

Chilean court sentences military personnel for burning alive student protesters in 1986

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Fully 36 years after their horrific crime, a Chilean Court sentenced 10 retired members of the Army for dousing in petrol and setting alight 19-year-old photographer Rodrigo Rojas and 18-year-old student Carmen Gloria Quintana, and leaving them to die.

The “Caso Quemados” (case of the burnt ones) occurred on July 2, 1986 in the working class commune of Estación Central in Santiago amidst ongoing demonstrations against depression-level unemployment, mass poverty and bloody repression brutality meted out by the military dictatorship of Gen. Augusto Pinochet.

After burning alive Rojas and Quintana, the military patrol headed by Captain Pedro Fernández Dittus dumped the charred bodies in an irrigation ditch on the outskirts of Santiago, hoping the youths would die from the injuries. Rodrigo Rojas suffered second and third degree burns to the head, neck, trunk and extremities, involving approximately 65 percent of his body surface, dying from his injuries four days later; Carmen Gloria suffered burns to 62 percent of her body surface and had to undergo 50 operations over the course of months.

A cover-up was then organized lasting almost three decades. It included witnesses being kidnapped, and threatened with being “disappeared,” while human rights lawyers and courageous justices were threatened with abduction and worse.

The case was reopened in 2013 by roving judge Mario Carroza, assigned to investigate human rights cases. Fresh evidence was brought to light in 2015 when a former conscript after 29 years broke a military pact of silence, allowing Judge Carroza to sentence the patrol in 2019.

Last March 21, the fourth chamber of the Court of Appeals increased the sentences against retired officers

Julio Castañer, Iván Figueroa and Nelson Medina from 10 to 20 years prison for the aggravated homicide of Rodrigo Rojas and the frustrated homicide of Carmen Quintana.

The justices increased the sentences against Leonardo Riquelme, Walter Lara, Juan González and Pedro Franco from three years to 10 years in prison for their role as accomplices and sentenced to three years Francisco Vásquez and René Muñoz for their role as accessories.

Significantly, the justices also rejected the legal exception of *res judicata* (the case had already been adjudicated) applied to Fernández Dittus and sentenced him to 20 years imprisonment as “the author of the crimes of consummated homicide of Rodrigo Rojas de Negri and frustrated homicide of Carmen Gloria Quintana Arancibia.”

The emblematic case was originally sealed in 1994—three years into civilian rule—after the Supreme Court upheld a 1986 Military Court ruling that convicted Captain Fernández Dittus as the sole person responsible for unnecessary violence resulting in death and negligence for not rendering aid to the victims. He was sentenced to a mere 600 days in prison and served less than a year of that sentence.

In their 59-page ruling, the Appeals Court judges explained that *res judicata* did not apply in this instance because the “initial investigation was spurious or illegitimate because of the way it was conducted; that is, without a real intention to clarify the facts and responsibilities in accordance with the historical truth... a character that is reflected in a series of circumstances that are noticeable from the first moments of the process.”

The ruling continues:

This is corroborated by the fact that (the investigation) was evidently closed without being truly exhausted, proof of which is that in the current trial the investigation carried out has made it possible, despite the greater time that has elapsed, to have clarity as to how the events really occurred, i.e., not as a consequence of a kick to a Molotov bomb by Mrs. Carmen Gloria Quintana, which would have initially left both victims with slight injuries, but because the accused were soaked in fuel by State agents, then ignited, extinguished and finally abandoned to their fate with injuries so serious that they ended up costing the life of one of them; all in the context of systematic human rights violations.

The judges explained that the original investigation disregarded official external reports implicating the Army and gave “total credibility... to the testimonies of the soldiers several of whom affirmed in the present investigation to have lied on instructions from their hierarchical superiors.”

Defense lawyer Héctor Salazar, who has been involved in the case since 1986, said that “justice is belated, but at least it is a step forward.”

“The whole journey has been very painful,” Veronica de Negri, Rodrigo’s mother, told the news site *La Voz de los Que Sobran* in an interview that aired on March 23. “The most painful thing is that these criminals are still in their homes as long as there is no ruling from the Supreme Court.”

De Negri made the important observation that her struggle “is not only about Rodrigo and Carmen, it is about all the victims of the dictatorship, of the Concertación, of Piñera. Human rights were not only violated under the military dictatorship.”

In the two and a half years since the massive anti-capitalist 2019 demonstrations rocked the country, more than 8,000 mainly young people suffered some form of state violence, including sexual abuse and torture. Over 500 suffered eye injuries, and over 50 died at the hands of Carabineros and the Armed Forces.

Her opposition to state terrorism was also a salvo against the new pseudo-left administration of President Gabriel Boric who has unleashed anti-riot police and

Carabinero Special Forces against student demonstrations protesting paltry subsidies. Revealing sooner rather than later that his government will continue the brutal practices of his predecessor, in the last three weeks one student was shot with live ammunition by riot police, one student was severely beaten by lumpen informant types and remains in critical condition and a special forces vehicle ran over a female protester.



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