Chile’s courts seal impunity for Carabinero officer who blinded Gustavo Gatica

By our reporter
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The Santiago Court of Appeals has unanimously upheld the acquittal of former Carabineros Lieut. Col. Claudio Crespo, the officer who fired the riot shotgun pellets that blinded the now deputy Gustavo Gatica on November 8, 2019.

This travesty of justice, handed down August 4, does not come as a shock. It is the logical culmination of a process that has been underway for seven years. A legal architecture of impunity for the forces of state repression has been built not by the far right alone, but through the combined efforts of the entire political establishment—right, center and pseudo-left alike.

The judges of the Fourth Oral Criminal Trial Court established as proven fact that Crespo was the officer who shot Gatica. The written ruling concluded that of the three officers present with riot shotguns at the intersection of Carabineros de Chile and Vicuña Mackenna at the moment of the attack, Crespo was the only one who fired at the precise instant when Gatica was hit.

And yet they acquitted him. The mechanism was the Naín-Retamal Law’s “privileged self-defense” provision, applied retroactively to an event that took place more than three years before the law’s enactment. The court characterized Crespo’s actions as a “necessary response to potentially lethal aggression” by protesters. This even though the protesters were merely hurling rocks against officers protected behind barricades and metal structures and had the ability to retreat. The methods of the IDF have been internationalized.

The ruling creates a grotesque judicial paradox: the truth is established, the perpetrator identified, and yet there are no consequences. As Gustavo Gatica himself stated following the decision, “The legal truth has been established: Claudio Crespo shot me and left me blind. However, that truth did not result in a proportionate consequence. Today, some are trying to claim that Claudio Crespo is innocent. He is not.”

President José Antonio Kast celebrated the ruling on social media, declaring that “justice has spoken in the case of Claudio Crespo, and it has done so loud and clear. After years of accusations, he has been cleared of all charges, and it has been confirmed that he acted in self-defense.” The president of the republic chose to celebrate the absolution of a man who, as video evidence published by CIPER revealed, was heard taunting protesters with the words, “We’re going to gouge your eyes out.” Crespo’s response to the publication of these videos was: “I don’t regret anything” and “I couldn’t care less.”

The blinding of Gustavo Gatica

On November 8, 2019, Gustavo Gatica was a 21-year-old psychology student at the Universidad Academia de Humanismo Cristiano, documenting protests near Plaza Baquedano. Carabineros special forces opened fire on hundreds of youth standing behind makeshift barricades. Gatica was struck in both eyes by rubber-coated lead pellets fired from a riot shotgun. He lost his sight entirely.

The investigation led by prosecutor Ximena Chong established that in the space of four hours on November 8, three high-ranking riot police officers fired 420 cartridges, releasing 5,040 pellets against protesters. Crespo alone fired 170 cartridges. He was removed from Carabineros in 2020, officially sanctioned for a “grave breach of protocols” after it emerged that he had downloaded footage from his personal body camera onto his own computer before submitting it to internal auditors.

The shooting was the product of a deliberate, state-directed campaign of terror unleashed by billionaire President Sebastián Piñera, who on October 19, 2019, declared a State of Constitutional Emergency and deployed the military against the population for the first time since the Pinochet dictatorship. “We are at war,” Piñera broadcast on live television. The enemy, as he made clear, were the youth and the working class.

The results were catastrophic. By March 2020, the National Human Rights Institute (INDH) reported that 3,838 men, women and children had been hospitalized due to bullet wounds, tear gas canister impacts and beatings. Of these, 460 suffered eye wounds. The INDH recorded 11,389 detentions, of whom 2,146 reported human rights violations: 257 cases of sexual violence, 617 of torture and other cruel treatment, and 1,272 of excessive use of force.

The vendetta against Fabiola Campillai

The Crespo acquittal is not an isolated ruling. It forms part of a coordinated offensive to dismantle every mechanism of accountability for state violence. The same week the Court of Appeals upheld Crespo’s acquittal, the Chamber of Deputies approved a resolution requesting that President Kast grant a pardon to former Carabineros Capt. Patricio Maturana, the man who blinded Senator Fabiola Campillai.

