitors intend to take over the country”.

“In our judgment, comrades, any reactionary coup should be stopped by smashing the coup itself. It is not stopped by effecting a reconciliation with traitors”.

“You don’t fight a coup with dialogue (referring to the conversations between Allende and the Christian Democrats —the DC). The coup will be crushed by the force of the workers”.

16 years later, this war cry was described by the person who uttered it at such a crucial instant as “an attempt to awaken a fighting spirit in the young and the workers”. He added that he had always been a supporter of opening a dialogue with the Christian Democrats.

30 years after that incendiary speech in the National Stadium, its author now qualifies it as mere “rhetoric”.

And so the Report that I am now analyzing adopts the same line.

It calls the incendiary speeches of 1973 “bellicose rhetoric”.

It attributes all this to “the most radicalized sectors of the Right and the Left”, although there is no real comparison between the two in this respect. How can the reach, volume and influence of the “bellicose rhetoric” of the Right (limited as it was to Patria y Libertad, and, more tepidly, to the Tribune newspaper and a few radio stations) be comparable to the PS (Socialist Party) —the first party of the country— with the Secretary General at its head, the MIR, the MAPU of Oscar Guillermo Garretón, and the Christian Left, all together, plus its press (Clarín, Puro Chile), radio stations, and a governmental apparatus many of whose services (such as SAG) were only agents for revolution?

All this results in the affirmation which follows: “These theoretical proposals (an armed take-over of power) that provoked such alarm in the Armed Forces and the forces of Order never ended in the formation of armed groups capable of making up a parallel “popular army”, in conditions of being able to attempt a definite seizure of political power”.

It omits the fact that this never was the objective pursued by the “armed groups” of the extreme Left.

The objective was to support the officers and troops loyal to the Government on the supposition that the Armed Forces would be divided.

That is to say a supposition that there would be civil war. In the case of that happening, five or six thousand armed and trained paramilitaries would be very useful.

The extreme Left bet on a civil war. Especially the Socialist Party, whose intelligence apparatus, which believed it had infiltrated the Army, guaranteed it. Because of this, according to what Orlando Millas —an extremely important Communist— reveals in his memoirs, Socialism resisted the plebiscite that Allende wanted to convoke until the night of the 10th of September. As ex Secretary-General of the Party he recognized this in a thinly veiled way in 1989:

Whether the situation was well evaluated or not, I HAD (IN 1973) INFORMATION THAT LED ME TO BELIEVE THAT THE GOVERNMENT COULD BE DEFENDED. Obviously, there are no absolute guarantees in these cases: if everything required such guarantees, there would never have been revolutions. Imagine it, Fidel would have been called a madman or a criminal and so would Lenin”.

Not even such a crazy ideological speculation as the one above could suppose that the “definitive take over of political power” by force was viable without a part, either great or small, of the Armed Forces and therefore, without a serious danger of civil war.

At those decisive moments the Secretary General quoted above was a trifle confused. But a second Socialist leader, a thinker and academic, who was cold, calm and brilliant, the Chancellor of the UP, had written, ALREADY IN 1967 that the most probable manner in which the inevitable armed road of the people for coming to power would materialize —the thesis that Che Guevara made his own— was through civil war.

The MIR was also disposed to risk the same by stating in its magazine Punto Final, immediately after Colonel Roberto Soper’s “tanquetazo” (or day of the tanks):

By supporting the organizations of the masses and important sectors of the Armed Forces and the Police who are willing to allow the historical course of development for our country, we believe IT IS POSSIBLE TO TRY A NEW FORM OF GOVERNMENT, A DICTATORSHIP OF THE PEOPLE....”

Because of this the “context” of the rise to power of the Armed Forces in September was a civil war.

The Report is right in saying that it wasn’t. There wasn’t because the Armed Forces were not divided.

