

Chile's "Caravan of Death" creates problems for ruling elite

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Former dictator General Augusto Pinochet's arrest at the behest of the Spanish magistrates has posed considerable problems for Chilean ruling circles. Since January 1998, 34 criminal lawsuits have been filed against the officers of the former dictatorship that seized power in 1973. The most prominent case, known as the "Caravan of Death," concerns a notorious Army squad that roamed the country in the wake of the coup.

Judge Juan Guzman Tapia, who has led the investigations over the last 20 months, has sought to pinpoint the responsibility of at least 10 high ranking Army officers who ordered the executions and secret burial of more than 70 political prisoners in a dozen or more different locations. Under his supervision common graves were exhumed and more than 50 bodies were identified. He interrogated the officers who had participated in or witnessed the executions, and received testimonies of the families of the "disappeared".

During the initial stage of the investigations, Guzman established that the first four murders were carried out on October 4, 1973 in Cauquenes, a regional city south of Santiago. The death squadron then killed another 68 prisoners in the northern provinces of Chile in mid-October 1973—15 in La Serena, 13 in Copiapo, 14 in Antofagasta and 26 in Calama.

Guzman's initial investigations ended in June when he could not locate the bodies of 19 people who went missing in Cauquenes, Copiapo and Calama. He rejected the death certificates presented by the defence and on June 8 ordered the detention of five Army officers, holding them accountable for the 19 missing bodies. Among the five was retired General Sergio Arellano Stark. Pinochet had personally selected Stark to head the death squad.

Guzman charged the officers with aggravated kidnap, arguing that they still had the 19 political prisoners captive. This "perpetual kidnapping" ruling sidestepped the Pinochet-era Amnesty Law—which protected the military from prosecution for its crimes committed during the first five years of the dictatorship.

Over the proceeding 10 years the military had relied on the civilian government and the courts to use the Amnesty Law to close down any cases against them. The new legal technicality could undermine this practice. It may allow hundreds of other

cases, previously closed or suspended, to be reopened.

Hugo Gutierrez, the lawyer representing the Association of the Relatives of the Detained/Disappeared (AFDD) said: "It was decided that the Amnesty Law should be the last step in a case. I think the most important precedent the court has set is that cases should be investigated, prosecuted and charged and then when the decision is to be made, look to see if the Amnesty Law applies."

Later in August, after the Supreme Court upheld Guzman's ruling, four Socialist Party youth killed by Stark's squadron in Cauquenes were identified. Four of the detained officers were found guilty of shooting the youth in the face. This contradicted Army reports, which alleged that the prisoners were shot in the back "while trying to escape"—a claim used to legitimise many murders.

Many of the prisoners killed by General Stark's squadron were members of the Socialist Party (SP). This became evident only after the party's president Ricardo Nunez filed the 27th lawsuit, 17 months after the Communist Party filed the first suit. Nunez admitted that 41 of the victims had been associated with his party. He justified the delay by saying it was "never too late to present antecedents so we can know the truth".

Besides showing contempt for his own members who perished under the dictatorship, the delay illustrates the profound crisis that has gripped the SP since Pinochet's arrest.

Following the 1973 coup, the SP initially defended the limited and short-lived welfare policies of Allende's deposed SP-led coalition government and presented itself as an opponent of the dictatorship's harsh economic policies. With the prospect of entering a coalition government in the 1980s, this opposition evaporated. Pinochet's 1980 constitution prescribed a return to a "protected democracy" by 1989. A fundamental precondition, accepted by the Concertacion Alliance (that included Socialist, Christian Democratic and Radical parties), was that the incoming civilian government could not change the economic and political framework erected by the dictatorship. Among other things, this meant retaining the Amnesty Law and blocking any discussion on the coup.

Today, the SP has been in office for most of the 1990s. In the eyes of ordinary people it has been discredited by an ongoing economic crisis and record unemployment levels. In addition,

Spain's extradition moves have made it more difficult for the SP to uphold the amnesty pact.

