

## **TORTURE IN CHILE (1973-1990): ANALYSIS OF ONE HUNDRED SURVIVORS' TESTIMONIES**

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*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*<sup>1</sup>

### INTRODUCTION

The objective of this essay is to analyse and explain the main topics mentioned in the testimonies of one hundred victims who were subjected to acts of torture committed during General Augusto Pinochet's dictatorship in Chile. The systematic violation of human

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1. Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948). For a definition of torture, see Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 1.1, *opened for signature* Dec. 10, 1984, 1465 U.N.T.S. 113.

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rights that occurred during the military dictatorship from September 11, 1973, to March 11, 1990, has caused a deep “open wound” in Chilean society.<sup>2</sup> Despite the pain of the survivors and their relatives, for different reasons, it is a wound about which many sectors of society still know little. Those who have chosen not to be informed about what happened, usually propose not to speak about the topic, and they “turn the page” as if torture and political imprisonment is neither convenient to discuss nor worth the effort to meditate.<sup>3</sup> While certain governmental institutions have made efforts to make the stories public, those attempts have ultimately been thwarted. For example, on November 28, 2004, President Ricardo Lagos received the Report of the Torture and Political Imprisonment Commission (known as Valech Report I);<sup>4</sup> however, a few weeks later, a law established that the declarations of more than thirty-five thousand victims should remain secret for fifty years.<sup>5</sup> Notwithstanding the social and legal silence, some of the victims have made the decision to publish their life stories and testimonies, sharing their nightmares, fears, frustrations, happiness, and dreams. In 2008, Wally Kunstman and Victoria Torres compiled a large number of these testimonies, giving origin to the book, *A Hundred Voices Break the Silence*.<sup>6</sup> This essay, therefore, concentrates only on the analysis of these testimonies.

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2. See STEVE J. STERN, REMEMBERING PINOCHET’S CHILE: ON THE EVE OF LONDON 1998 (Walter D. Mignolo, Irene Silverblatt & Sonia Saldívar-Hull eds., 2004)

3. CARLOS HUNEEUS, CHILE, UN PAÍS DIVIDIDO: LA ACTUALIDAD DEL PASADO 195, Table 5.13 (2003). According to Carlos Huneeus, 26% of the Chilean adult population thinks the best solution for the country is to “overcome the problem of human rights and turn the page.” *Id.*

4. GOBIERNO DE CHILE, INFORME DE LA COMISIÓN NACIONAL SOBRE PRISIÓN POLÍTICA Y TORTURA (2004), available at <http://www.comisionvalech.gov.cl/InformeValech.html> [hereinafter VALECH REPORT I].

5. Law No. 19.992, art. 15, Diciembre 24, 2004, DIARIO OFICIAL [D.O.] (Chile); see also Committee Against Torture, Comments by the Government of Chile on the Conclusions and Recommendations of the Committee Against Torture (CAT/C/CR/32/5), U.N. Doc. CAT/C/38/CRP.4 (Apr. 18, 2007), available at <http://www2.ohchr.org/english/bodies/cat/docs/followup/Chile32CRP4.pdf>.

6. CIEN VOCES ROMPEN EL SILENCIO: TESTIMONIOS DE EX PRESOS POLÍTICOS DE LA DICTADURA MILITAR EN CHILE (1973-1990) (Wally Kuntsman & Victoria Torres eds., 2008) [hereinafter CIEN VOCES]. All translations are the author’s, unless explained otherwise.

More than to confirm a hypothesis or to apply the theories of other authors who have reflected on concentration camps, state terrorism, or totalitarianism,<sup>7</sup> what I intend to do through this investigation is to learn directly from the subjectivities of the victims' stories. In many cases, more than thirty years have passed since the victims were arrested and tortured in Chile. Although it is interesting to identify the most substantive aspects of their messages and thoughts, it is submitted that the novelty of this essay exists in its bottom-up approach toward trying to discover, select, and interpret the victims' stories. In fact, this bottom-up research can be understood as an interpretation of the meanings of the testimonies of the victims who suffered torture and political imprisonment in Chile.<sup>8</sup> After reading the testimonies of the "victims-survivors-witnesses"<sup>9</sup> several times, it is impossible not to be touched, although the objectivity and the scientific rigor when revealing the meanings of the testimonies have been prioritized.

In addition to explaining the historical context of which the one hundred victims' testimonies are a part, Section I of this essay presents the methodological aspects, considerations, limitations, and decisions adopted during the investigation.<sup>10</sup> In Section II, the results

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7. See Hannah Arendt, *The Concentration Camps*, XV PARTISAN REVIEW, 743-63 (1948); HANNAH ARENDT, *THE ORIGINS OF TOTALITARIANISM* (1951); HANNAH ARENDT, *EICHMANN IN JERUSALEM: A REPORT ON THE BANALITY OF EVIL* (1963); GIORGIO AGAMBEN, *HOMO SACER: SOVEREIGN POWER AND BARE LIFE* (1998); GIORGIO AGAMBEN, *REMNANTS OF AUSCHWITZ: THE WITNESS AND THE ARCHIVE* (Daniel Heller-Roazen trans., 2002) [hereinafter *REMNANTS OF AUSCHWITZ*].

8. This perspective opposes the top-down, state-led and "truth for justice" trade-offs processes of transitional justice in Latin America during the 1980s and 1990s. See Cath Collins, *State Terror and the Law: The (Re)judicialization of Human Rights Accountability in Chile and El Salvador*, 35 LATIN AM. PERSP. 20, 20-37 (2008); Paloma Aguilar, *Transitional Justice in the Spanish, Argentinian and Chilean Case*, Presentation at the Crisis Management Initiative Int'l Conf. on Building a Future on Peace and Justice (June 25-27, 2007), available at <http://www.peace-justice-conference.info/download/WS%2010%20Aguilar%20report.pdf>.

9. For a revision of the notions of "victim," "survivor," and "witness," see *REMNANTS OF AUSCHWITZ*, *supra* note 7, at 13-89.

10. I coded the testimonies according to the qualitative techniques and recommendations that Barney Glaser and Anselm Strauss initially formulated in 1967. These techniques gave origin to Grounded Theory, a sociological and

of the investigation are presented under four main themes: (1) the torture victims' motivations to share their testimonies publically; (2) the living conditions and emotions of the torture victims arrested and confined in concentration camps or detention centres; (3) the victims' lives after they recovered their freedom, and (4) the evaluations made by the victims about their lives and the Chilean society in the last four decades. At the end, I present the most important conclusions of this bottom-up and on-going research project. I hope this effort of convergence between (i) socio-legal concerns and explanations, and (ii) anthropological approaches and qualitative research methods contributes to the recognition and promotion of human rights and to the consolidation of democracy in Chile.

## I. CONTEXT AND METHODOLOGY

### A. Context

Ever since gaining independence from Spain in 1818, the Republic of Chile has been characterized in the Latin American context by its political and institutional stability. Although political power and economic resources were concentrated in an elite minority, it can be stated that Chilean society progressed gradually during the nineteenth and twentieth centuries in the most diverse fields.<sup>11</sup> The Constitutions of 1833 and 1925 set the pillars of the political system and the liberal state. Political elections were held regularly, and in the twentieth century, political activity ceased to be an exclusive privilege of the elite. The left-wing parties won the presidential elections of September 1970, and Congress confirmed Senator Salvador Allende as President of the Republic. Allende had the support of the communist, socialist, and radical parties, besides other smaller parties that supported the "revolution of *empanadas con vino tinto*."<sup>12</sup> At that

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anthropological research method. BARNEY G. GLASER & ANSELM L. STRAUSS, THE DISCOVERY OF GROUNDED THEORY: STRATEGIES FOR QUALITATIVE RESEARCH (1967).

11. See CARMEN CARIOLA & OSVALDO SUNKEL, LA HISTORIA ECONÓMICA DE CHILE 1830-1930: DOS ENSAYOS Y UNA BIBLIOGRAFÍA (1982), available at <http://www.memoriachilena.cl/archivos2/pdfs/MC0000146.pdf>.

12. STERN, *supra* note 2, at 19.

time, Chile had an estimated population of 9.6 million people,<sup>13</sup> of which 17% lived in conditions of poverty and 6% in extreme poverty, while the Gini coefficient was 50.1%.<sup>14</sup> The political, social, and economic program of the *Unidad Popular* (Popular Unity) and the “40 Measures”<sup>15</sup> proposed by Allende had the support of 36.2% of the voters in 1970, increasing to 44% in the parliamentary elections of March 1973.<sup>16</sup> Nevertheless, the rest of the population, particularly the leaders of the opposition parties who joined the uneasiness of the economic elite and multinational corporations,<sup>17</sup> strongly opposed the changes Allende promoted, which included agrarian reform, nationalization of copper and banking, price control, and preservation of property rights for small businesses.<sup>18</sup>

Allende’s socialist revolution received the international community’s attention, and people everywhere wanted to know its results and social impacts.<sup>19</sup> Nevertheless, there is no doubt that the

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13. See INSTITUTO NACIONAL DE ESTADÍSTICAS (INE) & COMISIÓN ECONÓMICA PARA AMÉRICA LATINA Y EL CARIBE (CEPAL): CHILE, PROYECCIONES Y ESTIMACIONES DE POBLACIÓN. TOTAL PAÍS: 1950-2050, available at [http://www.ine.cl/canales/chile\\_estadistico/demografia\\_y\\_vitales/proyecciones/InforMes/Microsoft%20Word%20-%20InforP\\_T.pdf](http://www.ine.cl/canales/chile_estadistico/demografia_y_vitales/proyecciones/InforMes/Microsoft%20Word%20-%20InforP_T.pdf) (last visited Mar. 31, 2012).

