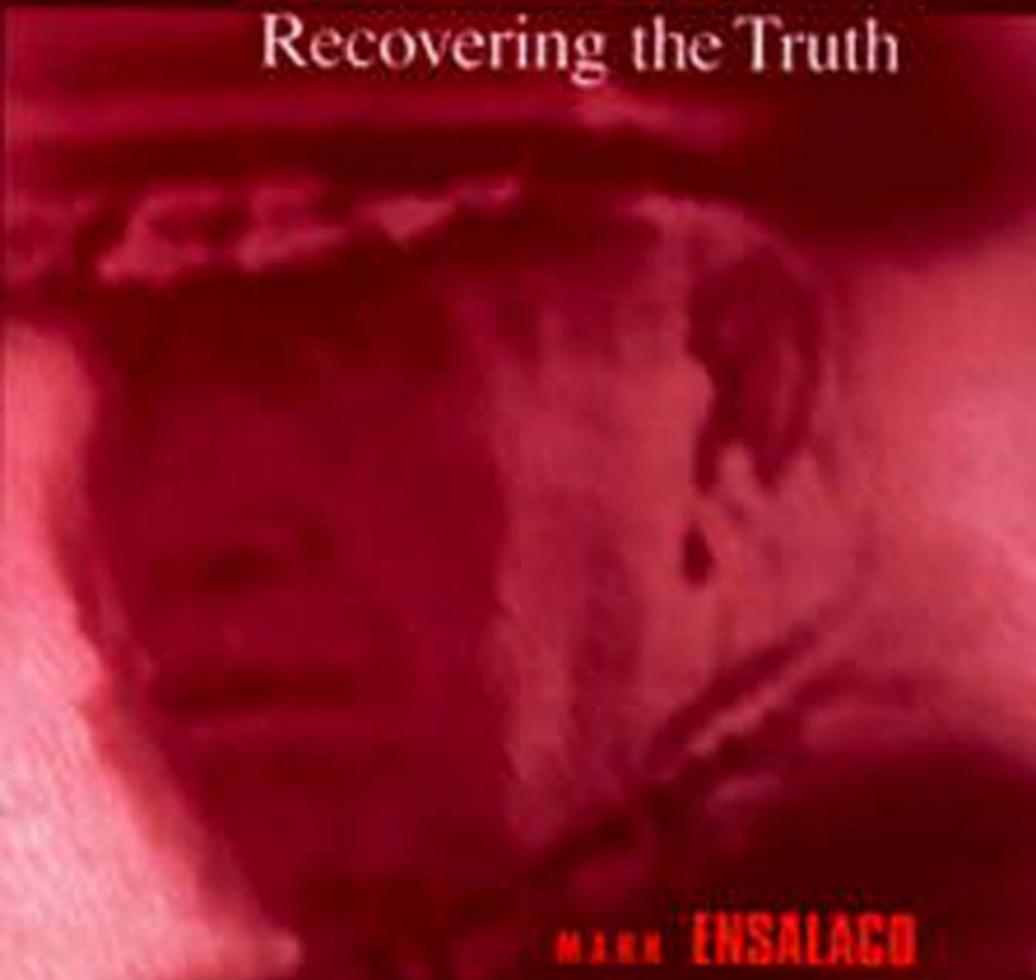


CHILE UNDER PINOCHET

Recovering the Truth



MARK ENSALACO

Chile Under Pinochet

Pennsylvania Studies in Human Rights

Bert B. Lockwood, Jr., Series Editor

A complete list of books in the series
is available from the publisher.

Chile Under Pinochet

Recovering the Truth

Mark Ensalaco

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To
Salvatore ("Chic") and Ruth,
my parents, who possessed that
quality of mercy
which is the leitmotiv of this book

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Contents

Preface	ix
1. The Victors and the Vanquished	1
2. An Invented War	22
3. The New Order	47
4. A War of Extermination	69
5. The Court of World Opinion	98
6. A War of Resistance	125
7. The Peaceful Way to Democracy	156
8. Recovering the Truth	181
9. The Politics of Human Rights	212
Notes	239
Bibliography	261
Index	269
Acknowledgments	279

