

https://dspace.org/

Truth without reconciliation in Chile: testimonies of the tortured and the case against Augusto Pinochet

Kaplan, Temma

1999-06-11T06:42:24Z
http://hdl.handle.net/10539/7834

Downloaded from a DSpace repository. https://dspace.org/

1999

KAPLAN

TRUTH WITHOUT RECONCILIATION IN CHILE: TESTIMONIES OF THE TORTURED AND THE CASE AGAINST AUGUSTO PINOCHET

Temma Kaplan
The State University of New York at Stony Brook

"Fear" and "terror" are the words that are used most often to describe the 17-year-long military dictatorship of Augusto Pinochet in Chile. There between 1973 and 1990 and elsewhere where people have been brutalized by the use of torture for defending themselves and their communities against the arbitrary use of power, shaming rituals, designed to cleanse the body politic in order to achieve something akin to justice, have become an essential part of creating the possibility for a lasting democracy. The movements to overcome fear and shame and to enable former enemies to live together in peace remains a subject of some urgency for the governments that succeed states which ruled by fear. And nothing terrifies people more than the seemingly arbitrary use of power.

When Cesare Beccaria and other figures of the Enlightenment in Europe argued for natural law and a system of inalienable rights, they castigated the use of torture as atavistic and barbaric. The reformers attacked monarchies and religious authorities who employed brute force, the antithesis of reason, to create political authority through terror. Although Michel Foucault and his followers have made important strides in showing how subsequent systems have depended upon discipline and subtle forms of power that permeate all relationships, most would agree that this form of domination represents an advance over the use of torture.

Beginning with the French Revolution countries all over the world banned the use of torture as a means of exacting information or of punishing prisoners. In fact, when, at the end of the nineteenth century, the police in Spain reintroduced torture to exact "confessions" from those whom authorities thought were anarchists, newspapers around the world spoke about Spain as barbaric.[1] Yet governments as different as South Africa under apartheid and Chile under a military dictatorship developed

HWS 210

ever more refined forms of torture to destroy the will of prisoners and to terrorize large portions of the population.

Even if authoritarian governments which employ torture bear a certain resemblance to one another, certain characteristics of the bloody military regimes of Argentina and Chile have distinguished them: They worked in secret, and they cultivated images of their own irrationality, making it difficult for anyone who was not an enthusiastic supporter of the military to feel safe. As one military leader of Argentina during the Dirty War from 1976 to 1983, General Ibérico Saint-Jean proclaimed: "First we will kill all the subversives; then we will kill their collaborators; then their sympathizers; then all those who remain indifferent; and then finally we will kill the undecided."[2] The fact that the subjects of the military's wrath were not brought to trial for their alleged crimes, were not formally accused of acting in illegal ways, were secluded and cut off from public life, made it easy for them to disappear into what the Nazis called "night and fog." Remaining silent, acting circumspectly, and averting one's gaze became a means of surviving in Argentina and in Chile. But those who somehow endured torture speak of the magnitude of the silence and harbor special rage for those who looked away. For that reason, breaking the silence, reflecting on history, and expressing the emotional rage associated with having suffered at the hands of the state torturers and murderers appears to some to be one way of creating new political communities.

In The Body in Pain: The Making and Unmaking of the World,[3] critic Elaine Scarry argues that torture destroys the self, but it also destroys the sense of belonging to a community greater than the self. The extreme pain of torture cuts people off from their memories and impedes their hope for the future. Suspension in time--a sensation exacerbated by the use of blindfolding prisoners in Chile and Argentina--further cuts people off from the world around them. The unbearable pain itself produces disorientation, and intense feelings of impotence and shame, which destroy rationality. The games torturers play: humiliating people in front of family members, holding people in secret, attacking their sexuality and

their control over their own bodily functions, diminishing their pride, asking questions for which there are no answers or to which jailers already know the answers, moving people around and threatening that any moment may be their last, unhinges people. Yet, for some, a strain of solidarity remains. Jean Paul Sartre, drawing on the experiences of members of the Resistance when faced with the Gestapo, claimed that even the bravest fighter, who could withstand any amount of pain him or herself, would do anything to stop the torture of another person, especially a friend or loved one. In fact, those who survive incessant brutality that violates every part of their mind and body seem to be those people who can impose some sense on what is happening. Maintaining a sense of attachment to the world, if only in one's mind, seems to be what helped even those withstanding the most brutal conditions to survive.