14. Alicia Puyana, *Economic Growth, Employment and Poverty Reduction: A Comparative Analysis of Chile and Mexico* 53 (Int’l Labour Org., Working Paper No. 78, 2011), available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/documents/publication/wcms\\_156115.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_156115.pdf). For a more in depth discussion on income distribution inequalities in Chile, see Mario Marcel & Andrés Solimano, *The Distribution of Income and Economic Adjustment*, in *THE CHILEAN ECONOMY: POLICY LESSONS AND CHALLENGES* 217-56 (Barry P. Bosworth, Rudiger Dornbusch & Raúl Labán eds., 1994).

15. For more information on the “forty measures” of the Government of Salvador Allende, see LUIS CORVALÁN, *EL GOBIERNO DE SALVADOR ALLENDE*, 297 (2003).

16. David P. Forsythe, *Democracy, War, and Covert Action*, 29 J. PEACE & RES. 385, 389 (1992); ROBERT J. ALEXANDER, *THE TRAGEDY OF CHILE* 125, 253 (1978).

17. See Manuel Antonio Garretón, *Popular Mobilization and the Military Regime in Chile: The Complexities of the Invisible Transition* (Kellogg Inst. for Int’l Studies, Univ. of Notre Dame, Working Paper No. 103, 1988), available at <http://nd.edu/~kellogg/publications/workingpapers/WPS/103.pdf>; see also HARRY SANABRIA, *THE ANTHROPOLOGY OF LATIN AMERICA AND THE CARIBBEAN* 362 (2007).

18. STERN, *supra* note 2, at 18.

19. See TANYA HARMER, *ALLENDE’S CHILE & THE INTER-AMERICAN COLD*

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biggest opponent to the electoral victory of Marxism in Latin America was the United States government.<sup>20</sup> The disclosure of documents from America's Central Intelligence Agency has revealed, in detail, the level of U.S. government involvement in the *coup* of the Chilean Armed Forces on September 11, 1973.<sup>21</sup> One of the first measures the Armed Forces adopted was to declare a state of siege regarding a supposed "internal war" that existed in Chile at the time, although, strictly speaking, it was impossible for Allende supporters to counteract the military's power. The military repression and the gross human rights violations during the dictatorship were systematic, planned, and cruel: "[t]he Chilean military widely and systematically kidnapped, tortured, and subsequently and secretly murdered (and hid the bodies of) opponents as an instrument of state terror."<sup>22</sup> As the Truth and Reconciliation Commission highlighted in its report, "Chile lived a heartbreaking tragedy," and "the depth of this pain must be known."<sup>23</sup>

Once democracy was recovered in 1990, the government of President Patricio Aylwin, as well as the public opinion, concentrated its attention on the cases of executed political prisoners and missing detainees. The transition to democracy, however, was not an easy matter, as Pinochet remained Commander-in-Chief of the Army until 1998, and held the position of a lifetime senator, which allowed him to

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WAR (2011), for more information about the implications of Allende's victory in the context of the Cold War.

20. STERN, *supra* note 2, at 22; SANABRIA, *supra* note 17, at 362; *see also* BRIAN LOVEMAN, FOR LA PATRIA: POLITICS AND THE ARMED FORCES IN LATIN AMERICA (1999).

21. *See generally* Select Comm. to Study Gov't Operations with Respect to Intelligence Activities, 94th Cong., Covert Action in Chile: 1963-1973 26-39 (Comm. Print 1975), *available at* <http://www.intelligence.senate.gov/pdfs94th/94chile.pdf>; Memorandum from the Nat'l Sec. Council, Policy Towards Chile (Nov. 9, 1970) (discussing actions to be taken to oppose communism in Chile); PETER KORNBLUH, THE PINOCHET FILE: A DECLASSIFIED DOSSIER ON ATROCITY AND ACCOUNTABILITY (2003); PATRICIA VERDUGO, SALVADOR ALLENDE: CÓMO LA CASA BLANCA PROVOCÓ SU MUERTE (2003).

22. SANABRIA, *supra* note 17, at 363.

23. INFORME DE LA COMISIÓN NACIONAL DE VERDAD Y RECONCILIACIÓN, GOBIERNO DE CHILE, RETTIG REPORT 876 (1991), *available at* [http://www.ddhh.gov.cl/ddhh\\_rettig.html](http://www.ddhh.gov.cl/ddhh_rettig.html) [hereinafter RETTIG REPORT].

enjoy legal immunity.<sup>24</sup> Further, the Constitution of 1980—approved by a referendum without electoral warranties—established a set of norms that manipulated how the transition would occur.<sup>25</sup> For example, nine “designated” senators represented the Chilean right-wing and the voice of the Armed Forces in the Senate.<sup>26</sup> There were also laws approved during the dictatorship that diminished or affected the jurisdiction of criminal courts and which the parliamentarians of the right-wing parties were not willing to abolish or modify after 1990 (e.g., the Amnesty Law or the excessive jurisdiction of the military tribunals).<sup>27</sup>

On October 16, 1998, Pinochet was suddenly detained in a clinic in London, before an extradition order of a Spanish judge, Baltazar Garzón, who was investigating Spanish citizens’ death and disappearance in Chile. That fact reopened a pending debate on the situation of the victims of human rights violations. And, just as in the past, Chilean society became polarized once again.<sup>28</sup>

Until Pinochet’s detention, the victims’ stories of torture and political imprisonment had neither been discussed publicly nor

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24. SANABRIA, *supra* note 17, at 364; Collins, *supra* note 8, at 26.

25. CONSTITUCIÓN POLÍTICA DE LA REPÚBLICA DE CHILE [C.P.] (1980).

26. Daniel Pastor, *Origins of the Chilean Binominal Election System*, 14 REVISTA DE CIENCIA POLÍTICA 38, 41 (2004), available at <http://www.scielo.cl/pdf/revcipol/v24n1/art02.pdf>.

27. For examples of such laws, see Decree Law No. 2.191, Apr. 18, 1978, DIARIO OFICIAL [D.O.] (Chile), which is known as the Amnesty Law; Decree Law No. 3.425, June 4, 1980, DIARIO OFICIAL [D.O.] (Chile); Decree Law No. 3.655, Mar. 10, 1981, DIARIO OFICIAL [D.O.] (Chile); CÓD. JUS. MIL. (1944).

28. For more information about the polarization after Pinochet’s arrest, see CARLOS HUNEEUS, *supra* note 3, at 59-92. On January 12, 1998, Gladys Marín, General Secretary of the Communist Party, interposed one of the first criminal accusations against Pinochet. *Gladys Marín, 63; Foe of Pinochet, Communist Party Leader in Chile*, L.A. TIMES (Mar. 8, 2005), <http://articles.latimes.com/2005/mar/08/local/me-passings8.1>. In 2000, when two lawyers, Eduardo Contreras and Hugo Gutiérrez, continued their efforts to prosecute Pinochet and other individuals who were responsible for committing acts of torture, Pinochet invoked humanitarian reasons to avoid being tried. *See Court Confirms Pinochet Stripped of Immunity*, THE GUARDIAN (Aug. 8, 2000), <http://www.guardian.co.uk/world/2000/aug/08/pinochet.chile>. In 2006, Pinochet died in Chile without being condemned by a criminal court. *Chile’s Gen Pinochet Dies at 91*, BBC NEWS (Dec. 11, 2006), <http://news.bbc.co.uk/2/hi/6167237.stm>.

politically.<sup>29</sup> It is not a coincidence that an important book on this topic is entitled, *We Do Not Speak About Torture*.<sup>30</sup> It is obvious to say that during the dictatorship, freedom of speech was limited and the press was under strict censorship. The judiciary, especially the Supreme Court, took a passive approach toward the abusive acts of the Armed Forces, and failed to investigate human rights abuses like it should have.<sup>31</sup> For political reasons, authorities in charge of the country in the 1990s gave priority to the search of the missing bodies of people who had been arrested during the dictatorship, without paying attention to the demands of the torture victims. In fact, the Rettig Report and the Dialogue Roundtable Declaration (1999)<sup>32</sup> focused on the situation of executed prisoners and missing detainees, and for many years the torture victims' testimonies were neither heard nor debated. Torture did not form part of the public agenda until the government of President Ricardo Lagos (2000-2006).