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Preface

In August 1991, just weeks before the eighteenth anniversary of the coup d'état that brought General Augusto Pinochet to power, the Vicariate of Solidarity announced the gruesome discovery of more than one hundred bodies in Santiago's General Cemetery. The bodies had been interred secretly between September and December 1973. In a few cases, two bodies were placed in a single coffin. After years of heartbreaking and meticulous work, the women and men of the Roman Catholic Church's human rights office finally had found some of the first of the more than two thousand Chileans "disappeared" by the Pinochet regime. General Pinochet had relinquished the presidency in 1990 after seventeen years as Chile's dictator, but was still commander of Chile's armed forces. After the discovery, Pinochet's nominal commander-in-chief, transitional President Patricio Aylwin, summoned the general to the Moneda palace to express his outrage. President Aylwin could do nothing more than this. Pinochet enjoyed complete impunity for crimes that he may have ordered or that were committed by the men he commanded. President Aylwin could not even force the former dictator into retirement. As a dour Pinochet emerged from the Moneda, a young television reporter suddenly thrust a microphone at him, and asked him to comment on the appalling fact that some caskets contained two bodies. Pinochet quipped coldly, "How very economical!" That cruel and cynical remark is the origin of this book.

I was in Chile as Visiting Professor at the Law School of the University of Concepción at the time, where I was conducting research on the reform of Pinochet's 1980 constitution, especially insofar as it involved the scheme of civil-military relations within the larger context of Chile's democratic transition. I had arrived in the country on the first of several visits over the following five years just after the publication of the Report of the National Commission on Truth and Reconciliation. Patricio Aylwin had created this presidential "truth commission" in 1990 as one of his first official acts, to provide an accounting of the human rights violations committed by the

Pinochet regime. The National Commission on Truth and Reconciliation produced its multi-volume report only months before Pinochet made his cruel, extemporaneous remark. I immediately realized that no study of Chile's negotiated return to democratic rule would be complete without an examination of the controversial and potentially disruptive matter of human rights. Then I had a second realization: that there was no comprehensive account of the human rights violations of the Pinochet dictatorship available in English to students or scholars. So I set out to write a political history of the repression and the official efforts to recover the truth about it.

I wrote the book with the conviction that students of Chilean history, Latin American politics, political violence, and human rights would benefit from a book about a tragic phase in the history of this important Latin American nation. There are many excellent books about the coup d'état that brought down Salvador Allende's socialist government, Pinochet's emergence as first among equals on the military junta, the neoliberal economic model implemented by the military government, the negotiated transition to democracy, and specific acts of repression, like the assassination of Orlando Letelier in Washington in 1976. But there was no complete history of the period that elucidated the repression. Students and scholars can pore over the English translation of the Report of the National Commission on Truth and Reconciliation, or the dozens of damning reports of the United Nations, the Organization of American States, Amnesty International, Americas Watch, and other human rights organizations. But these are not narrative accounts, nor do they explicate the human rights violations in terms of the politics of an authoritarian regime. General Pinochet's cruel remark convinced me of the need for a readable, complete, and narrative account of the human rights catastrophe that occurred in Chile.

This book is specifically about Chile under Pinochet, but it is intended as well as a case study of a repressive regime for students of authoritarianism and state terrorism. The Pinochet dictatorship was remarkable. During Pinochet's seventeen-year rule, the Chilean state was militarized, the judicial system was marginalized, power was vested in Pinochet as both armed forces commander-in-chief and chief of state, the secret police acted above and outside the law, and the most fundamental rights of thousands of Chileans were systematically violated. Political scientists were not sure how to characterize the regime. During the 1970s and early 1980s, experts in Latin American politics and comparative politics debated whether Chile under Pinochet was ruled by a Bureaucratic Authoritarian (BA) regime. The Pinochet regime differed from the BA regimes in Argentina, Brazil, and Uruguay, because Pinochet had emerged as the sole dictator. In the other countries of the Southern Cone, the military ruled as an institution and the presidency rotated among senior officers and between the different branches of the armed forces. The Pinochet regime, if not entirely different, was at best a

hybrid personalistic dictatorship and BA regime. These were not merely academic debates. Political scientists were attempting to define the nature of the beast, to use an especially apt phrase, and to probe tensions in BA regimes in order to help prevent their consolidation and hasten their demise.

