Chilean government seeks to protect military

Pinochet may be found fit for trial

Mauricio Saavedra
18 January 2001

According to leaked findings reported in the Chilean media, court-ordered medical tests carried out on former Chilean military dictator General Augusto Pinochet last week found that Pinochet is fit to stand trial on charges of murder and kidnap.

The ex-junta leader is charged with personally ordering the disappearances and deaths of more than 70 political prisoners by the "Caravan of Death" that toured Chile shortly after the 1973 military coup in which he seized power.

The judge investigating the case, Juan Guzman Tapia, is due to receive the medical report next week, whereupon he must decide whether to formally interrogate Pinochet. Pinochet's lawyers are almost certain to appeal if Guzman rules against their client, as they have done with every judgment against him over the past year, further dragging out legal proceedings.

A series of psychological, psychiatric and neurological examinations found that Pinochet, 85, is neither insane nor demented—grounds on which a person can escape prosecution under Chilean law. According to Dr Luis Fornazzari, appointed by the prosecuting lawyers to oversee the examination, Pinochet "answered questions lucidly and with rapidity".

Six specialists conducted the three-day tests at the Military Hospital, once used by the 17-year military regime as a detention centre to torture political prisoners. Fornazzari said the results showed "slight to moderate dementia" associated with old age and two minor strokes; occasional loss of sensation to extremities, attention deficit and extreme tiredness.

"In no case would the results impede the trial", a prosecution lawyer told the Internet news site *El Mostrador*. Pinochet could "be investigated, prosecuted and convicted". The prosecution petitioned Judge Guzman to question Pinochet on January 18 at the latest. The judge had previously given Pinochet a respite, delaying the interrogation from January 9-15 to January 23, after Pinochet's lawyers initially blocked the medical tests, originally scheduled for January 7-8.

Guzman has also been investigating four other prominent cases against Pinochet, the military and its secret service, covering the execution or disappearance of Communist and Socialist party leaders. Besides these cases, victims' relatives have launched 203 additional lawsuits against Pinochet in recent months. One recent suit charges him with kidnapping minors and conspiracy to commit genocide. This case, presented by human rights lawyer Carmen Hertz, relates to nine pregnant women who were detained by Pinochet's operatives between 1975 and 1976.

Mounting military and government pressure

Judge Guzman has come under pressure from the military and the Socialist Party-led coalition government who have been working relentlessly to protect Pinochet and put an end to all criminal proceedings against the armed forces.

In two recent interviews given to *Le Monde* and the BBC, Guzman said he had been subjected to coercion "from diverse sectors, including members of the government," to order additional physical tests of Pinochet—the type of tests used by the British government to allow Pinochet to escape extradition to Spain on the grounds of ill-health.

Chilean President Ricardo Lagos has denied the judge's accusations, asserting that his government upholds the independence of the judiciary and opposes political interference in the cases against the military.

A little over a fortnight ago, however, the government convened the National Security Council at the military's behest—the first such meeting since Lagos took office last March. Under the Constitution, the Council, consisting of four military chiefs, the President, Supreme Court and Senate Presidents and the Auditor-General, provides the military with a veto over civilian rule in times of national emergency.

At the January 2 meeting, the military commanders called on the government to close the loophole in the amnesty law that has allowed Pinochet and other military commanders to face trial, and to negotiate a political accord as a means of shutting down the cases.

On January 6, Lagos delivered a televised address to the nation releasing certain information provided by the military about the fate of 200 detainees who disappeared under Pinochet's rule. The report, confirming the brutal murders of some of the estimated 3,000 victims who "disappeared," was compiled under an accord struck between the government and the military last year, supposedly to uncover what had happened to the disappeared.

The actual purpose of the accord was to overcome a loophole in the amnesty law that protects Pinochet and the military from punishment for the murders they committed in the dictatorship's early years. Guzman and other judges have ruled that unless the bodies of the disappeared are accounted for, they are still "kidnapped"—an ongoing crime that has continued beyond the years covered by the amnesty.

© World Socialist Web Site

With Lagos' help—after three decades of denying any knowledge of, or responsibility for, the disappeared—Pinochet and his officers are seeking to have their immunity restored by proving that their victims were not merely abducted but killed.