The Valech Commission's objective was "to determine, according to the records that are presented, the identities of the people who suffered deprivation of freedom and tortures for political reasons, by the actions of State agents or other individuals who served the State."<sup>33</sup> Despite this opportunity, many victims did not declare. As a result, President Michelle Bachelet created the Qualification of Disappeared Detainees, Political Executed and Victims of Political Imprisonment and Torture Presidential Consultant Commission (2010-2011, known as Valech Commission II).<sup>34</sup> One of the matters that

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29. Tomás Moulian, *El Gesto de Agüero y la Amnesia*, in DE LA TORTURA NO SE HABLA 47-55 (Patricia Verdugo, ed., 2004) [hereinafter DE LA TORTURA NO SE HABLA].

30. *Id.*

31. CARLOS HUNEEUS, EL RÉGIMEN DE PINOCHET 108-14 (2000); RETTIG REPORT, *supra* note 23, at vol. 1, 85-93.

32. LA MESA DE DIÁLOGO SOBRE DERECHOS HUMANOS, DECLARACIÓN DE LA MESA DE DIÁLOGO SOBRE DERECHOS HUMANOS (2000), *available at* <http://www.derechos.org/nizkor/chile/doc/mesa.html> (last visited Dec. 12, 2011).

33. Supreme Decree No. 1.040, art. 1, November 11, 2003, DIARIO OFICIAL [D.O.] (Chile), *available at* <http://www.comisionvalech.gov.cl/documentos/ds1040.pdf>.

34. The VALECH REPORT I recognised 28,459 persons as torture victims. GOBIERNO DE CHILE, INFORME DE LA COMISIÓN ASESORA PARA LA CALIFICACIÓN DE DETENIDOS DESAPARECIDOS, EJECUTADOS POLÍTICOS Y VÍCTIMAS DE PRISIÓN POLÍTICA Y TORTURA (2011), *available at* <http://www.comisionvalech.gov.cl/>

bothered some victims was that the declarations were to remain secret for fifty years, so the rest of the Chilean population would not learn of the declarations until 2054.<sup>35</sup>

It is under this framework and general context that many of the testimonies published voluntarily by some victims of acts of torture and political imprisonment in Chile emerge. Their testimonies have been silenced for more than thirty years, both during the dictatorship and during democracy. While the survivors' published narrations have broken the silence, this does not mean the rest of the population is willing to read, understand, accept, and assimilate them.

### *B. Methodology*

This research focuses only on the analysis of one hundred testimonies collected by Wally Kuntsman and Victoria Torres in *A Hundred Voices Break the Silence*. Only seven hundred copies have been published and the book is not well-known. But, in my opinion, it has an enormous historical value and deserves to be studied carefully. After learning about Pinochet's arrest in London, a group of survivors decided to write their testimonies and send them to Judge Garzón in order to "denounce the tortures and arbitrariness made by the dictatorship."<sup>36</sup> The book, *A Hundred Voices Break the Silence*, is part of a collective effort of the Metropolitan Group of Former Political Prisoners to recover the historical memory. Just as one editor points out, "[i]t was not easy to get all the testimonies together . . . . It was painful for our partners to remember and many chose to keep silent."<sup>37</sup> Because the victims' voices were silenced over and over during the dictatorship and during the transition to democracy, these testimonies also have the political purpose of breaking the silence imposed.

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InformeComision/Informe2011.pdf. The VALECH REPORT II, which the Commission presented to President Sebastián Piñera on August 18, 2011, recognised 9,795 additional persons. *See id.*; *Chile Adds Thousands to List of Dictatorship-Era Victims*, CNN (Aug. 20, 2011), <http://www.cnn.com/2011/WORLD/americas/08/20/chile.valech.commission/index.html>.

35. At the end of 2004, the government passed a law which approved the continued silence. *See* Law No. 19.992, *supra* note 5, art. 15.

36. CIEN VOCES, *supra* note 6, at 20.

37. *Id.* at 25.

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The testimonies with which I have worked average five to six pages in length. Sixty-one men and thirty-nine women of different ages, social classes, professions, and activities wrote the testimonies between 2002 and 2007. Some of the victims still live abroad, although most of them are now in Chile.<sup>38</sup>

To analyse the torture victims' testimonies, I chose qualitative techniques of social research presented by Grounded Theory authors, Barney Glaser and Anselm Strauss. These authors originally proposed Grounded Theory in 1967, and this theory has contributed to a better understanding of meanings and subjectivities of people.<sup>39</sup> More than to test or verify theories with empirical records, Grounded Theory's main contribution to the field of Social Science is its emphasis on the discovery of theoretical formulations starting from collected data.<sup>40</sup>

In adherence to Grounded Theory's methodological recommendations, I first codified the contents of the testimonies paragraph by paragraph. Then, I reduced the analysis to the most important codes (focused coding), which were operationalized as the main categories. The axial coding allowed me to connect the codes, and, therefore, to analyse and interpret the data found in the testimonies in a more substantive way. *Figure 1* shows the main categories and multiple possible combinations in the coding process (carried out during Summer 2011). For example, I classified segments of the testimonies as 3-I-B-iii-b, 6-VI-viii, 1-V-i, etc., depending on the content.

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38. For a better understanding of the systematic acts of torture committed in Chile during Pinochet's dictatorship it would be necessary to: (1) review the declarations of the victims in the Rettig and Valech Commissions; (2) interview survivors, survivors' relatives, the perpetrators, political leaders, human rights activists, and scholars; and (3) review cases in the judiciary and military courts, other publications, audiovisual records, the files of various non-governmental organizations, international organizations, and other countries, etc.

39. See KATHY CHARMAZ, *CONSTRUCTING GROUNDED THEORY: A PRACTICAL GUIDE THROUGH QUALITATIVE ANALYSIS* (2006); GLASER & STRAUSS, *supra* note 10; ANSELM L. STRAUSS, *QUALITATIVE ANALYSIS FOR SOCIAL SCIENTISTS* (1987); ANSELM L. STRAUSS & JULIET CORBIN, *BASICS OF QUALITATIVE RESEARCH: GROUNDED THEORY PROCEDURES AND TECHNIQUES* (1990).

40. GLASER & STRAUSS, *supra* note 10, at 1-6.

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FIGURE NO. 1: MAIN ANALYTICAL CATEGORIES AND CODES

Period of Time	Life Dimension	Detention Conditions	Torture	Feelings and Emotions
1. Before Sept. 11, 1973	I. Personal life.	A. Place/Centre/Camp.	i. Interrogation.	a. Anger/Hate.
2. From Sept. 11, 1973, to date of the arrest.	II. Family.	B. Cell.	ii. Psychological torture.	b. Pain/Grief.
3. During detention.	III. Work/Education.	C. Food.	iii. Physical torture.	c. Frustration.
4. From detention release to Mar. 11, 1990.	IV. Social life.	D. Hygiene.	iv. Psychological effects.	d. Helplessness.
5. From Mar.11, 1990, to Oct. 16, 1998.	V. Political life.	E. Clothes.	v. Physical effects.	e. Indifference.
6. After Oct. 16, 1998.	VI. Legal/Judicial.	F. Communication.	vi. Perpetrators.	f. Fear.
		G. Rest/Sleep.	vii. Confessions and declarations.	g. Uncertainty.
		H. Work.	viii. Reparation.	h. Anxiety.
		I. Activities.		i. Hope.
		J. Duties.		j. Joy.
		K. Help and assistance.		k. Optimism.
		L. Health.		l. Gratitude.
		M. Guards/Agents.		

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In spite of the best intentions to analyse the data in an objective way with scientific rigor, on some occasions, the crudeness of the stories affected the rational trajectory of the work. It is important to understand that the victims not only tell their life stories, but reveal the details of the tortures they suffered, as well as the serious after-effects of such tortures in their lives. In such a sense, victims not only offer a simple chronological version of the facts, but rather, they include evaluations of their lives and their country's history, and they share the emotions they experienced in the past and their current state of mind. Expressions of sorrow, frustration, fear, uncertainty, rejection, etc., are present in many of the testimonies. Selecting the main and most important pieces of information was complex simply because the messages the victims wanted to transmit are too many. Furthermore, it must be considered that most of the victims wrote the testimonies—as narrators in first person—thirty years after the acts of torture and political imprisonment took place.<sup>41</sup>

In August 2011, I conducted fieldwork in Chile. Some of the most important milestones I experienced and encountered include: (1) a visit to the Museum of the Memory and Human Rights<sup>42</sup> and Villa Grimaldi Park for Peace in Santiago,<sup>43</sup> where I reviewed audiovisual material in its Oral Archive; (2) my visit to the Vicarage of Solidarity, the Supreme Court, and the Court of Appeals of Santiago, where I was able to check and review some cases and files;<sup>44</sup> (3) an extremely

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41. It would be interesting to confront the way these stories have been articulated in comparison with other texts written immediately after the prisoners' release. Compare Cien Voces, *supra* note 6 (containing victims' testimonies written thirty years after detention), with Sergio Bitar, *Isla 10* (1988) (written in 1975 and published in 1988), and Sheila Cassidy, *Audacity to Believe* (1977), and Manuel Guerrero Ceballos, *Desde el Túnel: Diario de Vida de un Detenido Desaparecido* (2008); Hernán Valdés, *Tejas Verdes: Diario de un Campo de Concentración en Chile* (1974); and Nubia Becker, *Una Mujer en Villa Grimaldi* (2011). See Jaime Peris Blanes, *La Imposible Voz Memoria y Representación de los Campos de Concentración en Chile: La Posición del Testigo* 153-238 (2005), for a discussion on the importance of the torture survivors' testimonies for Chilean collective historical memory.

