

Chile: Government Discloses Torture Was State Policy

Commission Calls for Reparations for Thousands Tortured During Pinochet Era

(Santiago, November 29, 2004) — A Chilean presidential commission has provided an overwhelming indictment of the military dictatorship's systematic use of torture, Human Rights Watch said today. In a report released last night, the commission collected testimony from thousands of torture victims who had never previously reported the abuse they had suffered.

“After years of denial, Chile has finally acknowledged its legacy of torture. This presidential commission has upheld the right of thousands of victims to reparation and moral recognition.”

José Miguel Vivanco, executive director of the Americas Division of Human Rights Watch

“After years of denial, Chile has finally acknowledged its legacy of torture,” said José Miguel Vivanco, executive director of the Americas Division of Human Rights Watch. “This presidential commission has upheld the right of thousands of victims to reparation and moral recognition.”

Among its dramatic findings, the National Commission on Political Imprisonment and Torture appointed by Chilean President Ricardo Lagos found that 94 percent of the people detained in the aftermath of the coup reported having been tortured. One of the most common methods of torture, reported in more than a third of the cases, was the application of electrical shocks.

Of the 3,400 women who testified, nearly all said that they had suffered sexual torture. More than 300 said that they were raped, including 11 who were pregnant when detained. Many of these women said they had never reported their experiences before.

The worst period of torture was immediately after the military coup in September 1973. More than 18,000 people — two-thirds of the total number — were tortured during the four months after the coup, the commission said. Detentions were indiscriminate, and most of the victims were innocent civilians. The commission identified more than 1,000 sites used to torture prisoners, including schools and hospitals as well as police stations and military installations.

Another 5,266 people were tortured from January 1974 until August 1977, a period during which secret military intelligence agencies, such as the Directorate of National Intelligence (*Dirección Nacional de Inteligencia*, or DINA) and the Combined Command (*Comando Conjunto*) took over the repression of left-wing dissidents from other military units.

However, the commission is unlikely to have a direct impact on the prosecution of those responsible for torture. It was not mandated to identify perpetrators and will not present its findings to the courts, leaving a decision to do so up to the victims. Although the commission published extracts of testimonies, all personal details will remain confidential for fifty years.

Given that this is an extremely long period, Human Rights Watch believes that the government should establish a procedure whereby individual torture victims can have their testimonies declassified and published by the commission.

Moreover, the commission should contribute to the judicial investigation of crimes committed by passing information about individual perpetrators confidentially to the courts, as the National Commission on Truth and Reconciliation (Chile's truth commission) did in 1991.

More than 86 percent of the cases documented by the commission occurred during the period covered by an amnesty decree introduced by the military government in 1978. The decree, which exempts perpetrators of human rights violations from punishment, is still in force. Successful prosecution of the crimes would also have to overcome a statute of limitations that could be invoked to prevent judicial investigations.

In an address on television last night, President Lagos said that the more than 27,000 victims identified by the commission would receive monthly pensions of slightly over 112,000 pesos (US\$ 190). This is somewhat less than the minimum wage and substantially less than the amount received by relatives of victims of forced disappearance or executions. Victims would also receive health, education and housing benefits.

President Lagos formed the eight-person commission in August 2003 in response to a campaign by civil society groups that believed that the issue of torture under military rule had been swept under the carpet after the return to democracy in 1990. The commission was headed by Bishop Sergio Valech, a clergyman who defended

victims of human rights abuses during the military regime.

The chief of the army, Gen. Juan Emilio Cheyre, anticipated the commission's report in a November 5 article in which he acknowledged for the first time the army's institutional responsibility for human rights violations. He pointed out that the context of ideological conflict and the Cold War might explain but could never justify human rights violations.

Leaders of the other branches of the armed forces and police, all of which the report implicates in torture, have failed to back Cheyre's forthright statement. They have not yet commented officially on the findings.