In the wake of Pinochet's detention the most vociferous and uncompromising guardian of his rights was Socialist minister Jose Miguel Insulza. He played a central part in formulating the government line: protecting Pinochet's "diplomatic immunity" and denying the jurisdiction of Spanish Courts.

While condemning the minister's blatant defence of Pinochet, the rest of the SP leadership advanced no different perspective. The SP senators—Ricardo Nunez, Jose Antonio Viera-Gallo and Carlos Ominami— as well as Supreme Court lawyer, Pamela Pereira, joined the ministers in endorsing an extra-judicial accord aimed at halting cases against the military.

This accord followed the collapse of the Senate Human Rights Committee (CSDH) established by right-wing appointed senators closely linked to the military. The CSDH sought to reach an agreement by which the military would provide information on the whereabouts of an estimated 2,300 "disappeared" political prisoners in return for a blanket amnesty and the protection of informants' identities.

From the outset, such a formula was doomed. No one in the SP could publicly support it. To do so would have been political suicide for the SP.

Hoping to advance the same end in a less obvious manner, the SP has promoted an accord originally devised by Defence Minister Edmundo Perez Yoma, a Christian Democrat intimate with the military. He proposed a "roundtable for dialogue" after secret discussions with the Commander in Chief of the Navy, Admiral Jorge Arancibia, and the other military chiefs.

Yoma's SP colleague Insulza said the roundtable discussions would bring together various "parties to talk over this problem (finding the missing bodies of the "disappeared" political prisoners), which is an open wound in the country". Representatives of the military, religious groups, human rights organisations and their lawyers and several politicians were invited.

Media sources, however, revealed the military's real concerns. Generals hinted that they would assist in finding the missing bodies if the judicial investigations were put to rest. Yet the military chiefs have consistently maintained they have no information on the whereabouts of the bodies.

Insulza insisted that discussions with the military proceed, nevertheless: "The current command of the Armed forces may have no knowledge of the details of what occurred to the detained/disappeared 25 years ago... (But) to argue whether they know at this moment or don't know at this moment is not the central question. The central question is to know if they are willing to collaborate in the effort to investigate. The best conditions exist today for everyone to collaborate—because it suits everyone."

While most politicians, the church, military circles and some human rights lawyers—like Pereira—have participated in the ongoing discussions with the military, AFDD and the

Association of the Executed Political Prisoners (AFEP) have opposed them.

The Communist Party (CP) and the so-called leftwing within the Socialist Party leadership have distanced themselves from the extra-judicial manoeuvres in order to present themselves as an alternative to the political establishment.

The CP fears that continuing to protect the military could create uncontrollable unrest. It suggests indicting some officers, reforming the constitution and eliminating the Amnesty Law. Its presidential candidate, Gladys Marin has advanced this platform for the upcoming December elections.

El Siglo, the Communist Party's weekly magazine published a report given by the late Sola Sierra (Central Committee member and AFDD leader) who told 70,000 youth and students at the National Stadium in June: "Today the objective conditions aren't favorable for Pinochet to be tried in Chile." She warned that without legal changes, "peaceful social co-existence" would be threatened, undermining the "foundations of a democratic society and a true State of Law".

This perspective seeks to prevent the working class taking an independent road to settle accounts with the Armed Forces and the ruling establishment. *El Siglo* hailed the arrest of General Stark and his four associates as a "triumph of the Left and of the families of the victims... vindicating the Communist Party", who "opened the real path to establish justice." It argued that the courts had begun to acquire an independence from the military.

But this is far from reality. In the past decade the civilian courts have closed hundreds of cases against the military. Only since the Spanish investigations against Pinochet in Spain have the Chilean courts changed tack.

Nonetheless, while the outcome for Stark's squad is still not determined, the court proceedings have placed the entire ruling class in a quandary. For all their efforts to protect the political system, the government and the courts have opened the way for further allegations against the military, undermining popular confidence in the reconstituted framework of parliamentary democracy.



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