42. See Museo de la Memoria y los Derechos Humanos, <http://www.museodelamemoria.cl> (last visited Mar. 24, 2012).

43. For more information about the Villa Grimaldi Park for Peace in Santiago, see Villa Grimaldi: Corporación Parque por la Paz, <http://www.villagrimaldi.cl> (last visited Mar. 12, 2012).

44. *E.g.*, Corte de Apelaciones de Santiago (C. Apel.) (Courts of Appeals),

interesting interview with Pedro Alejandro Matta, who was detained in May 1975, tortured in Villa Grimaldi concentration camp, and then exiled to the United States—where he lived until 1992—after living in different detention centres for thirteen months; and (4) my interview with Professor Elizabeth Lira, member of the Valech Commissions I (2003-2004) and II (2010-2011). All of this complementary data was valuable, as it helped me fill some gaps within my research. However, I was careful enough to avoid contaminating the preliminary analysis and interpretation of the facts based on the testimonies collected by Kunstman and Torres. In the next section, where the results are presented, I identify the main contents of the torture and political imprisonment victims' testimonies.

## II. ANALYSIS AND RESULTS

Despite the large number of issues and emotions mentioned by the survivors in nearly six hundred pages of testimonies, after codifying the paragraphs and selecting the main topics, I chose to focus the analysis in four categories. In my opinion, these four categories facilitate the understanding of the victims' stories: (1) What motivated the victims to share their life experiences publically? (2) What happened while they were kidnapped or detained by members of the Armed Forces, (secret) police agents, and civil collaborators? (3) What happened upon termination of their detention and their release, and how were the survivors' lives after they recovered their freedom? (4) What are the victims' evaluations about the Chilean society in general and their personal lives in particular in the last forty years?

### A. Motivation

The victims' motivations are much more diverse than one could anticipate from a *prima facie* approach. First, the testimonies reveal the survivors do not want the country to forget what happened. Rather, the survivors want to preserve and promote the historical memory. As human rights violations are part of the Chilean history, current generations as well as future ones should learn from the errors of the past so these serious crimes never happen again.

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“Villa Grimaldi,” Rol de la Causa: 2182-1998 (May 17, 2006).

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Gastón Arias, an engineering student in 1973, considers that “Chileans should know and face all the truth. It is true that some books have been published, but people do not read them or are not interested in reading them, so many ignore what happened in our country during the dictatorship.”<sup>45</sup> René Cárdenas argues, “our testimony of that obscure time cannot fade; on the contrary, it should always be present so that hopefully it never happens again.”<sup>46</sup> Just like other victims, Hernán Jalmar, head teacher of a small school in 1973, had to decide whether to accept the invitation to share his testimony or not, and he chose to share “so that the present and future generations do not forget the violations perpetrated by the military dictatorship against thousands of honest, reliable and valuable citizens for the community.”<sup>47</sup> For Juan Plaza, who at the time was working as a mechanic at Andina copper mine, it is important that his “brief story, one more of many other thousands of Chileans who were tramped by the dictatorship, is useful and supports any effort to show a reality sadly lived in our country.”<sup>48</sup> Diógenes Elgueta adds that he is interested in “building a memory through the dissemination of life testimonies of people of [his] generation who suffered the effects of State terrorism directly.”<sup>49</sup>

The act of remembering implies a return to painful moments in the past for the people writing, and this is not something all the victims are able to do.<sup>50</sup> For example, Olga Guzmán shares, “with

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45. Gastón Arias, *Mi Itinerario del Horror*, in CIEN VOCES, *supra* note 6, at 88.

46. René Cárdenas, *De Regreso en Calbuco*, in CIEN VOCES, *supra* note 6, at 141.

47. Hernán Jalmar, *Para Que la Impunidad no se Imponga*, in CIEN VOCES, *supra* note 6, at 281.

48. Juan Plaza, *La Herida No ha Sanado*, in CIEN VOCES, *supra* note 6, at 414.

49. Diógenes Elgueta, *Por el Rescate de la Memoria Negada*, in CIEN VOCES, *supra* note 6, at 177.

50. For example, President Michelle Bachelet (2006-2010) and Ángela Jeria, Bachelet’s mother, were detained in Villa Grimaldi and Cuatro Álamos. Only Mrs. Jeria has referred publically to what happened to her in both concentration camps. She has also mentioned how, in 2000, she recognized and confronted one of her neighbors, the army official who tortured her in Villa Grimaldi. ROSARIO GUZMÁN & GONZALO ROJAS, BACHELET: LA HIJA DEL TIGRE 123-33 (2005); FERNANDO VILLAGRÁN, DISPAREN A LA BANDADA: UNA CRÓNICA SECRETA DE LA FACH 99-103 (2002); VILLA GRIMALDI: CORPORACIÓN PARQUE POR LA PAZ, ARCHIVO ORAL

deep sorrow and anguish I will write my memories of everything that happened to us ever since the *coup d'état* with the purpose that you never forget and so that it never happens again.”<sup>51</sup> Lilian Silva also refers to the relationship between remembering and writing, “[i]t is so painful to remember and more painful to write it. I never thought that it was so much, but it must be done.”<sup>52</sup> Remembering is always selective, whether because there is data that cannot be forgotten, or because one prefers to attempt to erase bad events from the memory.

Marcelino Fuentes broaches this point when he affirms that remembering 1973 is not the same than any other moment in his life, “[m]any things are no longer in your mind or maybe you do not want to remember them, but we should continue denouncing so that the others do not forget and others do not repeat it.”<sup>53</sup> Just as Margarita Vivallo’s testimony reveals, that pain is not only about the torture events, but it is also due to the subsequent difficulties, such as the social and working reimbursement, the rootlessness during exile, and the complexities after returning to Chile.<sup>54</sup> For example, in writing her testimony, Margarita Vivallo reveals her objective: to give “a testimony of my experience as an exonerated, tortured, political prisoner, exiled, returned and of a permanent re-starting in a country where there are many who have reached a point that impede them to assimilate more pain.”<sup>55</sup>

All these motivations are not isolated, but rather, they are intertwined and complemented in many stories. For example, Ida Torres, owner of a small shop in a train station, explains that

[t]he objective of this testimony is to make my experience as a political prisoner known, with all that it implies in terms of

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[VILLA GRIMALDI PARK FOR PEACE, ORAL ARCHIVE], <http://villagrimaldi.cl/archivo-oral/>.

51. Olga Guzmán, *Una Familia Destruída*, in CIEN VOCES, *supra* note 6, at 265.

52. Lilian Silva, *Para que Nunca Más*, in CIEN VOCES, *supra* note 6, at 493.

53. Marcelino Fuentes, *Pensamientos y Recuerdos de 1973*, in CIEN VOCES, *supra* note 6, at 213.

54. Patricia Herrera, *Mi Proyecto de Vida: La Lucha Política*, in CIEN VOCES, *supra* note 6, at 276.

55. Margarita Vivallo, *Soy Sobreviviente de la Tortura*, in CIEN VOCES, *supra* note 6, at 579.

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physical, psychological, social and family consequences that today, at 87, have pushed me to attend therapy. Also, it is my intention that this testimony is useful to promote a culture of respect for the dignity of people in our country, which is only possible in an actual democratic and humane society. And, mainly, in a society that actually promotes the defense of human rights.<sup>56</sup>

Second, some of the victims want authorities to analyse the State's current reparation measures, because they find them insufficient. For example, for Margarita Vivallo, truth, justice, and reparation are equally important, because they contribute to pain relief.<sup>57</sup> Some survivors, like Armando Aburto, hope the State compensates victims in a better way and repairs the damages caused.<sup>58</sup>

Another motivation that deserves to be emphasized has to do with the special recognition the victims give to the people who could not survive the tortures and imprisonment. In this sense, Roberto Madariaga remembers that many never returned, and he dedicates his memories like "a humble tribute for them, so that they remain in the memory."<sup>59</sup> María Alvarado, social worker at the National Health System in 1973, connects her pain to the absence of those who were executed and writes on their behalf:

But, mainly what hurts me the most is that they are no longer with us. There were so many *compañeros* that suffered their days living in injustice and impunity. On behalf of them, I dare to write this story hoping that it can be useful so the black cloak, that changed and marked our lives forever, never again falls over Chile.<sup>60</sup>

Although it is not the main motivating factor, the intention behind some testimonies is to denounce people who were responsible for the

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56. Ida Torres, *Fui Una de las Fundadoras del PC en Osorno*, in CIEN VOCES, *supra* note 6, at 507.