For Luz de las Nieves Ayress Moreno, a student activist, who taken with the idea of liberating the poor in Latin America, left Chile to fight with guerrillas in Bolivia, a sense of history and community has given structure to her whole life. Simply because all students were suspect, she was arrested immediately after the coup on September 11, 1973, taken to the National Soccer Stadium, which became a holding pen and series of torture chambers, and forced to submit to electric prods all over her body. But she was quickly released. Living apart from her parents, she returned to the university as a 23-year-old graduate student to study child development. At the same time, she became active in an underground movement to resist the military regime. She got to know an Argentinean called Alberto or Comandante Esteban who claimed to be a member of a leftist group in Argentina, and offered Ayress and her group financial support, arms, and training. She was reluctant to engage in armed resistance since even the underground communist party prohibited trying to resist militarily. Eleven members of Ayress' group, however, did follow Alberto, and all were found dead in December 1973 with marks of extensive torture.

Ayress remained underground, but one day in January 1974, she decided to visit her family at mid-day at the small factory and sales office

of the family business in medical supplies. Her family were middle class liberals, descended from Chile's early socialists, including a Scottish grandfather, McAire, shortened to Ayress in Spanish. When Nieves Ayress arrived at the shop at about 1 p.m., she found that her father and a group of clients had been held captive by Comandante Esteban and some soldiers since 9 that morning. From the factory, the soldiers marched her father and her back to their house where another group of men were waiting. The posse then blindfolded her, her father, and her fifteen-year-old brother, and took them downtown to offices she later discovered were the headquarters of the army intelligence forces. Then began forty months of the most brutal torture.

The case of Nieves Ayress was one of the first individual stories to reach people outside Chile, although secular and Catholic human rights activists had been familiar with the tactics of the Pinochet regime from the beginning of the coup. The international public knew that the army, navy and air force were rounding up workers, students, health care professionals, and members of liberal and left political parties. Some people got out of the National Soccer Stadium in Santiago, where the folk singer Victor Jara had tried to lead the prisoners in singing the anthem of the legally elected Popular Unity government. For his act of resistance, his captors in the military forced him to play his guitar as they cut off his fingers one by one. Others, such as Charles Harmon, memorialized in the film "Missing," was in the city of Valparaiso when the coup d'etat took place. Upon his return to Santiago, he reported to his wife that he was surprised by the unusually large number of U.S. military attaches, whom he had seen near the naval base. He suspected that the presence of so many Americans indicated their complicity in hatching the coup. Shortly after Harmon's return to Santiago, he himself was abducted and murdered by the Chilean military. But most evidence came from survivors who surmised what had happened to Harmon and others. There were few, if any, first hand accounts of those who had suffered the worst the Chilean military had to offer as they attempted to remake the country, which had been the

first country in the Americas to elect a socialist president.

Nieves Ayress Moreno, like many others her age, had supported the Popular Unity government of Salvador Allende. Ayress, while still in prison facing death every day, risked her life and sanity to write history for the future as a means by which to reassert reality, to contradict the way torturers tried to remake the world in their own image. Since torture destroys language, according to Elaine Scarry, writing or speaking out loud represents both an attempt to reassert one's subjectivity and to ally oneself with a larger community. People like Alicia Partnoy, who was a prisoner in Argentina during the Dirty War, and Nieves Ayress in Chile used language in two ways related to their need to maintain their connection to society. In prison, while undergoing torture, Partnoy remembered a children's rhyme. Not only did reciting it to tie herself to her own history and to her daughter, which must have been excruciating; but in reciting the nonsense lines, she also, in the words of Jean Franco, "provides her[self] with the model that allows her both to survive and to maintain a sense of her own humanity and that of others even while experiencing pain." [4] Nieves Ayress says that between torture sessions she sang to herself or talked to inanimate objects--especially when she was in solitary confinement for three months.[5] To ridicule her, the guards or the torturers would ask her who she was addressing. "The door, the bars, the window," she would reply. Like a person trying to remain alert while drunk, she kept herself conscious through language.

Although many former prisoners of concentration camps relinquished any hopes for the future and tried to quash their own memories as ways to overcome their own yearning for all they had lost, Ayress insisted on remembering. Her story, sequestered out of prison on paper hidden in the vagina of a woman who was being released and sent into European exile, provided a person behind the statistics. By crafting a story over which she had control, rather than simply portraying a victim, Ayress and her friend began a campaign that has continued with increasing vigor to this day.