But in the first few weeks they were keeping an eye open for disturbances, attacks and people acting suspiciously everywhere —including inside the Armed Forces themselves— waiting for the massive reaction that had been advertised so strongly to come from whatever place and at whatever time, and for the promised armies and armaments to suddenly appear...

The Report itself follows the same track:

“During the course of being tortured....the prisoners were constantly being urged to reveal the presumed hiding place for weapons”.

“Never again torture” is a useless cry if we do not add another: “Never again the “context” for torture, the conditions that foster it, the preaching and the practice of hatred, violence, the calls for crushing the enemy, the game of all or nothing with life, honour and the possessions of one’s fellow man”.

I believe that the report fails in this. It does not project into the future the errors of the past. The case we have just looked at —the last months of 1973— seems clear enough to me, but I believe the “context” of torture/terrorism is even clearer and more serious. I shall be looking at that later.

III. MORE “CONTEXT”. TERRORISM AND TORTURE*

As we saw yesterday, the basic weakness of the Final Report of the National Commission on Political Imprisonment and Torture is its chapter on “context”.

The “context” of torture never justifies it but if it is omitted it means covering up the factors that led to it, and this stops it being prevented in the future. This is the most important point of all. We must say “never more” not in an idealistic way but a reasoned one. This can be achieved effectively so as to be a real “never more” if we take advantage of the “context” of the torture used in the past to understand the elements that stimulated it and eliminate them for the future.

One of the most transcendental of these elements is terrorism. Terrorism or extreme physical violence to impose an idea or make propaganda, invariably leads to torture.

As soon as the most developed, civilized and liberal countries of the world come face to face with terrorism, torture —like a curse— starts to appear. Some examples:

1. The Fourth Republic in France before De Gaulle. This epitome of a multi- party democracy, pluralist, egalitarian and law abiding, nevertheless fell into using torture —and a torture that made history for its mixture of cruelty and sophistication— directed against the terrorism of Algerians demanding independence.

2. Great Britain, the cradle of public liberties. I remember the lunches of Que Pasa at the beginning of the 70’s, when a then youthful Robert Moss, an English journalist and author of some fame, lectured us, with a certain amount of self importance, on something he claimed we Chileans were ignorant about: that the repression of terrorism could be achieved within a legal framework and without recourse to torture. It was, he added, the policy of his country, England, with respect to the Irish IRA. A little later on it was made public that the English habitually and extensively employed the toughest measures against that terrorist movement, measures that were in fact unlawful.

3. Post-Franco Spain, democratic and socialist and the government of Felipe Gonzalez. It was discovered that a secret police existed within the secret police itself, an organization created by the government that operated without any ethical barriers —including torture— to suppress the Basque terrorist organization ETA.

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Torture and Political Violence up to 1973

Before 1973 Chile was also not exempt from the association of terrorism/violence. Something similar to what was happening in Algeria, Ireland and the Basque country was happening here.

It is obvious that Chile was a country with democratic institutions and so what happened cannot be compared with what happened later.

But, at any rate, scarcely had political violence appeared during Frei Montalva's presidency —from 1968 onwards with various groups and groupings and later with the MIR and MAPU, isolated explosions from bombs, the first bank robberies etc.— than denunciations began, saying that the people involved in these acts, usually students, had been subject to torture.

Let us look at a single example: a student at the Universidad de Chile and a young leader of the MAPU confirmed, in July 1968, that he was detained on the same day, firstly by the Police Mobile Group and then by the Political Branch of the Police Investigation Department. After blindfolding him with sticky tape, he says, they beat him and interrogated him for 24 hours in succession. The theme was the MAPU: its structures, its strategies with regards to students and peasants, its relations with the MIR etc.

“When the interrogation finished I was stripped and had cold water thrown over me and I was then left in a cell with bare tiles on the floor for 6 hours. Before I got dressed they scrubbed me down with an odourless liquid”.