The Pinochet regime was a variant of a BA regime. Its distinctive features were discernible. But in an important sense the Pinochet regime had a generic quality. Like all authoritarian regimes, whether of the left or the right, the Pinochet regime was inherently repressive. The theoretical studies of the military dictatorships of the Southern Cone gave us an excellent understanding of the nature and internal dynamics of Bureaucratic Authoritarian regimes, but they rarely explained state terrorism as a function of politics or studied repression as a subject specifically deserving of attention. The documentation of repression was left to the human rights organizations, whose reports were often cited but seldom incorporated into political or historical analyses.

Repression was policy in Chile under Pinochet, just as it is policy in any authoritarian regime. General Pinochet's military government set out to transform Chile as a matter of policy. The extirpation of Marxism was a prerequisite of that transformation: indeed, on the night of the coup a member of the military junta announced the mission to extirpate Marxism from the Chilean body politic. Repression was a matter of state, and it was conducted relentlessly and ruthlessly. That is deserving of examination. This book is a case study of repression in an authoritarian regime: how the state was organized to repress, how the repression was carried out, who directed it, who suffered from it.

The book is also about the human rights movement that emerged in Chile in reaction to the repression. The human rights movement began to emerge almost immediately after the September 1973 coup d'état, and new organizations appeared at every critical phase in the evolution of the dictatorship. The movement was diverse and courageous. In many ways, the Chilean human rights movement was the most dynamic in Latin America. Again, there are several excellent books about the work of specific human rights organizations, especially the renowned Vicariate of Solidarity. But I recognized the need for a book that recounted how human rights organizations struggled to counteract the repression and ultimately to induce the return of democracy.

The struggle for human rights is essentially political. Human rights activism, which someone once described as the "mobilization of shame," is intended to influence the political calculations of policy-makers. State terrorism was policy in Chile. The human rights movement sought to change that policy by forcing those who made it to recalculate costs and benefits. But because politics is ultimately about power, the human rights movement was at a tremendous disadvantage. The disparity of political power between

those bent on killing their enemies with no regard for world opinion and those concerned with protecting human rights with no fear of the personal or professional consequences was vast.

Finally, the book is about the importance of truth, justice, the rule of law, and human rights in democratic transitions. The politics of human rights is an integral part of the politics of democratic transition. The book is specifically about the policy of accountability of the government of Patricio Aylwin, but it is also intended to serve as a case study of the moral, political, and legal dilemmas of a transitional government vis-à-vis the guardians of the old order and the families of their victims. President Aylwin had very few precedents to guide him and formidable challenges to confront. His policy, summed up in the phrase “the whole truth and justice to the extent possible,” has been the subject of considerable debate in the human rights community. Some of its most vocal advocates have gone on to advise truth and reconciliation commissions in countries as different as El Salvador and South Africa. Others were left disappointed and angry at the apparent timidity of the policy. The subtitle of the book, *Recovering the Truth*, emphasizes the importance of recovering the truth as a measure of partial justice, regardless of whether the full measure of justice is possible.

The human rights policy of transitional governments has not been a major focus of the political science literature on democratic transitions. But if democracy is defined in terms of the rule of law as well as free and fair elections, democratic governments must make a good faith effort to do justice by the victims of a previous authoritarian regime in order to complete the transition to democracy. This book relates the efforts of one democratic government to balance the moral imperatives to do justice against the harsh political realities that constrained its actions. Reconciling the virtue of justice and the virtue of prudence was how President Aylwin expressed the dilemma.

The book is based primarily on an examination of the documentary record, although the later chapters contain interview material. I have treated the documents themselves as artifacts whose production is part of the story I narrate. The Report of the National Commission on Truth and Reconciliation is the most dramatic example of this. Also important are the carefully documented contemporaneous reports of the International Commission of Jurists, Amnesty International, Americas Watch, the Inter-American Human Rights Commission, and the United Nations Human Rights Commission. The publication of these reports was made possible by the Chilean human rights organizations, the Committee for Peace, the Vicariate of Solidarity, the Foundation for Social Assistance of the Christian Churches, the Chilean Human Rights Commission, the Commission on the Defense of the Rights of the People, and others. Testimony in U.S. congressional hearings likewise forms part of the documentary record.