Campillai was a working-class woman on her way to her job on November 26, 2019, in San Bernardo, when Maturana fired a tear gas canister directly at her face. The impact destroyed both her eyeballs, caused multiple facial and skull fractures, and left her permanently blind, without taste or smell. Maturana and his squadron knew what they had done. They left her for dead.

Maturana was one of the very few state agents convicted for crimes committed during the 2019 uprising. He received a sentence of 12 years and 183 days for unlawful coercion resulting in extremely serious injuries. The right is now moving to erase even this rare conviction. On March 30, 2025, while still a candidate, Kast met with Maturana at the Molina prison and declared that the former captain “was convicted for doing his duty.” He promised: “If I become president, I will review his case and push for

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his pardon. No more persecution of those who defended Chile."

The resolution passed by the Chamber—with 73 votes in favor, 51 against, and 16 abstentions—does not oblige Kast to grant the pardon, but it constitutes an unmistakable political signal. Support came from ruling-coalition lawmakers and the libertarian bloc. Campillai's response was blunt: "This is hatred, classism, and revictimization." She added: "It's an obscene obsession against me, simply because I am Fabiola Campillai. Because it hurts them, it bothers them to see a woman from the working class inside this building."

In late June, Johannes Kaiser, president of the National Libertarian Party (PNL), announced legislation that would grant a blanket pardon to all military and police personnel convicted of crimes committed during the 2019 social uprising. The bill has secured the backing of Kast's Republican Party, whose deputies include Sebastián Zamora, the former Carabinero acquitted of throwing a 16-year-old off the Pío Nono Bridge and now a Republican congressman. Over 60 right-wing Congressmen, including the PDG (Partido de la Gente-Party of the People), have lent their support to a general amnesty. This is only the beginning.

Kaiser's own statements on the Pinochet dictatorship leave no doubt about the political character of this movement. In a 2021 YouTube livestream, he declared that victims executed in the Pisagua case were "well shot" and that Chile "did too little shooting" during the dictatorship. When asked about the 1973 coup, Kaiser replied "without a doubt" that he supports "a military pronouncement," and extended that support to a hypothetical future coup under similar circumstances "with all the consequences."

The amnesty push is accompanied by a systematic assault on the institutional framework of human rights protection. The Kast government has moved to slash funding for the Comprehensive Health Care and Reparation Program (PRAIS), which provides medical care to victims of the dictatorship and their families. The government has halted the human rights program and dismissed specialists from the National Search Plan for more than 1,400 detained and disappeared persons. The Republican Party has formally requested that the government eliminate the National Institute of Human Rights (INDH) altogether.

The Boric government: architects of the police state

These measures did not fall from a clear blue sky. They were prepared by Pinera and by four years of pseudo-left government under Gabriel Boric.

The Naín-Retamal Law, the legal mechanism used to acquit Claudio Crespo, was rammed through Congress in April 2023 under the Boric administration, with the votes of the Broad Front and the Stalinist Communist Party. As the WSWS documented at the time, the law inverts the burden of proof: legitimate self-defense is automatically presumed for state agents, while victims of state violence must prove their innocence. Even when it is demonstrated that there was no rational need to use lethal weaponry, the court "shall consider this circumstance as a mitigating circumstance and reduce the sentence by one, two or three degrees."

The Naín-Retamal Law was part of a package of 15 repressive bills passed in record time under Boric. These included an intelligence law broadening spying powers, a revamped anti-terrorist law, and Law 21.730, which created the Ministry of Public Security—placing the Carabineros and the PDI under a centralized command structure designed to coordinate repression more efficiently. The ministry established an Integrated Police Coordination Center for intelligence-sharing between public and private entities, created a National Public Security Council integrating the ministers of the Interior, Defense, Finance and Justice, alongside the heads of the repressive forces, and empowered the new ministry to file criminal complaints against those who "disrupted public order"—a prosecutorial tool aimed squarely at mass social protest.

