

Background- Chile¹

Chile is a prosperous South American country that suffered through the 1973 to 1990 dictatorship of General Augusto Pinochet, who oversaw the torture, murder, and disappearance of his opponents. Since Pinochet's fall, Chile has actively prosecuted human rights abuses committed by his regime but has also faced cases before the Inter-American Court of Human Rights for suppressing freedom of speech and for discrimination against LGBT people and the indigenous Mapuche community.

Chile's early years were marked by military victories and a cohesive society focused on agriculture and mining. Both the indigenous Mapuche and Spanish settlers were primarily farmers and they quickly intermarried. Later, Chile successfully expanded into copper and nitrate mining, aided by victorious wars against its neighbors. In 1837, Chile defeated a take-over bid by Bolivia, freeing the already conquered Peru in the process. In 1879, Chile defeated both Bolivia and Peru in the "War of the Pacific", obtaining exclusive control of previously disputed coastal areas rich with nitrates.

However, under the surface, Chile struggled with inequality and growing debt. Small Mapuche minorities fought for independence into the 1880s and remain isolated and impoverished to this day. A small, white elite dominated the country's leadership and engaged in frequent in-fighting. In 1818, Chile achieved independence under the leadership of Bernardo O'Higgins, the Spanish-Irish son of the general of Chile and viceroy of Peru. However, O'Higgins was quickly pushed out by his fellow elites and, following a period of power struggle and civil war, power was consolidated behind the scenes by Diego Portales. Although Portales established a democratic constitution, his repressive tactics prompted his own troops to kill him during the successful conclusion of Chile's first war against Bolivia. Chile's victory in the "War of the Pacific" also spurred instability. Despite its successful agricultural and mining industries, Chile had been a net importer even as a Spanish colony and, after independence, quickly became indebted to Britain. The "War of the Pacific" deepened Chile's debt and, when Chile's president attempted to use the revenue from the newly won nitrate mines to pay off the debts, the result was another brief civil war in 1891.

From the 1890s through the 1970s, Chile's left and right wings clashed over how to improve its economy. Beginning in the 1890s, miners and factory workers struck for better wages and working conditions and increasingly consolidated behind socialist and communist parties. The Great Depression of the 1920s exacerbated the conflict and led to a flurry of regime changes in the 1930s and 1940s, as the left and right vied for control of the government. World War II and the Korean War pulled Chile out of the depression and towards the right, as the U.S. made large investments in Chilean copper and courted Chile's support in the Cold War. However, Chilean voters remained frustrated by economic inequality and elected increasingly left wing candidates, culminating in the 1970 presidential win of socialist Salvador Allende Gossens. Unfortunately, his reforms were economically unsuccessful and his socialism outraged both the right wing and the U.S. In 1973, the Chilean military staged a U.S.-backed coup d'état, killing Allende and imposing a military regime in his place.

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On September 11, 1973, General Augusto Pinochet Ugarte took power in what would ultimately be a bloody 17 year dictatorship. Initially, Pinochet enjoyed the support of many on the center and right who believed he would return power to them following a brief dictatorship. However, it took Pinochet only days to reveal his true level of brutality. In the weeks following September 11, a military unit known as the Caravan of Death visited prisons around the country, murdering imprisoned leftists.² At the same time, the police and military went to the homes of other leftists to kill and arrest them. On September 16, police dragged Communist activist Luis Alfredo Almonacid Arellano from his home and then beat and shot him to death in front of his family.³ On the same day, military police arrested socialist Leopoldo García Lucero. During two years of detention, they beat him, broke his arm, knocked out all his teeth, almost blinded him in one eye, threatened to kill his six-year-old daughter in front of him, shocked him with cattle prods, and submerged his head in water, before finally exiling him to the UK.⁴ The Pinochet regime similarly tortured, murdered, and exiled a multitude of others, including former members of the military who declined to cooperate with the new regime.⁵ Much of these human rights violations were carried out by Chile's secret police force, the Dirección de Inteligencia Nacional (DINA), and with the cooperation of other right-wing Latin American governments, as part of a joint anti-leftist campaign known as Operation Condor.⁶ At the same time, Pinochet's economic policies proved disastrous for the poor, reducing real wages and increasing unemployment. Opposition to Pinochet quickly spread to include not just the left but also centrists, the Catholic Church, and the U.S. Under both domestic and international pressure, Pinochet agreed to allow elections in 1988. Voters rejected Pinochet's continued rule and, in 1989, elected a center left president to replace him.

