

# Chile's pseudo-left government rams though laws giving police, military license to kill

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Chile's Stalinist-pseudo-left administration of Gabriel Boric is stampeding the country onto a dangerous law-and-order course. Under the guise of being tough on crime, drug trafficking, irregular immigration and other right-wing tropes, all the parties in the governing coalition have supported the ramming through in record time of 15 pieces of legislation that further enshrine a police state.

The most significant of these laws grants the repressive arms of the state a license to kill, protecting their actions with a legal fig leaf. These authoritarian powers, not seen since the darkest days of military rule, are being granted under conditions of a renewal of mass opposition to war, dictatorship and austerity across the globe.

The state has been aided by the entire corporate media, which acts as a stenographer of the intelligence and military apparatus. It has cultivated a climate of terror to justify unrestrained calls for a state of emergency to be imposed in Santiago and Valparaíso, Chile's two most populous cities.

Meganoticias, T13, 24 Horas, CVH Noticias have for months bombarded the population, on a daily and even hourly basis, with updates meant to portray a veritable deluge of crimes by migrants and gangs engulfing the country—claims that are belied by statistics.

The xenophobic and jingoistic campaign against migrants, among the most oppressed section of the working class, is combined with accounts of a police force that is supposedly under-resourced and unable to cope.

The sickening and reactionary attempt to deify the police reached a fever pitch this week with the fatal shooting of another cop, Officer Daniel Palma, the third death in the space of a month. Officer Alex Salazar was killed in a hit and run by a drunken driver on March 14, while Sgt. Rita Olivares was fatally shot last Sunday after responding to a supposed house robbery that turned out to be a drug heist by one gang against another.

"Today, all Chilean men and women mourn the death of Daniel. A few days ago it was for Rita, before for Alex, who unfortunately also joined an already too long list of martyrs of the Carabineros de Chile," Boric said in a televised speech on Thursday.

Martyrs! Members of the very institutions that from 1973 to 1990, the years of Gen. Augusto Pinochet's US-backed military junta, were responsible for the forced disappearance, execution and torture of tens of thousands are now hailed as "martyrs"!

Boric continued: "It is time to act together and we have been doing so. ... In this there is no left or right. We are united in this crusade and as the Government of Chile we will continue to speak with facts..."

Every other government minister, senator, deputy and state official of the ruling coalition has tweeted along similar lines, calling for national unity with the right and extreme right to extend the powers of

the Carabineros, the PDI (civilian police), the Gendarmerie, and the Armed Forces.

"The additional resources," Boric boasted "will be financed with emergency funds from the public treasury, not reallocations, not funds already earmarked for something else, and other funds that have not been committed in the budget for the year 2023."

On the 50th anniversary of the US-backed military coup, Boric's pseudo-left government is erecting a police state, directing an extra US\$1.5 billion per year to the security budget, which represents an extraordinary increase of more than 40 percent. These resources will fund pilot projects such as the massive police operation to be carried out against 30 working class municipalities, which together concentrate a third of Santiago's population and are accused of being responsible for half the violent crimes.

## The Nain-Retamal Law

There are two aspects to this law. The first is punitive, drastically increasing the penalties for civilians accused of endangering the life and physical integrity of Carabineros, Investigative Police, Gendarmerie, the Armed Forces and their dependents.

The media's fear-mongering notwithstanding, the number of cops killed in Chile is relatively low; six officers have died in 11 months.

A number of the deaths have resulted from confrontations with organized crime that remain murky. Those who shot Officer Palma, for example, were driving a car they had hired from a retired military officer, begging the question of their relationship. According to an investigation by the CIPER news site, over the last decade there were 38 cases where Carabineros, Army, Navy and Air Force personnel were involved in trafficking weapons to organized crime.

The main purpose of the punitive aspect of the law is to intimidate the population with the threat of longer jail terms and heavier fines for opposing deeply entrenched social inequality. The government is particularly concerned over the growing struggles of students and youth, teachers, health professionals and other workers, pensioners and indigenous communities, who have borne the brunt of regressive free-market policies.

Thousands of youth and workers were rounded up during the 2019 anti-capitalist demonstrations, many framed up on false charges of acts against the police.

During the same period, 11,000 complaints of human rights violations were filed against law enforcement and the military. The

allegations against the state agencies included illegal imprisonment, torture, rape and sexual assault, mutilations, mock executions, attempted murder and murder. Yet only 17 agents have been convicted while another 101 have been formally charged, including the general director of Carabineros, Ricardo Yáñez.