Internal communications and public communiqués of the Movement of

the Revolutionary Left, produced at a moment when the secret police was disappearing its leaders, give a fascinating depiction of an organization on the brink of destruction. The official responses of the armed forces and police and the Chilean Supreme Court of Justice to the Report of the National Commission on Truth and Reconciliation reveal that two of Chile's most important institutions adamantly refused to acknowledge the truth that President Aylwin had hoped would facilitate national reconciliation. Finally, Augusto Pinochet's memoir, *Camino recorrido*, contains the general's own recollections. Although they do not reveal secrets that could prove culpability, they reveal a view of the world, a perception of enemies, and a disdain for the international community that are well worth the space given to the ghostwritten memoir. To be fair to general Pinochet, I thought it right that he should speak for himself. Notably, his own words often proved the point of his critics.

Chapter 1, "The Victors and the Vanquished," introduces readers to the most important actors in the process of ideological polarization that culminated in the coup d'état in 1973. For students of Latin American politics, it is an introduction to the often bewildering array of political parties, especially the parties of the left. After the military overthrew socialist president Salvador Allende, these actors became either the victors or the vanquished. The following chapters chronicle the assault of the armed forces and secret police on the vanquished parties of Chile's once dynamic left.

Chapter 2, "An Invented War," describes the violence in the first months of the military regime. This was the most violent period of the seventeen-year dictatorship, if the violence is measured in terms of the number of those swept up by the armed forces, interrogated in places like the National Stadium, tortured, and killed. The chapter depicts the armed forces waging an invented war and violating the "laws and customs of war" in the process.

Chapter 3, "The New Order," describes the salient features of the Pinochet regime: the militarization of the state, the marginalization of the judicial system, the fusion of the powers of commander-in-chief and chief executive, and the ascendancy of Pinochet's secret state police, the Directorate for National Intelligence, or DINA. It also profiles the founder and director of the DINA, whose inordinate power was due to Pinochet's unwavering support, a fact that allows for the imputation of the dictator's personal culpability. Finally, the chapter reviews the genesis of the human rights organizations and describes the human rights activism and humanitarian action in which they engaged. Chile's dynamic human rights movement, which emerged in reaction to the atrocities committed by the military and secret police, constituted the very antithesis of the Pinochet regime.

Chapter 4, "A War of Extermination," chronicles the second phase of the repression, the destructive campaign to extirpate the parties of the left. The DINA and the air force's Joint Command perfected the terrible and terrifying practice of "disappearance," introduced in modern times by the Nazis.

In successive waves, these agencies “disappeared” the cadre of the Movement of the Revolutionary Left, then the Socialists, then the Communists. The chapter examines the sequence of events that are a “disappearance,” and the awful legacy of thousands of “disappeared.”

Chapter 5, “The Court of World Opinion,” examines the synergy between international human rights organizations and the human rights organizations that emerged in Chile. It describes the negotiations that led up to the fact-finding missions of the International Commission of Jurists, Amnesty International, and the Inter-American Human Rights Commission, and summarizes their reports and findings. The chapter also narrates an episode that took place while the Organization of American States General Assembly was meeting in Santiago, when a group of courageous Chilean attorneys denounced the “new primitivism” into which their country was descending and forced the Chilean legal profession to examine its conscience.

Chapter 6, “A War of Resistance,” describes the consolidation of Pinochet’s hold on power and his imposition of a new constitution to legitimate his rule. It also describes the next phase of the political violence, characterized by the violent suppression of street protests by the police and a campaign of bombings and assassinations launched by the armed left. The chapter recounts two of the most horrific crimes of the dictatorship, the throat-slashing of three communists and the immolation of two young protesters, as well as the failed attempt to assassinate General Pinochet. The street protests and the violence of the armed left, as forms of resistance, had a negligible effect on Pinochet. But their failure to produce an immediate transition altered the strategy of the opposition.

Chapter 7, “The Peaceful Way to Democracy,” analyzes the efforts of the United States, the United Nations, and the domestic opposition to influence the internal political dynamics of Chile and the relative ineffectiveness of diplomatic pressures to affect the course of events. It also chronicles the inception of the process of the democratic transition, a process that acquired momentum only after the moderate opposition decided to adhere to the dictator’s rules. The moderate opposition, led by the Christian Democrats, managed to defeat Pinochet in a plebiscite on his continued rule in 1988, but the decision to abide by Pinochet’s terms resulted in a negotiated transition with important consequences for justice afterward.