(This is a usual strategy in torture so as to wipe out all physical traces that might reveal it)

The young man related these events before the Committee for the Defence of Human Rights and for Solidarity with Political Prisoners. One of the members of the Committee was Clotario Blest, ex President of the CUT. A short time afterwards Eduardo Novoa, later the chief lawyer of the UP, joined. It is said that a young man from the Socialist Party, Ricardo Lagos Escobar, was also around, defending those who had supposedly been persecuted and tortured by Frei's government.

The denunciations continued multiplying until the government came to an end.

The assassination of General Schneider unleashed an intense and urgent investigation in which several of those implicated or suspected were victims of severe torture.

Neither was Allende's government free was of charges in this respect. In August 1972 members of the Police Investigations Department

made a raid on the district of La Hermida, searching for “criminals of the extreme Left” (*El Siglo* newspaper). The result was a confrontation between the detectives and people in the district in which one of them died and six were wounded. Others who were imprisoned at the police station in Zañartu Street complained of torture. If we believe *Punto Final*, one of them dropped his trousers in front of the Minister for Housing, Luis Matte, and Congresswoman Laura Allende and showed his bleeding and swollen testicles.

The Director of the Police Investigations Department was a Socialist and the Deputy Director a Communist.

I am not recounting these cases to justify the worse ones that followed. I am only trying to emphasize the constant link of extreme political violence, particularly terrorism, with torture that unites eras—in this case 1968, 1970 and 1972. It is the same here as in the rest of the world.

Why is there such a curious, but invariable, association between the two? There are various motives:

- The torturer, being part of the authorities interested in clearing up types of crime like terrorism, feels secure in going unpunished.
- The government pressures the police chiefs to “show results” and that pressure is transmitted to their subordinates, a hundred times over, pushing them—without having to tell them directly—towards torture.
- Police of all ranks also feel the weight of public opinion, urging them on to resolve violent or terrorist crimes, especially if there have been deaths of innocent people.

Naturally if the government under attack is a dictatorial or authoritarian one, the external controls on it—such as the press, Congress, Law Courts etc.—that might tone down the association between terrorism and torture either disappear or diminish in efficiency.

To conclude, this benefits the terrorists politically. It puts them at the same ethical level as the government, de-legitimizing it and weakening its defence, and never eradicating the violence it is trying to fight. Torture is always useless.

Terrorism and torture, the 80's

The Report on which we are commenting makes a brief, incomplete and confused account—because it is a biased one—of how the ultra terrorism of the Left appeared in Chile in the 80's. It leaves in the shadows

an explanation of how this clearly detonated a spectacular increase in torture and aborted the possibility of ending it.

In fact in 1977 the military regime “closed down” the DINA, replacing it by the CNI and its head —the unfortunately celebrated General Contreras— by General Odlanier Mena. Mena, a serious and correct man, tried to take his organization along the paths of legality and was on the way to achieving it. It was a gradual process, however, because he had to fight with the supporters of the ex-Director who were still entrenched in the system and who sabotaged his efforts to regulate it.

The renaissance of terrorism was functional to this sabotage, until it precipitated the downfall of Mena and the complete return of the CNI to the tactics of the DINA —although never to the levels reached by the latter— torture (of course) included.

Thus, strictly speaking, torture was associated with the supporters of the old Director and not the new one.

The Report does not tell us this. It says nothing about the replacement of neither Contreras nor the struggle between Mena and Contreras and the impact the re-appearance of terrorism had on it. It describes the beginning of this process in a way that could not be less objective:

“Between 1977 and 1980, the CNI could concentrate initially on intelligence work, marking an APPARENT decline in repressive activity compared to the preceding period. This did not mean the end but a DECREASE in arbitrary and illegal detention and torture in secret places”.

If there was a DECREASE...then why is it labelled APPARENT?

The Report also fails to point out that neo-terrorism now assumed its most extreme and harmful form: a) through selective assassination and b) through terror bombing that could kill anyone and in fact did... no matter who since the objective was to terrify everyone. Thinking about their strategy, both procedures had to provoke anarchy and chaos. In short the fall of Government.