In March 1990, Pinochet stepped down and Chile began a return to democracy. Chile swiftly joined the Inter-American human rights system, ratifying the American Convention on August 10 and accepting the Commission's and Court's jurisdictions on August 21. In 1991, a government commission produced the Rettig Report, a comprehensive investigation into the abuses committed under the Pinochet dictatorship.⁷ Since then, the government has charged over a thousand former

² *Chile Caravan of Death: Eight Guilty of Murder*, BBC (Dec. 23, 2013), <http://www.bbc.com/news/world-latin-america-25499373>; Jonathan Franklin, *Pinochet Tied to Massacre*, THE GUARDIAN (Jan. 27, 2001), <https://www.theguardian.com/world/2001/jan/27/chile.pinochet>; Sam Roberts, *Sergio Arellano Stark, Chilean General Who Led Death Squad, Dies at 94*, N.Y. TIMES (March 18, 2016), https://www.nytimes.com/2016/03/19/world/americas/sergio-arellano-stark-chilean-general-who-led-death-squad-dies-at-94.html?_r=0.

³ *Almonacid Arellano et al. v. Chile*, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 154 (Sept. 26, 2006), <https://iachr.ils.edu/cases/almonacid-arellano-et-al-v-chile>.

⁴ *García Lucero et al. v. Chile*, Preliminary Objections, Merits, and Reparations, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 267 (Aug. 28, 2013), <https://iachr.ils.edu/cases/garc%C3%ADa-lucero-et-al-v-chile>; Leopoldo García Lucero, *Money Won't Compensate for My Torture in Chile*, THE GUARDIAN (Nov. 10, 2013), <https://www.theguardian.com/commentisfree/2013/nov/10/money-will-not-compensate-torture-chile-pinochet>.

⁵ *Omar Humberto Maldonado Vargas et al. v. Chile*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 300 (Sept. 2, 2015), <https://iachr.ils.edu/cases/omar-humberto-maldonado-vargas-et-al-v-chile>.

⁶ J. PATRICE MCSHERRY, *PREDATORY STATES: OPERATION CONDOR AND COVERT WAR IN LATIN AMERICA* 24-26 (2012).

⁷ *REPORT OF THE CHILEAN NATIONAL COMMISSION ON TRUTH AND RECONCILIATION*, (Notre Dame, Indiana: University of Notre Dame Press, 1993), <http://www.usip.org/publications/truth-commission-chile-90>.

military and law enforcement officials for abuses they committed during the dictatorship, narrowly interpreting but not overturning a 1978 amnesty law passed under Pinochet.⁸

However, Chile's return to democracy was complicated by the government's continued reluctance to hear criticism, conflict between many Chileans' conservative religious values and human rights norms, and Pinochet's lingering presence. In a four year legal battle from 1993 to 1997, former naval officer Humberto Antonio Palamara Iribarne was fired from his civilian Navy job, fined, and sentenced to 61 days in prison for writing a book criticizing ethical lapses in the Navy.⁹ From 1988 to 2003, Chile banned the movie *The Last Temptation of Christ* due to pressure from Christian groups¹⁰ and, in 2005, a Chilean court transferred custody of three children from their mother to their father after the mother came out as a lesbian.¹¹ Finally, Pinochet himself remained a political presence, as both the Chilean government and foreign governments were reluctant to prosecute him due to his continuing power and increasing ill health. Pinochet remained Commander-In-Chief of the Army until 1998 when he stepped down and travelled to the UK for medical treatment. At Spain's request, the UK detained him under house arrest for two years pending extradition to Spain, but released him in 2000 due to his ill health. Pinochet spent his last few years living in Chile and embroiled in court battles over whether he was well enough to stand trial for the crimes committed during his dictatorship. He passed away in 2006, with criminal charges against him still pending.

Following Pinochet's death, Chilean politics has again turned leftward, with mixed success. In 2006, Chileans elected President Michelle Bachelet, a socialist who had been tortured under Pinochet alongside her mother and whose father had died in Pinochet's prisons. She successfully won reelection in 2013, following four years out of office due to Chile's prohibition on successive presidential terms. As president, Bachelet fought against amnesty for Pinochet's subordinates, signed into law the legalization of same-sex civil unions, and adeptly managed the economy during her first term.¹² However, her second term has been marred by a collapsing economy and the revelation that her son and his wife used their political connections to obtain loans and dodge taxes, without Bachelet's knowledge.¹³ As the corruption investigation spread to include rival parties and

⁸ *Country Reports on Human Rights Practices for 2015: Chile*, U.S. DEPARTMENT OF STATE (2015), <http://www.state.gov/j/drl/rls/hrrpt/2015/wha/252999.htm>.

⁹ *Palamara Iribarne v. Chile*, Merits, Reparations, and Costs, Judgment, Inter-Am. Court of H.R., (ser. C) No. 135 (Nov. 22, 2005), <https://iachr.ils.edu/cases/palamara-iribarne-v-chile>.

¹⁰ "The Last Temptation of Christ" (Olmedo Bustos et al.) v. Chile, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R., (ser. C) No. 73 (Feb. 5, 2001), <https://iachr.ils.edu/cases/last-temptation-christ-olmedo-bustos-et-al-v-chile>.