Only last Tuesday, dozens of protesting teachers and parents were violently attacked by Carabineros, and Andrés Ojeda, a community leader, was detained during the protest. *Resumen* reported that the protest was initiated by parents' centers on the island of Chiloé following the Municipal Corporation's decision to pay 500 teachers 58 percent of their salaries. "It was violent, here in Chiloé one is not accustomed to this behavior on the part of the Carabineros," Pamela Carrasco of the Ancud Communal Teachers' Association told the regional news site. "It was a very tense situation."

The second aspect of the law provides law enforcement and the armed forces legal protection, or "privileged self-defense" when using lethal force. In an Orwellian twist, legitimate self-defense will be automatically presumed for state agents, while victims of state violence and repression will have to prove their innocence.

This is in anticipation of protests, strikes and mobilizations in which police-state repression is guaranteed.

Since 2019, the right-wing administration of former President Sebastián Piñera and the Boric administration have decreed no less than five states of emergency, allowing for the deployment of the armed forces. These have been in response to the eruption of mass anti-capitalist demonstrations, the unrest during the first year of the COVID-19 pandemic, against the indigenous Mapuche communities' land claims in the southern Macrozone during the mega-plantation fires in summer, and most recently against the irregular influx of refugees and migrants in the northern border regions.

Besides states of emergency, the Congress has approved the use of the military to protect public and private "critical infrastructure" such as banks, utilities, communications and logistics. It has allowed the military to assist in policing the border regions. Moreover, moves are afoot, at the instigation of the fascistic UDI and Republican Parties, to deploy the armed forces in working class communities to ostensibly control drug trafficking, delinquency and organized crime.

The Nain-Retamal Law states that police officers or military personnel who "make use of service weapons, less lethal weaponry or non-lethal elements, to repel any violence or overcome resistance against the authority, *may not be separated from their duties or see their remuneration affected*, as long as the respective administrative investigation is not concluded (emphasis added)."

"It shall be legally presumed" that exemption from prosecution is met when law enforcement and the military perform public order and internal public security functions. "In such cases, it shall be understood that there is *a rational use of the means employed if*, by reason of his position or on the occasion of the fulfillment of public order and internal public security functions, (the State agent) *repels or prevents an aggression that may seriously affect his physical integrity or his life or that of a third party, using weapons or any other means of defense* (emphasis added)."

"In investigations initiated by the Public Prosecutor's Office" Carabineros, the PDI, Gendarmerie and the armed forces and their dependencies "shall be considered as *victims or witnesses* ... for all legal purposes, unless the proceedings allow attributing them punishable participation, in which case they shall acquire the status of accused... (emphasis added)."

If it is demonstrated that there was no rational need to use the

service weapon or less lethal weaponry, the Court "*shall consider this circumstance as a mitigating circumstance and reduce the sentence by one, two or three degrees...* (emphasis added)."

Finally, the Nain-Retamal law will punish the use of torture with a slap on the wrist: "Any public employee who ... applies, orders or consents to the application of unlawful coercion or other cruel, inhuman or degrading treatment, which in its severity does not constitute torture, shall be punished with the penalties of minor imprisonment in its medium to maximum degrees..."

Deputies and senators from the pseudo-left Frente Amplio and the Stalinist Communist Party (PC), the two main blocs in the ruling coalition, publicly declared they would take the Nain-Retamal law to the Constitutional Court on the conviction that "the fight against crime must be carried out with unrestricted respect for human rights."

They dropped this militant crusade within minutes of Boric enacting the law, giving "support to the government in the fight against crime. It will not insist before the Constitutional Court and hopes that the government's announced bills will consider our objections to the law, in the reaffirmation of the validity of human rights."

Against the ever-growing danger of a nuclear conflagration in Europe and Asia, amid the skyrocketing cost of living, mass unemployment, economic depression and the growing threat of dictatorial rule, the logic of the class struggle necessarily leads to a fight for power, as recent events in France, Israel, Sri Lanka and elsewhere testify.

It is under these conditions that the pseudo-left government has gone beyond anything that has been enacted in the last 30 years of civilian rule and is consciously preparing to use the police and the armed forces against the next revolutionary eruption of the masses in Chile. Workers and youth must prepare accordingly. The most urgent task is the building of a genuine internationalist, socialist and revolutionary party in Chile as a section of the International Committee of the Fourth International.



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