

Pinochet, Human Rights Violations, and —Post-Plebiscite

- During his seventeen-year military regime in Chile, his security forces were responsible for the murders of 3,197 Chilean citizens. Of those, 1,100 were "disappeared"—abused to death and buried in still-secret graves, or thrown from military helicopters into the Pacific Ocean. An estimated 30,000 Chileans survived imprisonment and severe torture by agents of Pinochet's secret police. In the mid-1970s, the Pinochet regime also organized a network of secret police agencies (given the code name Operation Condor) that coordinated the repression of groups and individuals who had been identified as opponents of the military governments of the Southern Cone. Condor's methods included secret surveillance, kidnapping, interrogation, torture, and terrorist attacks.
- In the six weeks that followed the coup approximately 1,500 civilians were killed. More than 13,500 Chilean citizens and several thousand foreigners were detained through mass arrests and sent to detention camps. Many of those were brought to Chile's National Stadium, which was transformed from a sports arena into a center for interrogation, torture, and execution. Two U.S. citizens, Charles Horman and Frank Teruggi, were among the hundreds who were killed there.
- One month after the coup, Pinochet authorized a death squad, led by his close associate General Sergio Arellano. Over a period of four days, sixty-eight civilians were killed in various northern cities, having committed no crime other than serving in local community leadership roles under the elected Allende government. This series of atrocities became known as "the Caravan of Death."
- Members of the caravan team were subsequently integrated into a new secret police force known as the Directorate of National Intelligence (DINA). Pinochet handpicked Colonel Manuel Contreras, a close friend of his in the Chilean military with no background in intelligence, to be director of DINA. Between 1974 and 1977 DINA expanded into a massive, institutionalized force of repression in Chile. The U.S. military reported from Santiago that DINA was "becoming a modern day Gestapo."
- The Rettig Report found that at least 2,279 persons were conclusively murdered by the Chilean government for political reasons during Pinochet's rule, and the Valech Report found that at least 30,000 persons were tortured by the government for political reasons.
- Killings Abroad (Prats and Letelier).
 - Pinochet's secret police not only carried out vicious acts of repression at home, but also sought to dispose of opponents of his regime abroad. In September 1974 DINA agents, using a car bomb, assassinated General Prats (Pinochet's predecessor as Commander-in-Chief of the army) who was living in exile in Buenos Aires, Argentina. The bomb also killed Prats' wife.
 - In September 1976, agents of DINA traveled to the United States to undertake what has become the best known Condor plot: the car-bombing assassination of Pinochet's leading critic-in-exile, former Chilean Ambassador Orlando Letelier. That September 21, 1976, car bombing in downtown Washington, D.C., also took the life of Letelier's colleague, 25-year-old Ronni Karpen Moffitt, and was considered at the time to be the most egregious act of international terrorism to ever have taken place in the U.S. capital. Within a week of the assassination, the

FBI reported that it had probably been the work of Operation Condor. In the spring of 1978, when the U.S. Justice Department presented the Chilean military government with clear evidence of DINA's role in the car bombing, General Pinochet personally took the lead in covering up the crime and obstructing U.S. efforts to bring those guilty to justice.

- October 8, 1988 Plebiscite
 - Pinochet legalized political parties in 1987 and called for a plebiscite to determine whether or not he would serve as president until 1997 (beginning a new 8 year term in 1989). If the “Yes” option won, he would himself remain in power as President until 1997. If the “No” option won, Pinochet would remain President for only one more year, and a joint Presidential and Parliamentary election would be scheduled for 1989.
 - The Christian Democrats, Socialists, and Democrats allied in a coalition promoting the “Vote No” movement. The “No” choice won with 56% versus 44% for the “Yes” option.
- Patricio Aylwin won the December, 1989 election as a candidate of the Christian Democrats (supported by other center and leftist parties). He garnered 55% against a combined 44% for two right-wing candidates (one a former Finance Minister under Pinochet).
- Commander-in-Chief and Senator-for-Life. Pinochet remained as Commander-in-Chief of the Army until March 1998. He was then sworn in as a senator-for-life, a privilege granted by the 1980 constitution to former presidents with at least six years in office. His senatorship and consequent immunity from prosecution protected him from legal action. The Constitution of Chile was approved Sept. 11, 1980. It replaced the Constitution of 1925—and it was amended in 1989, 1991, 1994, 1997, 1999, 2000, 2001, 2003 and 2005. Pinochet ruled under the same Constitution as dozens of other elected presidents. In 2005 over 50 reforms were approved, which eliminated some of the remaining undemocratic areas of the text, such as the existence of non-elected Senators (appointed senators, or senators for life) and the inability of the President to remove the Commander in Chief of the Armed Forces.
- Spanish Charges, 1996-1998. In 1996, in Madrid, Joan Garcés, a Spanish lawyer and former aide to Salvador Allende, filed a criminal case with a special branch of the Spanish judiciary called the *Audiencia Nacional*, which accepted the principle of universal jurisdiction for offenses such as genocide, terrorism, and other crimes against humanity (in this case, against Spanish citizens). For two years, however, Spanish authorities had no way of physically detaining Pinochet. After Pinochet traveled to London on September 21, 1998, however, Garcés arranged for Judge Baltazar Garzón to send a detention request to Scotland Yard, under the European Anti-Terrorism Convention. A British magistrate signed an arrest warrant for Pinochet on October 16; late that evening, Scotland Yard detectives secured his room at the private London clinic where he was recuperating from back surgery, disarmed his bodyguards, and served him with a "priority red warrant" for crimes against humanity.
- British Release Pinochet, 2000. Pinochet lost all legal battles in Britain to prevent his extradition to Madrid. But behind-the-scenes political lobbying by the Chilean government, which found itself under intense pressure from the military to obtain Pinochet's release, and the resistance of José Aznar, the conservative Spanish prime