¹¹ *Atala Riffo and Daughters v. Chile*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 239 (Feb. 24, 2012), <https://iachr.ils.edu/cases/atala-riffo-and-daughters-v-chile>.

¹² Associated Press, *Chile's Same-Sex Couples Celebrate Civil Unions*, THE GUARDIAN (Oct. 22, 2015), <https://www.theguardian.com/world/2015/oct/22/chiles-same-sex-couples-celebrate-civil-unions>; Simon Romero & Pascale Bonnefoy, *Chilean Voters Return a Former President to Power*, N.Y. TIMES (Dec. 15, 2013), <http://www.nytimes.com/2013/12/16/world/americas/bachelet-wins-chilean-presidency-in-landslide.html>; Larry Rohter, *Chile's Leader Attacks Amnesty Law*, N.Y. TIMES (Dec. 24, 2006), <http://www.nytimes.com/2006/12/24/world/americas/24chile.html>.

¹³ Pascale Bonnefoy, *With Pensions Like This (\$315 a Month), Chileans Wonder How They'll Ever Retire*, N.Y. TIMES (Sept. 10, 2016), <https://www.nytimes.com/2016/09/11/world/americas/with-pensions-like-this-315-a-month-chileans-wonder-how-theyll-ever-retire.html>; Pascale Bonnefoy, *Daughter-in-Law of Chile's President Faces Corruption Charge*, N.Y. TIMES (Jan. 29, 2016), <https://www.nytimes.com/2016/01/30/world/americas/daughter-in-law-of-chiles-president-charged-with-tax-crimes-and-bribery.html>; Simon Romero, *Chile Joins Other Latin*

members of Congress, Chile's Senate responded by passing a bill that would impose up to 541 days in prison for reporting on ongoing judicial investigations.¹⁴

Finally, Chile's forestry industry remains engaged in ongoing conflict with Mapuche and environmental activists. During the early 1990s, the government granted contracts allowing forestry companies to start projects that were either on traditional Mapuche owned land or blocked the Mapuche's access to the land where they traditionally found food. In one incident, Mapuche communities were forced to move after a hydroelectric project flooded thousands of hectares of land.¹⁵ Both Mapuche and non-Mapuche environmental activists expressed concerns about the possible environmental impact of these projects. However, the government refused requests by environmentalist groups for information about major forestry contracts¹⁶ and police engaged in violence and unauthorized searches and detention against Mapuche people. Some Mapuche activists responded by setting forestry trucks, equipment, and buildings on fire, resulting in protests by forestry workers and the activists' prosecution under strict counter-terrorism laws.¹⁷ As of 2015, imprisoned Mapuche activists described themselves as political prisoners and the courts were investigating the police beating of three Mapuche teenagers.¹⁸

More information

Additional background was provided by the sources below.

For historical background, see the [Encyclopedia Britannica](#) and [BBC Country Profile](#).

For information on human rights abuses committed under Pinochet, see REPORT OF THE CHILEAN NATIONAL COMMISSION ON TRUTH AND RECONCILIATION (Notre Dame, Indiana: University of Notre Dame Press, 1993), <http://www.usip.org/publications/truth-commission-chile-90>.

For an overview of the current human rights situation, see the [U.S. Department of State's 2015 Human Rights Report](#).

For information about human rights, including all relevant treaties and legal documents, see [Office of the High Commissioner for Human Rights](#).

American Nations Shaken by Scandal, N.Y. TIMES (April 9, 2015), <https://www.nytimes.com/2015/04/10/world/americas/chile-joins-other-latin-american-nations-shaken-by-scandal.html>.

¹⁴ Pascale Bonnefoy, *As Graft Cases in Chile Multiply, a 'Gag Law' Angers Journalists*, N.Y. TIMES (April 7, 2016), https://www.nytimes.com/2016/04/08/world/americas/chile-corruption-press-gag-law.html?_r=0/.

¹⁵ Norín Catrimán et al. v. Chile, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R., (ser. C) No. 279, (May 29, 2014), <https://iachr.ils.edu/cases/nor%C3%ADn-catrim%C3%A1n-et-al-leaders-members-and-activist-mapuche-indigenous-people-v-chile>.

¹⁶ Claude Reyes et al. v. Chile, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 151 (Sept. 19, 2006), <https://iachr.ils.edu/cases/claude-reyes-et-al-v-chile>.

¹⁷ Norín Catrimán et al. v. Chile, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R., (ser. C) No. 279, (May 29, 2014), <https://iachr.ils.edu/cases/nor%C3%ADn-catrim%C3%A1n-et-al-leaders-members-and-activist-mapuche-indigenous-people-v-chile>.

¹⁸ *Country Reports on Human Rights Practices for 2015: Chile*, *supra* note 7.