Chapter 8, “Recovering the Truth,” examines the mandate, work, and findings of the National Commission on Truth and Reconciliation, the presidential “truth commission” created by President Patricio Aylwin as one of his first official acts. The chapter explores the moral, political, and legal dilemmas facing Aylwin, who as a transitional head of state had to address the grim legacy of the human rights violations of the past without imperiling the democratic transition. Justice was not possible in Chile, if by justice was meant prosecution, for both legal and political reasons. President Aylwin

settled on a policy of accountability expressed in a memorable phrase: “the whole truth and justice to the extent possible.”

Chapter 9, “The Politics of Human Rights,” presents the reactions to the truth commission report of the Chilean armed forces and Carabineros, the Supreme Court of Justice, and the families of the “disappeared.” The armed forces and Supreme Court of Justice categorically rejected the findings, conclusions, and recommendations of the National Commission on Truth and Reconciliation, a fact with disturbing implications for democracy. The families of the victims lamented the inability of the National Commission on Truth and Reconciliation to breach the wall of impunity and recover the whole truth. The chapter goes on to describe the ineffectual efforts to discover the fate and whereabouts of the “disappeared,” once the mandate of the Truth and Reconciliation Commission ran out. The chapter, and the book, conclude with the episode surrounding Manuel Contreras’s incarceration for his guilt in the Letelier/Moffitt murders in Washington, and some remarks about the extent of “possible justice.”

In my own judgment, the “disappearances” define the political legacy of the Pinochet regime, and the inability of the democratic government to compel the armed forces to disclose information about the “disappeared” marked the imperfect democratic transition. The failure to prosecute the guilty because of debilitating political and legal constraints has disturbing implications in terms of the rule of law, and the anguish of the families of the “disappeared” constitutes a perpetual injustice. General Pinochet, having ceded the presidency to Patricio Aylwin, held the nascent democracy hostage in order to preserve the military’s — and his own — impunity. President Aylwin, in order to safeguard the democracy and promote national reconciliation, balanced political judgments against moral instincts. The families of the victims, especially the families of the “disappeared,” were left in the breach. This was the state of affairs in Chile in 1995 at the end of Patricio Aylwin’s abbreviated term in office as transitional president. This book is about the political forces and historical processes that produced that situation beginning on September 11, 1973.

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a testimony that might one day call attention to the terrible secret she was living through, so that the world would know about this horror that was taking place parallel to the peaceful existence of those who did not want to know, who could afford the illusion of a normal life, and of those who could deny that they were on a raft adrift in a sea of sorrow, ignoring, despite all evidence, that only blocks away from their happy world there were others, these others who live or die on the dark side.

— Isabel Allende, *The House of the Spirits*

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Chapter 1

The Victors and the Vanquished

We come here to pray for the future of Chile. We ask the Lord that there be neither victors nor vanquished among us.

— Cardinal Raúl Silva Henríquez

September 11, 1973

President Salvador Allende began to receive disturbing reports of troop movements in and around Santiago late on the night of September 10. His advisors placed calls to senior military officers for explanations, but their answers were evasive or deceptive. Chile was plunged in the midst of a profound political crisis, and the breakdown of its vaunted democracy seemed inevitable and imminent.¹ These rumors could be the first reports of an impending coup d'état.

But the main elements of the Chilean navy had left the port of Valparaíso on the evening of September 10 to rendezvous with a U.S. task force for maneuvers, leading Allende to believe that the threat of a coup had departed temporarily with the fleet. Nonetheless, the embattled president told confidants that he would announce a date for a national plebiscite at noon the next day. He gave a very different speech instead. Once out to sea, naval officers opened secret orders instructing them to return to port, isolate Valparaíso, and set in motion a previously drawn up national security plan. The military was indeed mounting a coup to depose Salvador Allende's Popular Unity government.

Allende's presidency, now in its third year, had been tense and conflictive from the onset. But over the past year attitudes had hardened and events had spun out of control. In October 1972 the independent truckers' association went on strike to forestall a possible takeover of the transportation industry by the socialist president. The *paro* paralyzed an already ailing economy and led to confrontations between government opponents and supporters. The independent truckers ended the action only when Allende invited the senior military commanders into his cabinet, initiating a process