In an effort to preserve an historical account and not merely to

chronicle the events of the Pinochet dictatorship, Ayress has repeatedly told her story over the past year. But the world first heard about her particular case in a communique dated February 18-21, 1975, at the Third Session of the International Commission on Crimes of the Military Junta in Chile. Fanny Eleman, the Secretary General of the International Democratic Federation of Women, based in the Democratic Republic of Germany, told the story of Luz de las Nieves Ayress Moreno and her family.[6] Explaining how families were divided up in concentration camps, the account revealed how the father and two sons of the Ayress family were in two concentration camps, Tres Alamos and Puchuncavi. The twenty-three year-old daughter had been in the Tejas Verdes camp and had been moved to the Women's Correctional Camp. Her account was passed to her mother, Virginia Moreno de Ayress, who had not at first known where her daughter, husband, or two sons were once they had been taken from her home. Almost a month had gone by before Moreno received a secret call telling her that her daughter was being held as a prisoner of war and that her husband and sons were in concentration camps. Relatively speaking, Moreno was lucky. At a time when Chile helped turn "disappeared" into a transitive verb, and many of those related to the detained and disappeared had no news of their relatives unless they were released or until they were found dead, Moreno had news and brought her case to the First Criminal Court in San Miguel in Santiago, Chile on March 11, 1974. Since the judiciary was stifled, judges fearing for their own lives if they even signed a writ of Habeus Corpus, nothing came of Moreno's petition, and her daughter continued to suffer in prison.

In the history, Nieves Ayress recounted how she had been taken to the headquarters of the Military Intelligence Service on the corner of London and Paris Streets in a fashionable part of downtown Santiago. First her captors removed her clothes, then they tied her hands and feet and threw her on a wet floor. Then they applied electricity to every orifice of her body. They then cut her all over her body, electric prods to the wounds, hung her from the ceiling, stuffed sticks and bottles up her anus and

vagina, and raped her . She repeatedly passed out. When she awoke one of the times, the five men who were tormenting her, brought in her father and fifteen year old brother and forced them to rape her. She lost consciousness again.[7] She was raped more than forty times and tortured by General Manuel Contreras the head of the army intelligence service, subsequently named DINA, the Directory of National Intelligence, a group that reported directly to Augusto Pinochet.[8]

During several of the torture sessions Nieves Ayress blanked out, and her heart seemed to have stopped. She was close enough to death on several occasions that her attackers brought in a physician. Throughout the Southern Cone, doctors distinguished themselves as technocrats of the body, who complied with the torturers in keeping helpless subjects alive. In Nieves Ayress case, the doctor revived her before she, her father, and her brother were thrown into meat trucks and taken to the concentration camp known as Tejas Verdes.

Once at the camp, the guards threw all the prisoners out of the truck, while threatening them with immediate execution. The father and brother were sent back to another concentration camp, Tres Alamos. No one knew for months whether the father, daughter, and son had been killed, or where their bodies might be found. At the camp, she must have appeared close to death because a nurse was sent to examine her.

The complicity between the torturers and the medical personnel became even more visible when Ayress got to know some of the other women captives, one of whom was five months pregnant. Nieves Ayress believed that she and the pregnant women suffered the worst torture. The doctor periodically intervened to make sure he could still hear the heartbeat of the fetus, and then he gave a signal for the torture to continue. As the months passed, and Ayress became pregnant as a result of multiple rapes, the prison gynecologist Dr. Mery, who taught medicine at the Catholic University in Santiago, congratulated her for the honor she had received in "being able to bear a child for the motherland."[9] Along with the medical attention to maintain enough life to suffer pain, the torturers

played popular music, sometimes turning it up and putting rags in the mouths of victims to quash their screams.[10] Unlike Argentina, where many of the worst torture centers were in residential neighborhoods, most of the Chilean torturers did their work in camps like Tejas Verdes or in relatively isolated places such as the Villa Grimaldi. When doctors from the International Red Cross worked their way in to investigate, the guards, one step ahead of the humanitarians, took people like Ayress into a nearby forest until the investigators had left. One person who did manage to get in to the Women's Prison was Fernando Aristia, the Archbishop of Santiago, whom the armed forces at first seemed to think would be on their side. And a Swiss national Dr. Phillppe, a German Dr. Von Kayzer [sic], and a Mr. Orfila, of The Organization of American States, and members of the Kennedy Commission, all of whom succeeded in entering the camp at Tejas Verdes at different times.