minister who opposed Judge Garzón's effort to prosecute Pinochet in Madrid, appeared to convince British authorities to let Pinochet go. On March 2, 2000, British Home Secretary Jack Straw ruled that Pinochet had suffered a stroke that had resulted in mild dementia and therefore would be released on humanitarian grounds.

- Return to Chile and Indictment, 2000. Pinochet returned to Chile the next day, believing himself to be finally free of legal threats. Within three days of his return, however, Chilean Judge Juan Guzman filed a legal request to have Pinochet's immunity lifted so that he could be prosecuted for disappearances associated with the Caravan of Death atrocities.
- Immunity. In March 2000, after Pinochet's return, the Congress approved a constitutional amendment creating the status of "ex-president," which granted Pinochet immunity from prosecution and guaranteed them a financial allowance. In exchange, it required him to resign his seat of senator-for-life. 111 legislators voted for, and 29 (mostly, if not all, from the left) against. Pinochet's lawyers also advanced the argument of "mentally unfit due to dementia."
- Immunity Cancelled. On May 23, 2000, Chile's Court of Appeals surprised Chileans and the international community by voting to strip Pinochet of his immunity in the Caravan of Death case. This was confirmed by the Supreme Court of Chile, which voted on 8 August 2000, by 14 votes against 6, to strip Pinochet of his parliamentary immunity. On 1 December 2000, the judge Juan Guzmán Tapia indicted Pinochet for the "kidnapping" of 75 opponents in the Caravan of Death case. Beside the Caravan of Death, 177 other complaints had been filed against him. And in early 2001, for the first time, Pinochet was actually interrogated about his knowledge of and role in those crimes.
- 2001-2002 Suspension of Charges. However, the judiciary procedures were again suspended on 9 July 2001 because of alleged health reasons. In July 2002, the Supreme Court dismissed Pinochet's indictment in the various cases, for medical reasons (an alleged "vascular dementia").
- 2003 Interview. At age eighty-eight, Pinochet did not retire quietly. In November 2003 he gave an interview to the Spanish language television network *Telemundo*, in which he described himself "as a good angel" who should be thanked.
- 2004 Indictment. Citing Pinochet's lucidity during the interview, Judge Guzman again petitioned the courts to strip Pinochet of his immunity—this time to prosecute him for murders relating to Operation Condor. On May 28, 2004, a Chilean court ruled that Pinochet could indeed stand trial for these crimes against humanity. On 26 August, in a 9 to 8 vote, the Supreme Court confirmed the decision that Pinochet should lose his senatorial immunity from prosecution. On 2 December, the Santiago Appeals Court stripped Pinochet of immunity from prosecution over the 1974 assassination of General Carlos Prats, his predecessor as Army Commander-in-Chief, who was killed by a car bomb during exile in Argentina. On 13 December, Judge Juan Guzmán Tapia placed Pinochet under house arrest and indicted him over the disappearance of nine opposition activists and the killing of one of them during his regime.
- 2005, Mixed Immunity. However, the Supreme Court reversed the Appeals Court ruling in the Carlos Prats case on 24 March 2005, and thereby affirmed Pinochet's immunity. But in the Operation Colombo case involving the killing of 119 dissidents, the Supreme Court decided on 14 September to strip Pinochet of his immunity. The following day he was acquitted of the human rights case due to his ill health. Late in November, he was

again deemed fit to stand trial by the Chilean Supreme Court and was indicted on human rights violations--the disappearance of six dissidents arrested by Chile's security services in late 1974, and again placed under house arrest, on the eve of his 90th birthday.

- 2006, More on Immunity—December, 2006 Death. In July 2006, the Supreme Court upheld a January 2006 judgment by the Court of Appeal of Santiago, which argued that the 2002 Supreme Court's ruling stating that Pinochet could not be prosecuted in the Caravan of Death case did not apply itself to two of its victims, former bodyguards of Allende. On 9 September, Pinochet was stripped of his immunity by the Supreme Court. Judge Alejandro Madrid was thus able to indict him for the kidnappings and tortures at Villa Grimaldi. Furthermore, Pinochet was indicted in October 2006 for the assassination, in 1995, of the DINA biochemist Eugenio Berrios (himself involved in the Letelier case). On 30 October, Pinochet was charged with 36 counts of kidnapping, 23 counts of torture, and one of murder for the torture and disappearance of opponents of his regime at Villa Grimaldi. On 28 November 2006, judge Víctor Montiglio, charged of the Caravan of Death case, ordered Pinochet's house arrest. However, Pinochet died a few days later, on 10 December, without having been convicted of any crimes committed during his dictatorship.