Supreme Court President Hernan Alvarez said as much on the day that Lagos delivered his speech. "If it is determined that there is a victim," Alvarez stated, "and his remains have been found, that this person was a victim of a homicide and this is covered by the amnesty, then we would have to make a ruling to close an investigation."

In order to evade prosecution, the military claimed that most of the bodies—151—were thrown into rivers, lakes and the ocean, while another 49 were allegedly buried in various common graves. The courts will now investigate these claims.

Lagos dutifully reported these vague claims in his speech and praised "the recognition by the armed forces high command, who have accepted that Chile can't look forward without clearing the debts of the past". He hailed the military chiefs for possessing "a strength and courage that deserves both the country and my acknowledgment."

Moreover, he argued that the process proved the military's commitment to never repeat such crimes. "It does not erase what has happened," he pleaded, "rather their acknowledgement clearly demonstrates the sincere condemnation of such crimes, and the absolute conviction that it will never again happen in our fatherland."

Lagos noticeably avoided any mention of Pinochet, who stands to benefit directly from the report's release. Among the murders supposedly documented are those of 17 of the 18 "disappeared" victims of the Caravan of Death. Allegedly 13 were thrown into the sea. If the final victim is similarly accounted for—and the courts accept the military's evidence—then the charges against Pinochet will fail, even if he is ruled fit for trial.

Public hostility

The entire process is in danger of backfiring on the government and the military, however. In the first place, the families of the disappeared have pointed to discrepancies in the military's claims.

In the case of Nelson Donato, the son of a disappeared prisoner, the report alleged that his father had been thrown into the sea. Yet Guzman's investigation, Donato stated, had found that "my father had been buried in court 28 (in the general cemetery) with his hands cut off. He was later incinerated."

One of the most significant cases concerns a common grave in Cuesta Barriga, where six Communist Party leaders killed in 1976 are said to have been illegally buried. This was presented as the most waterproof case in the report because all the victims' details were known. On January 14, however, Judge Hector Carreno suspended his investigation when he realised that his team was digging up virgin soil. No bodies were found. Excavation resumed on January 16, but revealed only animal bones.

Likewise, in the second most prominent case against Pinochet, another six Communist Party leaders were allegedly thrown into the sea in 1976 in Calle Conferencia. This account contradicts Guzman's conclusion that they were buried in a common grave in the general cemetery and posthumously cremated.

Similar doubts surround the case of four Socialist Party leaders whose bodies were allegedly thrown into the ocean. This case had previously led to the arrest of the one of Pinochet's closest associates.

In the second place, the military's information is obviously selective. Lagos himself admitted that at least 400 victims remained unaccounted for. In fact, a 1991 government human rights commission accepted that 1,092 people had been abducted—177 by the army, 14 by the navy, 17 by the air force, 304 by the paramilitary police, 16 by investigations police, 359 by the feared National Intelligence Directorate (DINA), 21 by the Comando Conjunto paramilitary group and the remainder by other agencies or individuals, some unknown.

Such discrepancies, combined with the belated confirmation of gruesome military atrocities, have aroused wider public hostility and distrust toward the military and political establishment. Recognising this, Supreme Court President Alvarez appealed for acceptance of the military's efforts: "We're just beginning. There has to be a bit of hope. Trust the information! I believe no one here is handing us false information, because this is a very serious matter. There may be a little variation in the information, but we have the hope that the information will bring us results."

Through their legal and political manoeuvres, the government, the military and the judicial hierarchy are endeavouring to rehabilitate the state structures that were so universally discredited under Pinochet. This has been the case particularly since Pinochet's 1998 arrest in Britain when Spanish courts sought to extradite Pinochet for the murder of Spanish nationals living in Chile.

To have Pinochet brought back to Chile—after repeated threats from the military of grave consequences if it did not—the government promoted the illusion that he and other military criminals could be brought to trial in Chile. These claims of the possibility of justice were, however, taken at face value by some of the families of Pinochet's victims. As a result of their perseverance, no less than 140 officers have been processed in the courts since 1998.

Now the military is demanding from the government a quick end to the legal cases, in particular those against their ex-commander in chief. The calls for national unity and reconciliation voiced in the media are based on that agenda. Yet in its determination to shield the military, by partially revealing the macabre facts of Pinochet's political death squads, the Lagos government has only revived the outrage of victims' families and working people generally.

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact

© World Socialist Web Site