Conditions at the camp were designed to break down the sense of humanity of the prisoners. Ayress was frequently held incommunicado in a cell about six feet by six feet. Food came infrequently and then was thrown on the floor, where she was forced to eat like an animal on all fours. Most days a guard took her to a latrine at 6 a.m. Since she had no soap and no way to heal the burns and cuts that created open wounds all over and inside her body, she had massive infections. The shackling, electro shocks, and rapes were standard fare, but the torturers outdid themselves with bestiality. They trained Boxers to rape women, and with Nieves Ayress and others, they introduced mice into the vagina, where the terrified rodents ripped and bit in their attempts to get out.

Nieves Ayress and the women whom a Dr. Evelyn Mauss of the International Association of Women saw at the Buen Pastor convent prison in Santiago were kept in solitary confinement for months on end, moved from place to place, threatened with death, and brutally tortured.

Despite all the pain and suffering, it was never clear what the torturers wanted to know. When Nieves was arrested and taken to the National

Soccer Stadium right after the coup, her inquisitors asked about arms stashes and "submarines." Later on, during her long incarceration, they asked more questions which bewildered Ayress, who wrote in her first communication: "I do not know what they wanted me to tell them ...they accused me of terrible and demented things I did not do..." Perhaps she omitted their questions to give some protection to the friend who was risking her own life by carrying Nieves Ayress account from prison to the outside.

* * * * * * *

Following the arrest of Augusto Pinochet on October 16, 1998 in London, where he was recovering from back surgery, Ayress began to circulate the testimony that first appeared in February 1975. She had managed to survive in jail until December 1996, when she and 18 others who were also considered threats to national security were released from jail and exiled from Chile.[11] She traveled to Germany, Italy, Cuba, and Mexico, wherever there were Chilean relief organizations and exiles fighting to overthrow Pinochet. While visiting her sister in the United States in 1985, she learned that her house in Mexico had been destroyed by the great earthquake. She and her husband Victor Toro, whom she met in Cuba, decided to stay in the United States. Toro, one of the founders of the MIR (Movimiento Izquierdo Revolucionario, the Revolutionary Leftist Movement), had been the subject of a national manhunt. When he was found, he was tortured to reveal the names of survivors of the MIR, which remained a focus of government preoccupation virtually until the end of the Pinochet regime. Ayress had first known Toro in the Tres Alamos concentration camp, where he had been kind to her fifteen year-old brother. Ayress and Toro left Cuba for Mexico where their daughter was born, and then they settled in the South Bronx, one of the poorest areas of the United States. In 1987, they founded Vamos a la Peña del Bronx, a community center that distributes food, helps people with AIDS, and --for Ayress, one of the most important services of all--serves as a center for

women who have suffered physical or psychological battering as a result of domestic violence.

Along with Ayress, Toro, and countless exiles, who have fought to reestablish democracy in Chile, tens of thousands of Chileans participated in popular movements to bring down the Pinochet government. Right after the 1973 coup, family members like Ayress' mother Virginia Moreno, went looking for those who had disappeared into the torture chambers. Those seeking their loved ones formed groups such as Families of the Disappeared, supported by various human rights groups including the Catholic church. But the mass movement began in 1978, about two years after Ayress was expelled from Chile. On March 8, 1978, International Women's Day, a consortium of student, workers, artists, intellectuals, and journalists gathered under the auspices of a group calling themselves the National Union of Homemakers, called a meeting at one of the largest theaters in downtown Santiago and demanded the end of violence. In April, the copper miner's union called an impromptu meeting and was brutally repressed. May Day provided another opportunity for thousands to congregate at a monument in a downtown square to demand civil and political rights in the biggest demonstration since the 1973 coup.[12]

The first wave of resistance lead to another state of siege. Getting ready for the day Pinochet and the military hoped would never come, the government nevertheless issued a blanket amnesty to themselves for all the crimes committed following the coup. They imbedded the amnesty in the 1980 Constitution that created a "protected democracy." George Orwell might have asked from whom democracy had to be protected. The Constitution answers that question by making the military the guardian of the constitution and by creating a senate of thirty-nine members, of whom nine senators are appointed. Presidents who served six-year-terms are granted permanent membership which makes amending the constitution virtually impossible for generations to come.[13] With all its faults, large numbers of people in Chile voted for the Constitution of 1980 as a step toward returning to civilian rule.