Let us try and summarise the development of the process.

It was the MIR and the Communist Party who were intending to fulfil these plans, through strategies like “Operation Return” where exiles returned to the country secretly having been trained in Algeria, Libya, Cuba etc.

(In order to observe more closely these two main forms of neo-terrorism, I want to leave to one side others that only looked for money, even though they were very bloody. For example on the last day of 1980, the MIR simultaneously assaulted three neighbouring banks in Nuñoa, killing two policemen and gravely injuring two others and a private security guard).

The MIR speeded up the pace with a series of attacks in Santiago from the last months of 1979 to December 1980. A policeman who was guarding the “Flame of Liberty” (which was then to be found on Cerro Santa Lucia) was assassinated. A possible agent of the CNI died after being shot by two extremists at his home, while he was eating with his wife and two children. A second man, a confirmed CNI agent, was shot down at the door of his house by four terrorists. The same happened to a police woman, who was left badly wounded. Three detectives on night duty at the house of the Minister and Presidential Head of Staff perished within their vehicle: they were gunned down from a pick up that was passing by. Etc.

Bombs that were set off at random so as to kill or maim anyone around, were more horrible and terrifying than the above. A child who picked one up at an open market was wounded by one and another child by a bomb thrown onto the patio of his house that exploded in his face. Three children from Conchali found a packet on the ground from which a pen poked out: out of curiosity they pulled it. The packet exploded. One of the children died and the others were seriously wounded. And so it went on.

But the most momentous event was the assassination of the Director of the School of Military Intelligence, Lieutenant-Colone Robert Vergara, on July 18th 1980. He was killed by bursts of machine gun fire from a pick up, when he was directing work on his car: his driver, a Sergeant, was gravely wounded.

The crime immediately put pressure on the CNI and the Investigations Branch to “show results”.

Worst of all a campaign was orchestrated against Odlanier Mena —“this wouldn’t have happened under the DINA”— whose origin was unknown.

Mena fell in less than a week and was replaced by General Gordon and the attempt to bring the CNI within the confines of the law collapsed.

And the Communist Party?

It had been more patient and prudent, its “returnees” being almost at the same level as the MIR, but keeping them inactive and clandestine until they had acclimatized and consolidated their new and false identities. And then a propitious time arrived for them to act.

It came with the “protests” of 1983 and later. Through its armed branch, the Manuel Rodriguez Patriotic Front (the FPMR), the Party threw itself into neo-terrorism with a brutal impetus, including the use of bombs. But its key method was to make the protests systematic pitched nocturnal battles in the slums, with dead and wounded, looting and vandalism. To

achieve their ends the FPMR created cannon fodder who were young and dispensable, who had not been trained militarily, and who sacrificed themselves: the “Rodríguez Militia”.

Little by little the FPMR displaced the MIR. The latter was definitively annihilated in 1983, with the repressive extermination that the CNI carried out after the assassination of the Intendant of Santiago, General Carol Urzua, and two of his bodyguards. It was a “selective” crime and one to be used for propaganda, typical of the neo-terrorism of the 80’s, but Urzua had nothing to do with the abuses against human rights that were being perpetrated by the regime.

We would need an entire book to describe the excesses committed by the neo-terrorists of the Communists and the FPMR until their last disaster: the massive internment of arms at Carrizal Bajo and the failed attempt on Pinochet, five of whose bodyguards were killed (1986). But it is important to record that democratic opponents of the regime and even some Communists criticized the leadership of the Communist Party regarding the terrorism of the FPMR:

- Maria Maluenda reproached Luis Corvalan, Volodia Teitelboim and Gladys Marin for (as she said) the Frankenstein you are creating with this violence”.
- Enrique Silva Cimma debated with Volodia Teitelboim about the bombings. The latter defended them, as long as they caused no casualties (how could he guarantee that?). He put forward as an example a daring bomb attempt in front of the Diego Portales building and its propaganda value. The Radical politician replied “That bomb increased repression in the slums”.