57. Margarita Vivallo, *Soy Sobreviviente de la Tortura*, in CIEN VOCES, *supra* note 6, at 582.

58. Armando Aburto, *El Paso por el Infierno de un Dirigente de la CUT*, in CIEN VOCES, *supra* note 6, at 40.

59. Roberto Madariaga, *También Estuve Allí*, in CIEN VOCES, *supra* note 6, at 316.

60. María Alvarado, *Lo que Más Duele: La Indiferencia y la Falta de Justicia*, in CIEN VOCES, *supra* note 6, at 56.

acts of torture, those in charge of the detention facilities, and the informers or people that provided records that harmed them. Reproducing the names of each one of the perpetrators or collaborators of the acts of torture that are mentioned in many of the stories would result in a long list. Fortunately, Kunstman and Torres include an appendix with the profiles of eighty-three members of the Armed Forces and civil agents that, according to the records of the Metropolitan Group of Former Political Prisoners, would have some responsibility in the violations of human rights.<sup>61</sup> The names most frequently mentioned are: Osvaldo Romo, Villa Grimaldi; Marcelo Morén Brito (former colonel of the army), “Caravan of Death”<sup>62</sup> and Villa Grimaldi; Miguel Krassnoff Martchenko (former captain of the army), Villa Grimaldi and José Domingo Cañas; Miguel Estay Reyno (former communist who, after being arrested, accused his partners and subsequently joined the National Intelligence Directorate (DINA) as an agent); and Osvaldo Pincetti (former agent of DINA and the National Information Centre (CNI)). The Judiciary has convicted all of them.<sup>63</sup> It is also necessary for the list to include Roberto Fuentes Morrison (former commandant of the air force), who was murdered in 1989,<sup>64</sup> among others.

There are also cases of people who did not know the names of those who tortured them until much later. For example, Hugo Toledo knew only in 2004 the name of the person who tortured him in the military base Arica in the northern city of La Serena.<sup>65</sup> Although the intention behind naming the torturers was to reveal their identities to the rest of society, the survivors express their discomfort with the fact that some of the torturers are free, just as if nothing has happened.<sup>66</sup>

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61. CIEN VOCES, *supra* note 6, at 629-47.

62. The “Caravan of Death” refers to a military group led by former General Sergio Arellano (under General Augusto Pinochet’s orders). PATRICIA VERDUGO, CHILE, PINOCHET, AND THE CARAVAN OF DEATH (2001). Between September 30, 1973 and October 22, 1973, the Caravan of Death flew throughout the country in helicopters, executing seventy-five political prisoners. JORGE ESCALANTE, LA MISIÓN ERA MATAR: EL JUICIO A LA CARAVANA PINOCHET-ARELLANO 5-30 (2000).

63. CIEN VOCES, *supra* note 6, at 634, 638, 641, 643, 644.

64. *Id.* at 636.

65. Hugo Toledo, *La tortura en el Regimiento Arica de La Serena*, in CIEN VOCES, *supra* note 6, at 502.

66. For example, four survivors mention that General Juan Emilio Cheyre

As Cecilia Valdés points out, “we see that many agents of the CNI and militaries involved in violations of human rights continue walking peacefully in the streets.”<sup>67</sup> Sergio Poblete (former general of the air force that was tortured at the Air War Academy, AGA), denounced before foreign governments some officers that were named as military attachés in embassies in Europe or in international organizations, and in at least three occasions he achieved the objective of making the authorities end such appointments.<sup>68</sup>

### *B. Detention*

Regardless of the time, survivors have a living memory of the moment they were arrested,<sup>69</sup> and of the cruelties they endured while living in different camps and centres. In general, the victim-survivors were transferred to centres controlled by the police (e.g., police stations) and the armed forces (e.g., bases and academies), some of them temporary (e.g., National Stadium, Chile Stadium), some permanent (e.g., Chacabuco, Pisagua, Tres Álamos), and others clandestine (e.g., Villa Grimaldi, Londres 38). The Valech Commission identified 1,132 detention centres where torture and

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(Commander-in-Chief of the Army from 2002 until 2006) participated in human rights violations in La Serena. See Eliana Rodríguez, *Vi el Odio Desatado del General Cheyre*, in CIEN VOCES, *supra* note 6, at 455; Luis Rojas, *Yo Acuso*, in CIEN VOCES, *supra* note 6, at 468; Hugo Toledo, *La Tortura en el Regimiento Arica de La Serena*, in CIEN VOCES, *supra* note 6, at 499; Margarita Vivallo, *Soy Sobreviviente de la Tortura*, in CIEN VOCES, *supra* note 6, at 582.

67. Cecilia Valdés, *Soy Sobreviviente de la Operación Albania*, in CIEN VOCES, *supra* note 6, at 542-43.

68. Sergio Poblete, *Se Debe Castigar a los Criminales*, in CIEN VOCES, *supra* note 6, at 419-21. The Ministry of the Interior deprived Poblete of Chilean nationality for “seriously attempting against the essential interests of the state, from abroad.” Supreme Decree No. 515, May 23, 1977, Diario Oficial [D.O.] (Chile) (translated by author), *reprinted* in ELIZABETH LIRA & BRIAN LOVEMAN, *POLÍTICAS DE REPARACIÓN: CHILE 1990-2004*, 287-89 (2005).

69. Armando Aburto, in CIEN VOCES, *supra* note 6, at 37; Carlos Bravo, *De la Cárcel al Exilio: Donde se Quedaron mis Hijos*, in CIEN VOCES, *supra* note 6, at 119; Patricia Herrera, *Mi Proyecto de Vida: La Lucha Política*, in CIEN VOCES, *supra* note 6, at 273; Eliana Rodríguez, *Vi el Odio Desatado del General Cheyre*, in CIEN VOCES, *supra* note 6, at 455; Manuel Villarroel, *Recuerdo como si Fuera Hoy Todo lo que Sucedió*, in CIEN VOCES, *supra* note 6, at 573.

political imprisonment occurred.<sup>70</sup> Of course, living conditions were very different from one place to the other, depending on the institution, the people in charge, and the torturers' purposes. According to the victims' testimonies, it is possible to conclude that, in all the places, access to food was very precarious. For example, Carlos Orellana had nothing to eat for seventeen days;<sup>71</sup> Luis Cárdenas received a piece of bread and some water only after the fifth day of detention;<sup>72</sup> and camp directors rarely gave the detainees the food their relatives sent.<sup>73</sup> Although, when this did happen, they shared it.<sup>74</sup> Another concern is that the quality of hygienic services and the time to use these services were insufficient. For example, Patricia Herrera explains that, in Cuatro Álamos, the torture victims urinated in bags and placed excrements wherever space was available (on paper, clothes, books), so they could later throw it away through the cell's windows.<sup>75</sup> Clothes and shoes were limited to what the victims wore on the day of their detention. Despite the cold weather, having blankets to sleep was considered a luxury. One victim recalls, "[t]he nights were very cold and we slept only with what we had on."<sup>76</sup>

The cells and the spaces in the concentration camps were crowded. Luis Cárdenas remembers that "the overcrowding was unbearable . . . the smell was unbearable."<sup>77</sup> Carlos Bravo mentions

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70. VALECH REPORT I, *supra* note 4, at 261.

71. Carlos Orellana, *Estoy Enfermo por Culpa de los Militares Criminales*, in CIEN VOCES, *supra* note 6, at 379.

72. Luis Cárdenas, *Afectado por la Represión Política*, in CIEN VOCES, *supra* note 6, at 143.

73. Heriberto Medina, *La Solidaridad de Clase de los Torturados*, in CIEN VOCES, *supra* note 6, at 328; José Espoz, *Prisionero desde Calama a Puerto Aysén*, in CIEN VOCES, *supra* note 6, at 194.

74. Palmenio Rayo, *11 de Septiembre de 1973: Mi Experiencia de "Prigue"*, in CIEN VOCES, *supra* note 6, at 445.

75. Patricia Herrera, *Mi Proyecto de Vida: La Lucha Política*, in CIEN VOCES, *supra* note 6, at 274.

76. Carlos Bravo, *De la Cárcel al Exilio: Donde se Quedaron mis Hijos*, in CIEN VOCES, *supra* note 6, at 121. See also María Alvarado, *Lo que Más Duele: La Indiferencia y la Falta de Justicia*, in CIEN VOCES, *supra* note 6, at 54; Luis Cárdenas, *Afectado por la Represión Política*, in CIEN VOCES, *supra* note 6, at 143.

77. Luis Cárdenas, *Afectado por la Represión Política*, in CIEN VOCES, *supra* note 6, at 143. See also Luis Leyton, *Yo también Estuve en la Villa Grimaldi*, in

that, “around thirty prisoners slept overcrowded on the floor, some complained because they had swollen and infected wounds.”<sup>78</sup> Mario Florido had to share a small cell with eleven other people who had to organise and take turns to be able to walk, defecate, or eat.<sup>79</sup> Luis Leyton’s cell in Villa Grimaldi was approximately 0.7 square meters.<sup>80</sup> Erardo Oyarzo remembers staying fourteen days in a cell of four square meters with six other people.<sup>81</sup> In some of the camps and centres, the detainees had to build the places where they remained as prisoners on their own, and were thus forced to carry out hard labour.<sup>82</sup>

There are also many testimonies of detainees who were isolated, and therefore had no possibility of communicating with others. In this regard, “the isolation is another way of torture, you do not have anybody to speak to, and you do not have anything to write . . . only to think.”<sup>83</sup> Despite their isolation, some found different mechanisms to communicate, including but not limited to, using small mirrors to reflect the light in the walls,<sup>84</sup> singing,<sup>85</sup> and listening to hidden battery radios.<sup>86</sup> But, the lack of communication with their relatives

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CIEN VOCES, *supra* note 6, at 301.