Mass mobilizations, beginning in May 1982 and going continuously until the election of Patricio Alwyn, a Christian Democrat, who succeeded Pinochet in 1990, played a large part in reconstructing a democratic community in Chile. Demonstrations by Chile's all important copper miners, human rights activists, and an umbrella group calling itself Women for Life (Mujeres por la Vida), together undertook six years of mass mobilizations that ultimately forced Augusto Pinochet to hold the plebiscite in 1988. Symbolic acts have been especially important in the movement to overthrow Pinochet and now in the movement to have some kind of public accounting of what Chile has become. This is more than soul-searching. One of the most important public demonstrations in the revival of public life in Pinochet's Chile was the demonstration held by Women for Life in the National Soccer Stadium in Santiago where so many prisoners were tortured, and many like Charles Harmon and Victor Jara were murdered. On December 22, 1984, Women for Life overcame their own terror by staging a demonstration in the National Soccer Stadium in Santiago. Secretly carrying banners, the women attended the final games of the championship soccer match. Coordinating their action, with hearts palpitating, they unfurled their banner, bearing their recent slogan, "No More!" ("No +," meaning, no more violence and end the dictatorship).[14] One of the participants, Teresa Valdés, recalls that incident was the most personally terrifying of her entire life.

Part of the Pinochet dictatorship's unwillingness to acknowledge its own history, the reintroduction of the stadium as a sports arena took place without ceremony. For Women for Life, the stadium represented the coup and all the violence that had followed it. Reclaiming the stadium, waving their own banner calling for a return to democracy at the stadium, was as significant to them as anything else the Opposition accomplished in the struggle to regain political freedom. The action at the stadium led inexorably to other demonstrations as Women for Life decided that they had to enact democracy in order to win it. Therefore, constant mobilization not only was a strategy to discredit the dictatorship but a means by which

to win increasing numbers of adherents to the struggle against Pinochet.

The culmination of the strategy of mobilizing to create an alternative community to that Pinochet dominated and to incorporate the detained and disappeared came with the Plebiscite of 1988 which the Constitution of 1980 had planned. The dead gained representation and the survivors gained their first public choice in that plebiscite. The referendum was scheduled for October 5, 1988, and people were limited to voting only "Yes" or "No" to Pinochet's remaining in office another eight years. The dangers as well as the possibilities of transforming the government after fifteen years of authoritarian rule were apparent to every one opposed to Pinochet. Using the need to mobilize people to register to vote in October as a further opportunity to raise consciousness about what democracy might mean for women, Women for Life and the various grass-roots organizations that had grown up to provide social services under the dictatorship moved into action.[15]

The umbrella organization of women launched their own particular campaign on July 11, 1988, with a meeting uniting different sectors of the opposition. Linking demands for human rights and democracy. With a thirties ballad, "Don't Forget Me," as their anthem and forget-me-not flowers as their emblem, Women for Life attempted to rouse masses of people, They came upon a plan for reminding the population about those who had disappeared into prisons, torture chambers, exile, and unmarked graves. With signs asking, "Where will the exiles, political prisoners, disappeared, and victims of assassination vote?" the women mounted a campaign to convince people that the plebiscite was a cover-up. The first segment of the operation culminated on August 29, 1988, the day the government planned to announce its candidate--Augusto Pinochet. On that day at precisely 2 PM, one- thousand silent women, dressed in black, organized into forty brigades of twenty-five members, spread all over the city of Santiago, and opened packages of silhouettes with thumb-nail biographies of the disappeared written on them. Hoping for the maximum impact at a time when Chileans were out walking and police were minimal,

Women for Life organized their action precisely. After ten minutes, they left the figures and the signs that they plastered all over the walls as a reminder to people about the human rights abuses of which the government was guilty. One of the most visual of the actions Women for Life organized, the campaign entailed having the police seen attacking representations of those who disappeared, thus performing publicly what they had been doing in secret for fifteen years. By these means, opponents of the regime linked human rights and women's struggles in the popular imagination, and succeeded in having the media record the confrontation.[18]

After the Plebiscite, the parties of the center and left, who had begun to organize a clandestine opposition movement (la Concertación), called for demobilization of the popular forces. Women for Life with the support of women of all classes, from shanty town dwellers to journalists and women active in the political parties, continued to call demonstrations up to the elections of 1989, when they separated themselves into single issue movements. But it is inconceivable that presidential elections would have been held in 1989 without them.