All this is history that is both well known and documented. But it only figures tangentially and indistinctly in the Report that we analyzing. It should have been a fundamental part of the same, not —and I repeat— so as to excuse torture but to show its relationship with terrorism....how both promote and exacerbate each other and how neither nor the other can achieve their ends. A great lesson, of value to both present and future generations, that the Report omits, perhaps because of its Leftist bias or perhaps because the superior manipulation of the neo-terrorists made them out to be people who did not want to cause trouble but, on the contrary, people to be admired and models to follow.

INSTITUTIONAL RESPONSIBILITIES*

The danger of utilizing historical events in a political dispute, like in fiction, be it a novel or a play for the theatre, is that it is almost invariably a victim of truth.

It has been said, for example, that during the dictatorship of Ibañez the Supreme Court maintained a more independent attitude than during the military regime.

Let us see. Not without reason, Ibañez wanted to “purge” the Judiciary of bad judges and thought the Supreme Court would constitute an obstacle to carrying this out. In the Court itself there were both pro-Government and anti-Government elements. But the balance inclined in favour of the latter with the President Javier Angel Figueroa whose vote counted double. When the decisive moment arrived for the voting, Ibañez had Figueroa arrested at his house, thereby preventing him from attending. The supporters of the Government won, the President of the Court and his followers resigned and they were replaced in the way you would imagine. From then on the Head of State could count on a totally docile Supreme Court.

So docile that, since today we are talking about protection of the law, the Judiciary of those days rejected, without exception, anything that was presented from exile by those who were deported in that era with the following argument (and I have copied an authentic sentence here):

“Since it appears from what has been stated in the present example of Habeas Corpus that the appellant (one who was deported to Mendoza) is not actually detained, but absent from the country, given the nature of the appeal we cannot proceed. File it.” The Supreme Court ratified the judicial finding in a similar way. And this was not rare, since its new President had “squealed” about it to the Government.

Do you now see how difficult it is to use historical events as arguments of contingent policy?

Something similar is happening with the “institutional responsibilities” of the Armed Forces and the forces of Law and Order or their branches as far as abuses against human rights during the military regime are concerned. There are, I believe, errors of fact and errors of concept here.

Let us start with the errors of fact:

1. In Chile we can talk about a military regime in the sense that it was imposed and maintained by the Armed Forces and the Police from its beginning to its end.

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But we cannot talk of a military regime in the sense that those of high rank (generals or admirals) as a body never governed us, which is what happened in those same years in Argentina, for example. Those who governed us were exclusively the four Commanders in Chiefs, by reason of their age and experience, but also because of the very real principal of the verticality of command. The senior officers in important political and administrative posts held them because the supreme head of their respective branch of the Armed Forces “authorized” them expressly to do so and immediately that authorization ceased so would their position.

I cannot name a single one who enjoyed “personal power”, established through their influence in their particular institution and who, BECAUSE OF THAT, had their own voice in the task of governing and administering, looking at things from a global perspective. Examples of the above abound but there is one overwhelming one: that of General Leigh head of the FACH (the Chilean Air Force) and seventeen of the nineteen Generals of that organization. They had the same idea of what the government and the administration of Chile should be and shouldn't. In 24 hours the Commander in Chief was changed, the new one placed himself in agreement with the rest of his peers and Leigh and his seventeen followers were out on the streetand nothing happened.

How can people say therefore that the government and administration of the Armed Forces and the Police during the military regime was “institutional”?

2. The case is more complicated as regards the intelligence services of the various branches of the Armed Forces.

All of them, at some stage and at some level, participated in abuses relating to human rights.

But in what way were the services of the respective branches “institutional”?

Most of the time, because of their direct dependence on their respective Commander in Chiefs, and because of the secrecy of service itself, they found themselves on the margin of the hierarchical chain of command of the institution.