78. Carlos Bravo, *De la Cárcel al Exilio: Donde se Quedaron mis Hijos*, in CIEN VOCES, *supra* note 6, at 121.

79. Mario Florido, *La Peor Tortura que Sufrí*, in CIEN VOCES, *supra* note 6, at 205.

80. Luis Leyton, *Yo También Estuve en la Villa Grimaldi*, in CIEN VOCES, *supra* note 6, at 300-01.

81. Erardo Oyarzo, *El Daño Irreversible que me Hizo la DINA*, in CIEN VOCES, *supra* note 6, at 390.

82. Manuel Troncoso, *Como Obrero Comunista Luché por los Cambios Sociales*, in CIEN VOCES, *supra* note 6, at 520; Aristóteles España, *Días en el Fin del Mundo*, in CIEN VOCES, *supra* note 6, at 184.

83. Vilma Rojas, *Noviembre: Un Mes Para No Olvidar*, in CIEN VOCES, *supra* note 6, at 486.

84. Lelia Pérez, *Así Conocí la Historia de mi País*, in CIEN VOCES, *supra* note 6, at 407.

85. Belinda Zubicueta, *Mariposa del Alma*, in CIEN VOCES, *supra* note 6, at 596.

86. Heriberto Medina, *La Solidaridad de Clase de los Torturados*, in CIEN VOCES, *supra* note 6, at 328; Manuel Troncoso, *Como Obrero Comunista Luché por los Cambios Sociales*, in CIEN VOCES, *supra* note 6, at 521; Héctor Zavala, *Es Necesario Trabajar por una Democracia Plena en Nuestro País*, in CIEN VOCES, *supra* note 6, at 590.

generated anguish among them, because, in many cases, they knew their relatives would be looking for them, and yet their relatives did not know exactly where to find them and the authorities refused to give any information or denied the detentions.<sup>87</sup>

Among the worst things mentioned was not cell overcrowding, isolation, cold, lack of food, or the poor sanitary conditions, but the cruelties in the interrogations and the torturers' sadism. In many of the stories, the survivors mention the torturers insistently asked them about the supposed *Plan Zeta*,<sup>88</sup> places where they hid the weapons, other people's names, meeting places, and signing confessions or declarations under pressure.<sup>89</sup> Physical and psychological tortures were usually combined.<sup>90</sup> For example, for fourteen consecutive days, authorities tortured Luis Ramos with mock shooting executions, "the wet submarine,"<sup>91</sup> electric shocks in his genitals, and hangings.<sup>92</sup> The torturers also forcefully hit some prisoners in their ears with open hands, a technique denominated "the telephone."<sup>93</sup> The beatings,

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87. Patricia Herrera, *Mi Proyecto de Vida: La Lucha Política*, in CIEN VOCES, *supra* note 6, at 275; María Benavides, *Resistencia al Golpe en la Cordillera de Talca*, in CIEN VOCES, *supra* note 6, at 101.

88. E.g., Edgardo Cuevas, *Preso Político Sobreviviente de la Tortura*, in CIEN VOCES, *supra* note 6, at 148-49. The Armed Forces created *Plan Zeta* to justify the repressive measures after the *coup*. Supposedly, the most radical left-wing sectors prepared this plan in efforts to assassinate key political leaders of the right-wing, as well as officers of the Armed Forces. See ALEXANDER, *supra* note 16, at 336.

89. Hernán Jalmar, *Para Que la Impunidad no se Imponga*, in CIEN VOCES, *supra* note 6, at 278; Inés Espoz, *Testigo del Paso de la Caravana de la Muerte por Calama*, in CIEN VOCES, *supra* note 6, at 190; Manuel Donoso, *Un Testigo de la Historia Represiva de Chile*, in CIEN VOCES, *supra* note 6, at 165; Rody Robotham, *Sólo me Quedan los Años, lo de "Dorados" me lo Arrebataron*, in CIEN VOCES, *supra* note 6, at 452.

90. Carlos Bravo, *De la Cárcel al Exilio: Donde se Quedaron mis Hijos*, in CIEN VOCES, *supra* note 6, at 121; Mónica Hermosilla, *Mujer y Tortura*, in CIEN VOCES, *supra* note 6, at 271-72.

91. The wet submarine consisted of submerging the prisoner's head in a container with liquid, causing asphyxia. VALECH REPORT I, *supra* note 4, at 249.

92. Luis Ramos, *Catorce Días en Manos del Comando Conjunto*, in CIEN VOCES, *supra* note 6, at 440.

93. Lucía González, *Relato de Detención, Tortura y Cárcel*, in CIEN VOCES, *supra* note 6, at 250; Luis Melo, *Conquisté mi Libertad*, in CIEN VOCES, *supra* note 6, at 336; Armando Aburto, *El Paso por el Infierno de un Dirigente de la CUT*, in CIEN VOCES, *supra* note 6, at 38; VALECH REPORT I, *supra* note 4, at 226.

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hangings, electric current applications, and humiliations were usual. DINA agents in the Londres 38 Torture Centre tortured Hugo Chacaltana, who was a child at the time, by putting a rag in his mouth, playing music, and electrocuting his penis, testicles, anus, and head.<sup>94</sup> Francisco Durán suffered similar tortures in Villa Grimaldi.<sup>95</sup> Torturers in the Santiago Penitentiary forced Tomás Flores to carry out homosexual behaviors.<sup>96</sup> Another form of torture consisted of putting the detainees in a bedspring to electrocute them; a technique denominated “the grill”<sup>97</sup>:

They used electricity on my fingers, tongue, ears, eyes, testicles. . . . They took me to a wooden room that was on a second floor [at the Air War Academy], where they had installed a metal bed. It was ‘the grill.’ In there, while I was naked, they tied my arms, hands, and feet up to the bedspring. They then began to torture me with the electricity produced by a magnet. They also put out their cigarettes butts all over my body . . . . [T]hey tortured me for hours and hours.<sup>98</sup>

I was tortured for a long time. They used electricity on my breasts, vagina, body, [and] lips. At some point, the doctor ordered them to stop because my whole body became purple . . . . I was naked, tied, and I thought of other things trying to get away from that place for a while, my childhood, I pictured myself playing . . . and in this way I overcome the dark moment I was living.<sup>99</sup>

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94. Hugo Chacaltana, *Hace 31 Años*, in CIEN VOCES, *supra* note 6, at 157-58.

95. Francisco Durán, *Lo que no se Debe Olvidar*, in CIEN VOCES, *supra* note 6, at 172.

96. Tomás Flores, *Ciclo Infernal de Torturas a Manos del Comando Conjunto*, in CIEN VOCES, *supra* note 6, at 200.

97. Vladimir Guajardo, *Memoria de mi Paso por la CNI*, in CIEN VOCES, *supra* note 6, at 259; Sergio Poblete, *Se Debe Castigar a Los Criminales*, in CIEN VOCES, *supra* note 6, at 417. See Leonel Guerrero, *Eso No Más...Y No Fue Poco*, in CIEN VOCES, *supra* note 6, at 261 for another example of how the torturers electrocuted the prisoners, including the grill.

98. Sergio Poblete, *Se Debe Castigar a los Criminales*, in CIEN VOCES, *supra* note 6, at 417.

99. Vilma Rojas, *Noviembre: Un Mes para no Olvidar*, in CIEN VOCES, *supra* note 6, at 481.

The number of testimonies from women who were victims of sexual aggressions, including rape, is large.<sup>100</sup> For example, Margarita Vivallo, while five months pregnant, was held in solitary confinement for a month and a half; undressed and raped countless times; and forced to swallow the semen of the soldiers. She also had to endure the pain and suffering associated with the torturers dripping ejaculations on her face and body. The torturers used electricity on her, put mice and spiders in her vagina and anus, tore the nails off her hands and feet, kicked her while forcing her to eat excrements, and simulated shooting her. As a result of the torture, she suffered a miscarriage.<sup>101</sup>

Marcia Oyarzo considers that the most painful part was precisely the fact of being raped in spite of being pregnant: “[t]his has left an impression that has been with me all my life and it is very hard for me to write or speak about it.”<sup>102</sup>

While she was raped under death threat, Marta Arancibia said to herself “what was happening had never happened” and wished that her soul and body could come apart.<sup>103</sup>

CNI agents detained Angélica Rojas in 1986. She also suffered from sexual abuse:

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100. María Aguayo, *Torturada por el Sicar*, in CIEN VOCES, *supra* note 6, at 42; Mónica Hermosilla, *Mujer y Tortura*, in CIEN VOCES, *supra* note 6, at 272; Patricia Herrera, *Mi Proyecto de Vida: La Lucha Política*, in CIEN VOCES, *supra* note 6, at 273; Clara Maldonado, *Testimonio en Vida*, in CIEN VOCES, *supra* note 6, at 319; Elena Palma, *Seguiré en el Camino que nos Lleve a la Justicia*, in CIEN VOCES, *supra* note 6, at 393; Lelia Pérez, *Así Conocí la Historia de Mi País*, in CIEN VOCES, *supra* note 6, at 405; Eliana Rodríguez, *Vi el Odio Desatado del General Cheyre*, in CIEN VOCES, *supra* note 6, at 455; Laura Rodríguez, *Una Sobreviviente de la Casa de Torturas Londres 38*, in CIEN VOCES, *supra* note 6, at 458; Vilma Rojas, *Noviembre: Un Mes para no Olvidar*, in CIEN VOCES, *supra* note 6, at 480-84; Paulina Vicencio, *Después de Tanto Dolor, Volví a Nacer*, in CIEN VOCES, *supra* note 6, at 560; Belinda Zubicueta, *Mariposa del Alma*, in CIEN VOCES, *supra* note 6, at 595.