* * * * *

Shortly after taking office in 1990, Patricio Alwyn, he followed the pattern of other heads of transitional governments and organized a commission to consider Chile's history between the two presidential elections of 1970 and 1989. One of what were to be twenty-one governments, hoping to carry out what has come to be known since the seventies as "transitions to democracy," Chile tried to create systematic ways to deal with the past as a basis to reconstructing a new political community. Each of those countries has been faced with similar questions of deciding how to describe the period of violence and how to reimpose the rule of law. They all must answer similar questions: What went wrong? Who was responsible for the violence and did the hostilities amount to a civil war? If a civil war ensued, what international covenents continued to govern the behavior of belligerents? At another level, each of these commissions has to account for a rupture in history.

The commissions also have to adjudicate a program for the future. Less a process of reconciliation than a period of trial re-union, the time and effort devoted to commissions' work of assessing what came before the new period sometimes is perfunctory. The commission appointed by Patricio Alwyn, though consisting of eminent lawyers, headed by Raúl Rettig and known popularly as the Rettig Commission, met in private and had no power to subpena anyone accused of crimes. Nor could it consider those, like Nieves Ayress, who miraculously survived their torture.

The "Report of the Chilean National Commission on Truth and Reconciliation," that emerged from the survey documents the deaths or disappearances of 3,041 people without accounting for why they died, who killed them, or why the dead or those who survived were tortured the way that they were. The report is a chronicle rather than a history. One event follows another with very little analysis. This kind of sequential narrative is cast in passive voice, making the death the subject and leaving out the killer or killers, as if they were simply forces of nature. Unlike some of the testimony found in the five volumes entitled the "Truth and Reconciliation Commission of South Africa. Report," where we hear the voices of the subjects of terror as well as the testimony of the killers and torturers, the Chilean report is narrated by a faceless chorus.

To give voices and bodies to those who survived as well as those who died in Chile, it is appropriate to consider how Chile has or has not recorded its own history of repression and fear; how people who suffered torture have introduced their own voices into the argument; and to consider what role the capture and proposed trials of Pinochet for human rights violations might play in establishing truths and fighting for reconciliation in Chile,

Unlike Mussolini, who was hung by his heels in a public square, and Hitler, who died by his own hand in his bunker, Augusto Pinochet, the longtime dictator of Chile, continued as the commander in chief of the armed forces the condition for his stepping down as head of state in 1990. Eight years later, when he decided to relinquish his role as head of the

armed forces at age 83, on March 11, 1998, he had himself named senator for life, a step followed by demonstrations for and against this move. Echoing demonstrations from the eighties, silhouettes of the dead and disappeared took their place in the senate on the day in March 1998 when Pinochet was sworn in as a senator for life. Given Pinochet's effort to transform his image into one of an elder statesman, and depending on Chileans' views of Pinochet, people were either elated or outraged when he was arrested in London on October 16, 1978, and held for possible extradition to Spain.

Spain had had its own problems with remembering its history. Francisco Franco, who had ruled Spain for 36 years, died in his bed on November 20, 1975, after a long illness. Except for an act of violence, the bombing of the car of Franco's designated successor, Admiral Francisco Carrero Blanco, by five young Basque terrorists, Spain might have continued to follow the dictates of the Francoist state for a long time to come. Despite Spain's Constitution of 1977 making the country a constitutional monarchy, and although there have been attempts to do oral histories of life under the Francoist system, there has never been a public hearing to assess the damage done by Franco's rule over nearly forty years. Histories that speak of hundreds of thousands of people summarily executed after the end of the Spanish Civil War in 1939; and the flurry of reappearences in the early seventies of people who had had to remain in hiding until Franco finally issued a general amnesty for those who had held office before 1939 under the legally elected government of Spain became best sellers. But they did not amount to a public reckoning. That is, there was no collective cleansing until the extradition of Pinochet.

The connections among Spain, Chile, and Argentina were no closer than the links among Great Britain, Canada, and the United States. Yet, close to three hundred Spanish citizens were abducted, tortured, and murdered in Chile and Argentina during the Chilean military dictatorship and the Dirty War in Argentina. International law enabled Spain--now followed by Sweden, Switzerland, France, and Italy--to charge Pinochet.