If, for example, Colonel X was the head of the Intelligence Service of the FACH and General Y second in command of the Air Force, and he asked anything particular about the work the former was doing, the Colonel would reply: “At your orders, my General, but unfortunately what you wish to know is secret and I cannot tell you anything. Please ask the Commander in Chief”.

Three services, whose reputations are quite justly the most smeared, are also the most difficult as far as relations with determined institutions are concerned.

a) The DINA, as well as its successor the CNI, formed no part of any institution and depended directly on the President of the Republic.

It can be argued that officers from all the branches “fed” them but:

a.1 This does not imply, except for use as an example, that the professional leadership in whatever branch knew what was happening in the DINA/CNI and, even less so, could remedy it.

Nevertheless, would they not hear rumours that would merit an investigation? Certainly but:

a. 1.1 They had no means of doing so

a. 1.2 The accusations regarding such rumours during meetings of generals and, in other ways, have been amply documented

a.1.3 Through those same documents we know that in the meetings referred to many of the generals present complained that, notwithstanding the superiority of rank that they had over him, the head of the DINA systematically denied them information and referred them to the Commander in Chief.

a.2. Very soon both the FACH and the Navy removed their officers from the DINA. The police did the same thing, albeit more slowly and discreetly, in such a way that the only officers who remained within the organization were those from the Army. These depended uniquely on the head of their service and this happened to be —like a double entry— both their Commander in Chief and the President of the Republic. Thus the loop between institution /Army, under its maximum chief, and the DINA/CNI was closed.

b) The relations of the Combined Leadership with the FACH was via the Commander in Chief, although not completely because it included officers from other branches. It was not tied to the institution.

c) The DICOMCAR of the Police is the clearest case of what we are talking about. It was practically secret within the institution itself, not only removed from the normal change of command but its existence was also not known....except to the Director, General Cesar Mendoza.

Everything points to the fact that Mendoza knew of the existence of DICOMCAR but not to what it was doing.

In summary then, it is certain that the Commanders in Chief of the time were associated with the events that happened, either through negligence or through direct blame....but the institutions? That does not seem to be clear.

Touching briefly (owing to the shortness of time) on the possible ethical or moral responsibility of the Armed Forces and the Police for the abuses against human rights committed by their members or ex-members, what can we say?:

The institutions are a judicial fiction. The Army, Navy, the FACH and the Police of today are not those of 20 or 30 years ago. They have no responsibility whatsoever for what happened or did not happen at that time. As existing bodies they do not have to apologise or plead forgiveness from anyone.

Every institution that goes back a long way has had moments of weakness and abuse against human rights. There were certainly or probably abuses of the Army during the Civil War (the murders at Lo Cañas) and during the War of the Pacific (after Chorrillos and Miraflores), of the Navy in the bombardment of Mollendo and of the Police in the murders of the Seguro Obrero etc.

The same has happened with other non uniformed institutions in their past. Masonry was obsequious to the military regime. The Banco de Chile and the Banco de Santiago went through stages of dubious legality in the 80's. The Socialist Party during the 60's and the 70's, officially defended the armed conquest of power and, if it were necessary for the revolution, would have refused to recognize an adverse result in the polls. The MIR favoured a popular military dictatorship in 1973 and in the 80's practiced selective terrorism and terrorism against innocents, as did the Communist Party.

What have the Banco de Santander-Santiago, Banco de Chile, Masonry, the Socialist and Communist Parties, the MIR have to do with their respective errors and the horrors of yesterday ?. The answer is nothing. But what they do have to do is:

- Recognise and condemn what happened, but justly so as not to give it an institutional character.
- Remove those responsible (with a little indulgence as to the Socialist and Communist Parties and the MIR... they could become leaderless if the measure was applied strictly)
- Take the necessary internal steps so that it will never be repeated

The rest is politics on a daily basis. Entertaining but insignificant. □