Boric's own Security Minister Luis Cordero, was the architect of much of this apparatus. When Kast's new Security Minister, Martín Arrau, took office, he met with Cordero and subsequently announced that the National Public Security Policy for 2025–2031, enacted by the Boric administration, "is sufficient … comprehensive and provides room for certain policies, plans, and programs that can be implemented in the future." This was an admission of what the entire political establishment seeks to conceal: in matters of public order and social discipline, there is no break between the outgoing pseudo-left and incoming ultra-right governments.

Boric also appointed austerity-committed Mario Marcel as finance minister, slashed spending, showered the Carabineros with funds, and deployed the military against the population on multiple occasions. In October 2022, on the third anniversary of the social explosion, Boric ordered a violent police crackdown that resulted in at least 195 arrests. In December 2023, 200 Carabineros raided a university—setting a dangerous precedent for the establishment of a police state.

The political trajectory of Gatica and Campillai and the dead end of parliamentarism

Gustavo Gatica and Fabiola Campillai are genuine victims of state violence who have become symbols of the struggle against impunity. Their personal courage in the face of life-altering injuries is beyond question. But the political perspective they have adopted—alliance with the parties of the Chilean "left"—is a recipe for disaster.

Gatica was elected to Congress as an independent candidate on the Communist Party's parliamentary list in 2025, becoming the top vote-getter in District 8. He has stated that "this case goes beyond me. It's about democracy; it's about the future; it's about the society we want to build." But the party that ran him is the same party that voted for the Naín-Retamal Law that was used to acquit the man who blinded him. The Communist Party, which now poses as an opponent of the law, having introduced a bill in June 2026 to repeal the privileged self-defense provision, was instrumental in its passage. It is the same party that administered austerity under Boric, that staffed the government with figures like Camila Vallejo—the former student leader who now attacks Kast from the right for failing to be sufficiently tough on crime.

Campillai's electoral achievement was extraordinary. She received approximately 400,000 votes, running as an independent outside of any political party list. The next closest independent candidate in modern Chilean history was hundreds of thousands of votes behind her. This vote was an expression of the outrage her case generated among millions of ordinary Chileans who recognized in her fate the reality of class rule: that the state will maim and kill working people with impunity, and that the parties of the "left" will do nothing to stop it.

Yet Campillai and Gatica have placed their faith in the very institutions that are structurally incapable of delivering justice. They have formed alliances with the parties of the Chilean "left"—the Communist Party, the Socialist Party, the Broad Front—which are pestles carrying poison. These are the parties that built the police state, that voted for the laws now used to acquit police shooters. These are the parties that, for more than a century, have diverted working-class anger into parliamentary channels, only to betray it at every critical juncture.

The working class cannot go anywhere with the ideological baggage of parliamentarism. The capitalist state is an instrument of class rule. It

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cannot be democratized or reformed. It must be dismantled and replaced by organs of workers power. Entering parliament is not a strategy for socialist transformation—it is, at best, a tactical question subordinate to the building of an independent revolutionary party of the working class.

Marxists do not reject participation in parliamentary elections in principle. As Lenin explained in “Left-Wing Communism: An Infantile Disorder,” revolutionaries utilize every democratic instrument at their disposal to expose the class character of the bourgeois state and to advance the political independence of the working class. But parliamentary activity is never an end in itself. It is a platform for agitation, not a path to power. The aim is not to win seats but to win the working class to the perspective of socialist revolution.

The politics of the Communist Party and the Socialist Party are antithetical to this Marxist approach. The Communist Party severed any connection to revolutionary socialism within a few years of its founding in 1922. The Socialist Party was founded in 1933 as an explicitly anti-Marxist and anti-internationalist organization. Both have spent decades inculcating the working class with the poison of class collaboration, popular frontism, and the illusion that capitalism can be reformed by parliamentary means.

The task facing the working class in Chile is not to elect more “progressive” representatives to a parliament that serves the ruling class. It is to build an independent political movement, based on a revolutionary internationalist program, that breaks completely with the parties of bourgeois rule and their pseudo-left appendages.

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