First, there is the United Nations resolution of December 12, 1946, which established the jurisdiction of the Nuremberg Tribunal to judge those guilty of political or religious persecution, assassination, or torture, all of which were called "crimes against humanity." That same resolution maintained that there could be no amnesty from instances of state terrorism which carried out those crimes. The Spanish indictment also looks to the 1948 Convention against Genocide, recognized as a crime against humanity in the case of Adolf Eichman and in key articles of the International Tribunals at the Hague that prosecute crimes in the former Yugoslavia and Ruanda. And finally, the indictment considers the 1984 Convention against Torture.[17] Spain's ability to bring charges was enhanced by a system of Spanish law that permits ordinary citizens to launch so-called "popular actions" before a special judicial branch known as the National Court (Audiencia Nacional). With the support of immigrants from Chile and the Spanish-born former aid to Salvador Allende, Joan Garcés, now head of the Salvador Allende Foundation in Madrid, the Spanish judges Baltasar Garzón and Manuel García Castellón began their investigations between March and July 1996. Testimonies of Chilean survivors galvanized the judges to seek jurisdiction over the crimes Pinochet is alleged to have committed.[18] The Spanish indictment that emerged charged Pinochet with the murders of Spanish nationals, but also went further to charge him with crimes against humanity--including crimes of genocide and terrorism against his own citizens. Among those whose allegations appear in the original warrant for extradition were those of Nieves Ayress. One thing that distinguishes the Spanish charges against Pinochet from the 1990 Rettig Commission in Chile is that the warrant enables both survivors and the dead to speak.

Whether or not Augusto Pinochet ever stands trial for his crimes against humanity, a process of telling the truth has begun among Chileans throughout the world. Yet, forgiveness and reconciliation do not seem possible in Chile since neither Pinochet, his generals, or the five hundred officers on active duty who served in concentration camps and torture

chambers recognize that they have committed crimes. Only one trial of an act of violence carried out during the Pinochet regime has taken place. General Manuel Contreras plead innocent as the head of DINA to the murder in Washington, D.C. of Ronnie Moffit and Orlando Letelier. Letelier, the foreign minister of Chile under Salvador Allende, had been held in a concentration camp in Chile after the coup. Because of international pressure, Letelier was released and sent into exile in the United States, where he became a prominent critic of the Pinochet regime. On the way o work at a leftist think tank in Washington, his car was blown up on Embassy Row, ten blocks from the White House. Predictably reluctant to pursue the origins of the case to Chile, the United States brought Michael Townley, a Chilean agent in the United States to trial in the seventies. Townley claimed that he was acting on orders from Contreras, the General of DINA, Chile's CIA. Only recently, when Contreras was broght to trial for other reasons, did he plead innocent to charges that he ordered the murders in Washington. Contreras claimed that Pinochet ordered the assassination of Letelier, and that Pinochet ruled DINA.

DINA's role in coordinating tne kidnappings, torture, and assassinations of political refugees from Argentina, Brazil, Chile, Paraguay, and Uruguay under the designation of Operation Condor figures in the Spanish charges against Pinochet. As with the laws of piracy which feminist human rights lawyer Ronda Kopelan has used to gain jurisdiction against a torturer from Paraguay identified in New York, increasingly human rights laws that transcend national boundaries are being used to confront the abuses of state power that result in genocide and other crimes such as torture that are crimes against humanity.

Of course, Pinochet has never publicly admitted that any act of his-- leading a coup d'etat, condoning torture, organizing an international conspiracy that took the form of Operation Condor-- was criminal. Until Pinochet was held in London pending Spain's suit to have him extradited to stand trial for terrorism and genocide and Pinochet's son claimed his father's human rights were being violated, the former dictator and his

retinue had never been recorded as recognizing human rights at all. They certainly have shown no interest in repairing the thread that ties Chile's past to its future.

Assessing past history and having those responsible for carrying out barbaric acts confront their accusers, repent for what they have done, and beg for forgiveness seems would be another way to mend historical threads. Hannah Arendt has argued that, "the wrongdoer is brought to justice because his act has disturbed and gravely endangered the community as a whole... It is the body politic that stands in need of being repaired and it is the general public order that has been thrown out of gear and must be restored...It is, in other words, the law, not the plaintiff that must prevail."[19] But, as psychoanalyst Judith Lewis Herman has argued, "the choice to confront the horrors of the past rests with the survivor," and it is they who need to restore the continuity with the past.[20] What choices do Chileans have when the government that succeeded Pinochet was too weak to carry out open hearings or trials? The Truth and Reconciliation Committee under the leadership of Raúl Rettig could not even take the testimony of those who had survived unspeakable bouts of torture. For such people, there has been a social movement, one that has contributed to attempts by Spain, France, Italy, Switzerland, and Sweden to bring Pinochet to trail for crimes against humanity. But there has also been a wider movement such as that in which Nieves Ayress and Victor Toro engage, the practice of helping to create a broader social movement among the poorest of the poor in the belly of the monster, among Latinos in the South Bronx. Whatever happens to Pinochet--and the most likely is that he will die with extraditions hanging over him--the social movements that he suppressed and those he helped to create will fight for some form of social justice long after he is dead.