101. Margarita Vivallo, *Soy Sobreviviente de la Tortura*, in CIEN VOCES, *supra* note 6, at 579-80.

102. Marcia Oyarzo, *Lo que no se Puede Contar*, in CIEN VOCES, *supra* note 6, at 385-87.

103. Marta Arancibia, *Soy Como el Clavel del Aire*, in CIEN VOCES, *supra* note 6, at 59.

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They tied my feet and hands to the bedspring, naked, blindfolded and the torture began with electric discharges in the most sensitive parts of my body, my vagina, breasts, ankles, temples, neck, hands, arms, mouth. I did not scream because I knew the *compañeros* were close and my torture was a torture for them too. Suddenly, everything was in silence, I only felt something like a rag falling on my pubis . . . and all of a sudden the rag was not a rag, it was a hand that began to move on my pubic hair.<sup>104</sup>

Among the psychological tortures the victims mention, the most common are the mock executions, the torture threats to their relatives, and listening to the heart-breaking screams of the other prisoners in torture sessions. As an example, Raúl de la Fuente remembers that “every night we heard the groans, moans, screams, and cries of the *compañeros* of other cells, those who were tortured without compassion or mercy at all.”<sup>105</sup> For Mario Florido, the most shocking was to listen to the pleas of two women who did not want to be raped every night: “[i]t is difficult to remember this episode. I have not been able to get over it . . . the memories have followed me since then. Every time I have told this monstrous event, I have always ended up crying.”<sup>106</sup> Humberto Trujillo and other detainees at Borgoño, the Chilean Civil Police headquarters, had to listen to recordings of children and women screaming and crying, and the torturers told them that, “because [they] did not want to cooperate, [their] children and wives were suffering the consequences.”<sup>107</sup>

Being forced to witness crimes against other detainees is also psychological torture. And it is a form of torture many victims

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104. Angélica Rojas, *Testimonio de Clandestinidad, Tortura y Cárcel*, in CIEN VOCES, *supra* note 6, at 474-75.

105. Raúl de la Fuente, *Los Verdugos de la Comisaría de la Calle Chiloé*, in CIEN VOCES, *supra* note 6, at 162. Raúl is not alone. In fact, many of the torture survivors recall that hearing the sound of other victims' cries was torturous. See Gastón Arias, *Mi Itinerario del Horror*, in CIEN VOCES, *supra* note 6, at 85; Francisco Durán, *Lo que No se Debe Olvidar*, in CIEN VOCES, *supra* note 6, at 171-72; Mario Florido, *La Peor Tortura que Sufrí*, in CIEN VOCES, *supra* note 6, at 204; Vilma Rojas, *Noviembre: Un Mes para No Olvidar*, in CIEN VOCES, *supra* note 6, at 481.

106. Mario Florido, *La Peor Tortura que Sufrí*, in CIEN VOCES, *supra* note 6, at 204.

107. Humberto Trujillo, *Salimos Airosos de la Prueba de la Tortura*, in CIEN VOCES, *supra* note 6, at 527.

endured. For example, agents took a fourteen-year-old student to Villa Grimaldi to show the child “how they tortured [his] father.”<sup>108</sup> Additionally, Carlos Ulloa had to witness how agents shot a young man and then a boy in the back.<sup>109</sup> Manuel Gallardo had to witness how agents forced Sergio Buschmann to bite the head of a living mouse: “[t]he CNI agents hit Sergio to make him bite it and the mouse screeched.”<sup>110</sup> Héctor Zavala saw agents force some youngsters to jump on a bonfire, “which caused them visible burns. The screams were terrifying.”<sup>111</sup>

When narrating these events, the survivors also share the emotions they experienced during detention. As one could only expect, back then, the victims felt hatred, rage, pain, grief, fear, distress, frustration, resignation, powerlessness, bitterness, and disappointment, among other emotions. One victim recalls that “[t]he dirt, rage, pain, combined with the hunger, cold, fear, and despair made me feel that they were going to kill me before I turned twenty.”<sup>112</sup> Heriberto Medina remembers that, “we lived in a state of tension.”<sup>113</sup> For Mónica Herмосilla, her biggest anguish was knowing her children were helpless.<sup>114</sup> The screams of the detainees terrified Hugo Chacaltana.<sup>115</sup> María Alvarado felt resignation before the death threats and began to feel that nothing else mattered.<sup>116</sup> Isabel Uzabaga felt despair for not knowing what would happen to her and whether

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108. Juan Villegas, *Nunca Supe Por Qué Me Torturaron*, in CIEN VOCES, *supra* note 6, at 575.

109. Carlos Ulloa, *De la Tortura y la Cárcel a las Listas Negras y el Exilio*, in CIEN VOCES, *supra* note 6, at 532.

110. Manuel Gallardo, *Yo Participé en el Desembarco de Carrizal*, in CIEN VOCES, *supra* note 6, at 227-29.

111. Héctor Zavala, *Es Necesario Trabajar por una Democracia Plena en Nuestro País*, in CIEN VOCES, *supra* note 6, at 588.

112. Patricia Herrera, *Mi Proyecto de Vida: La Lucha Política*, in CIEN VOCES, *supra* note 6, at 274.

113. Heriberto Medina, *La Solidaridad de Clase de los Torturados*, in CIEN VOCES, *supra* note 6, at 332.

114. Mónica Herмосilla, *Mujer y Tortura*, in CIEN VOCES, *supra* note 6, at 270.

115. Hugo Chacaltana, *Hace 31 Años*, in CIEN VOCES, *supra* note 6, at 156.

116. María Alvarado, *Lo que Más Duele: La Indiferencia y la Falta de Justicia*, in CIEN VOCES, *supra* note 6, at 54.

they would kill her: “I felt helpless; I shivered of rage and pain.”<sup>117</sup> Vilma Rojas wondered if she would be able to continue bearing it all, “[i]n their hands we are not people, they take you, drag you, insult you, hit you and you are alone with many of them while you are physically nothing. You are forced to accept the bangs and to listen to all the disqualifications.”<sup>118</sup> Poblete recognizes feelings of hatred and scorn for those who tortured him.<sup>119</sup> Vivallo wanted to die, but she could not commit suicide.<sup>120</sup>

### C. Freedom

In many cases, prisoners were simply released when the authorities wanted and without any explanation. The conditions of the release from the different torture camps and detention centres were diverse. While some authorities allowed detainees to go free, others took victims to different places around the city and abandoned them in the middle of the night. For example, agents threw Enrique Aguirre next to a pile of corpses into a channel in Santiago; a friend that recognized him told his wife and helped her take Enrique back to his house.<sup>121</sup>

In many instances, agents forced the detainees to sign documents declaring they had received appropriate treatment during detention. For example, when agents returned Mónica Hermosilla’s personal belongings to her in Villa Grimaldi, Monica had to sign three documents stating she had been treated well.<sup>122</sup> Something similar happened to Luis Leyton<sup>123</sup> and Roberto Madariaga,<sup>124</sup> among others.

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117. Isabel Uzabaga, *Un Relato Hecho Con Dolor y Sangre*, in CIEN VOCES, *supra* note 6, at 539.