ENDNOTES

1. I talk about the Spanish reign of terror against the anarchists in my book, Red City, Blue Period: Social Movements in Picasso's Barcelona (Berkeley and London: The University of California Press, 1992), especially pp. 34-35; Rafael Florencio Núñez, El terrorismo anarchista, 1888-1909 (Madrid: Siglo Veintiuno Editores, 1983).

2. My translation of a quotation in Piera Paola Oria, de la casa a la plaza (Buenos Aires: Editorial Nueva América, nd), p. 61.

3. Elaine Scarry, The Body in Pain: The Making and Unmaking of the World (New York and Oxford: Oxford University Press, 1985).

4. Jean Franco, "Gender, Death, and Resistance: Facing the Ethical Vacuum," Fear on the Edge: State Terror and Resistance in Latin America. Edited by Juan E. Corradi, Patricia Weiss Fagen, and Manuel Antonio Garretón (Berkeley and London: University of California Press, 1992), p. 112.

5. Interview with Nieves Ayress, January 16, 1999, Vamos a la Peña del Bronx, New York City.

6. Fanny Eleman, Secretary General of the International Federation of Women, Report to the Third Session of the International Commission for [ ] Research [on] Crimes Committed by the Military Junta of Chile, 18-21 February 1975, [Subsequently listed as , International Federation of Women] 4 typed pages xeroxed and in the possession of the author. p.1.

7. International Federation of Women, p. 2.

8. Carlos Villalón, "Una Historia de Amor al Estilo del Bronx," La información (New York) November 15-30, 1998, pp. 9-14; 12.

9. International Federation of Women, p. 4.

10. International Federation of Women, p. 3.

11. Interview with Nieves Ayress by Jorge Ramos, "Así me torturó Pinochet," El Diario (New York), January 14, 1999, p. 43.

12. Chilean Resistance Courier No. 9; Bulletin of the Movement of the Revolutionary Left (MIR) Outside Chile (Oakland, California), No. 18 (May-June 1978), pp. 16; 52.

13. Tomás Moulian, "A Time of Forgetting: The Myths of the Chilean Transition," (Translated by Margot Olvarria), and Priscilla Hayner, "Truth Commissions: Exhuming the Past," NACLA:REPORT ON THE AMERICAS, Vol. 32, no. 2 (September-October 1998), pp. 16-22; 30-32.

14. ITINERARIO DE UNA LUCHA, Teresa Valdés collection, 1986, p. 2, xerox version in the possession of Temma Kaplan.

15. Alicia Frohmann and Teresa Valdés, "DEMOCRACY IN THE COUNTRY AND IN THE HOME," (Santiago, Chile: FLACSO, 1994) pp. 16-17.

16. Five-paged xeroxed plan, analysis, and fund-raising letter entitled, CAMPANA "NO ME OLVIDES," signed MUJERES POR LA VIDA and dated, Santiago, November 15, 1988; Sandra Radié, "Mujeres por la Vida: `Para que no me olvides,'" Raz y Justicia, No. 57, October 1988, pp. 23-24, clipping in the collection of Teresa Valdés, 1988, xerox version in the possession of Temma Kaplan.

17.Equipo Nizkor, "Información: Pinochet en el Reino Unido. Solidaridad Urgente para lograr su procesamiento y detención." Internet, EQUIPO NIZKOR, October 15, 1998, p. 2.

18. Equipo Nizkor, "Información," p. 1; Peter Kornblum, "Prisoner Pinochet: The Dictator and the Quest for Justice," The Nation, Vol. 267, no. 21 (December 21, 1998), p. 12.

19. Hannah Ahrendt, Eichman in Jerusalem: A Report on the Banality of Evil. 2nd Edition (New York: Penguin, 1964), p. 209-210, quoted in Judith Lewis Herman, Trauma and Recovery (New York: Basic Books, 1992), pp. 261.

20. Herman, Trauma and Recovery, p. 175.