118. Vilma Rojas, *Noviembre: Un Mes para No Olvidar*, in CIEN VOCES, *supra* note 6, at 480.

119. Sergio Poblete, *Se Debe Castigar a los Criminales*, in CIEN VOCES, *supra* note 6, at 418.

120. Margarita Vivallo, *Soy Sobreviviente de la Tortura*, in CIEN VOCES, *supra* note 6, at 580.

121. Enrique Aguirre, *Botado Entre Cadáveres en el Zanjón de la Aguada*, in CIEN VOCES, *supra* note 6, at 50.

122. Mónica Hermosilla, *Mujer y Tortura*, in CIEN VOCES, *supra* note 6, at 272.

123. Luis Leyton, *Yo También Estuve en la Villa Grimaldi*, in CIEN VOCES, *supra* note 6, at 301.

Release did not necessarily mean the (secret) police would leave the former prisoners in peace. For example, the torturers gave Leonel Guerrero a paper that read, “[y]ou are free because no violation of the nation’s laws has been proven.”<sup>125</sup> Despite being free, Leonel later realized he was followed everywhere.<sup>126</sup>

It is almost obvious to say that the physical and psychological conditions of the people at the moment of being freed were very different to those at the moment of the arrest. In fact, some of them were not recognized immediately even by their own relatives when they reunited. For example, Heberto Reyes left the National Stadium “after eighteen days of detention, weighing 18 kilograms less, and after living the darkest hours of [his] life.”<sup>127</sup>

There were also many people who were condemned to criminal sanctions—and even to the death penalty—by War Councils that were established during the first months of the dictatorship.<sup>128</sup> For example, a War Council sentenced Gastón Arias, a student in his last year of mechanical engineering, to three years and one day of prison for having approached the entrance of a military base in Punta Arenas by car. The War Council did, however, eventually grant him parole at a later stage.<sup>129</sup> María Benavides, a former partner of a regional secretary for the Socialist Party, was sentenced to twenty years of prison; although, in 1975, the government commuted imprisonment sanctions declared by military courts for exiles abroad.<sup>130</sup> A War

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124. Roberto Madariaga, *También Estuve Allí*, in CIEN VOCES, *supra* note 6, at 316.

125. Leonel Guerrero, *Eso No Más...Y No Fue Poco*, in CIEN VOCES, *supra* note 6, at 263.

126. *Id.*

127. Heberto Reyes, *Mis Vivencias en los Centros de Reclusión*, in CIEN VOCES, *supra* note 6, at 450.

128. See RETTIG REPORT, *supra* note 23, Vol. 1; BORIS HAU, LA DEFENSA DE LOS DERECHOS HUMANOS DEL DEPARTAMENTO JURÍDICO DEL COMITÉ PRO PAZ Y DE LA VICARÍA DE LA SOLIDARIDAD (Alberto Hurtado University Law Thesis, 2006), Chapter 2, available at <http://cybertesis.uahurtado.cl:8080/sdx/uahurtado/rterms.xsp?f=finst2&v=Facultad+de+Derecho&base=documents&hpp=20>.

129. Gastón Arias, *Mi Itinerario del Horror*, in CIEN VOCES, *supra* note 6, at 84, 86-87.

130. María Benavides, *Resistencia al Golpe en la Cordillera de Talca*, in CIEN VOCES, *supra* note 6, at 101. See Supreme Decree No. 504, April 30, 1975, DIARIO OFICIAL [D.O.] (CHILE), reprinted in BRIAN LOVEMAN & ELIZABETH LIRA, LEYES

Council sentenced Rody Robotham to twenty years of prison, but the Council later reduced his sentence, and Rody left to exile at the age of twenty-six thanks to the intervention of the Canadian consulate and the head teacher of San José School in Antofagasta.<sup>131</sup> It is understandable that a person is sentenced when he or she has been involved in crimes. But when you are innocent of what you are being accused of, the harm is much deeper. Edgardo Cuevas, General Secretary of the Communist Party in Malleco, remembers, “I served three years of an unjust sentence just for the fact of having been leader of a Party that was part of the popular government of President Salvador Allende.”<sup>132</sup>

Military tribunals heard most of the cases, while ordinary courts declared themselves incompetent or applied the self-amnesty law. It was almost impossible for the detainees to have an effective defense, and the tribunals rejected most of the *habeas corpus* petitions.<sup>133</sup> In some instances, the tribunals closed the cases because they did not have enough evidence against the accused.<sup>134</sup> Even those who

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DE RECONCILIACIÓN EN CHILE: AMNISTÍAS, INDULTOS Y REPARACIONES 1819-1999, 200-04 (2001).

131. Rody Robotham, *Sólo me Quedan los Años, lo de “Dorados” me lo Arrebataron*, in CIEN VOCES, *supra* note 6, at 452-53.

132. Edgardo Cuevas, *Preso Político Sobreviviente de la Tortura*, in CIEN VOCES, *supra* note 6, at 149.

133. See RETTIG REPORT, *supra* note 23, Vol. 1; VALECH REPORT I, *supra* note 4, at 173; BRIAN LOVEMAN, CHILE: THE LEGACY OF HISPANIC CAPITALISM 264 (2001); MARÍA EUGENIA ROJAS, LA REPRESIÓN POLÍTICA EN CHILE: LOS HECHOS 11 (1988); Hugo Rojas, *Las Quejas ante el Comité de Libertad Sindical de la OIT Durante el Régimen Militar*, in LIBERTAD SINDICAL Y DERECHOS HUMANOS. ANÁLISIS DE LOS INFORMES DEL COMITÉ DE LIBERTAD SINDICAL DE LA O.I.T. (1973-1990) 53 (Elizabeth Lira & Hugo Rojas, eds., 2009); Hugo Rojas, *The Recognition of Victims of Human Rights Violations in Chile: An Analysis of the Complaints of the Chilean Labor Unions Presented to the International Labor Organization During Pinochet's Dictatorship*, in SOCIETIES IN TRANSITION: LATIN AMERICA BETWEEN CONFLICT AND RECONCILIATION (Susan Flaemig & Martin Leiner, eds., forthcoming 2012).

134. Jorge Sarmiento, *Comunista por Luchar Contra los Abusos Patronales*, in CIEN VOCES, *supra* note 6, at 490; Héctor Zavala, *Es Necesario Trabajar por una Democracia Plena en Nuestro País*, in CIEN VOCES, *supra* note 6, at 590. For example, Augusto Bulnes was detained in 1973 and condemned to twenty years in prison. He did not obtain parole until 1990. Finally, in 2000, the Valparaíso Court of Appeals closed his case. “As a consequence of this long repressive situation, my family broke up; my sons had to grow up without their father and under the

obtained the benefit of parole did not experience total freedom, because, pursuant to their parole conditions, they had to sign in periodically at the local police station for months or even years.<sup>135</sup>

Although the release of the prisoners caused a moment of personal and family happiness, it was not uncommon for the victims to feel anguish for the people with whom they had shared their detention and for the people who still remained in prison. In the same way, freedom did not mean their previous life would be recovered, or that the rest of the society would welcome them. For example, Juan Plaza explains that, after completing the sentence and being released, “the worst waited for me out there: unemployment, a situation from which my wife, my children, and my relatives also suffered.”<sup>136</sup> María Aguayo experienced a similar situation. After completing her sentence, she opted “to stay locked in my house because they followed [her] and [her] whole family everywhere.”<sup>137</sup> Although painful, it is necessary to assume that survivors like Marcelino Fuentes have not stopped feeling excluded by the rest of the Chilean society until the present day.<sup>138</sup>

Because most of the survivors were militants and sympathizers of Popular Unity, after being detained, they experienced many difficulties when trying to find permanent jobs, especially if they previously worked in governmental agencies. The sectors that did not empathize with the difficult reality of the survivors stigmatized them as terrorists and war prisoners. For example, Galvarino Fuentes did not find a job in any company because they told him he was a war prisoner.<sup>139</sup> María Alvarado suffered much bitterness once freedom

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exclusive economic and emotional responsibility of their mother.” Augusto Bulnes, *Yo fui un “Prigüé,”* in CIEN VOCES, *supra* note 6, at 133-34.

135. María Alvarado, *Lo que Más Duele: La Indiferencia y la Falta de Justicia*, in CIEN VOCES, *supra* note 6, at 55; Jorge Sarmiento, *Comunista por Luchar Contra los Abusos Patronales*, in CIEN VOCES, *supra* note 6, at 490.

136. Juan Plaza, *La Herida No ha Sanado*, in CIEN VOCES, *supra* note 6, at 414.

137. María Aguayo, *Torturada por el Sicar*, in CIEN VOCES, *supra* note 6, at 47.

138. Marcelino Fuentes, *Pensamientos y Recuerdos de 1973*, in CIEN VOCES, *supra* note 6, at 216.

139. Galvarino Fuentes, *Galvarino Fuentes Canales*, in CIEN VOCES, *supra* note 6, at 211.

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was recovered; she was humiliated and it took her a long time to obtain permission to resume her work as a teacher, “when I was finally able to reinstate myself into work . . . my colleagues avoided me as if I had leprosy.”<sup>140</sup> After his release, Marcos Abarca could not join the company for which he had worked for twenty-five years as a textile specialist in tiles, and a judge had to order his re-entry.<sup>141</sup> Raúl de la Fuente’s employer fired him after eleven years of work, and he did not receive any compensation.<sup>142</sup> Starting from September 15, 1973, the government prevented Hernán Jalmar from teaching for apparently taking part in political crimes: “after twenty-one years of work, the new military authorities stunted my professional career . . . I survived with the help of my relatives and friends.”<sup>143</sup> In relation to this matter, it is not surprising to read testimonies like Rosa Prenafeta’s: “they destroyed our professional careers and they changed our quality of life dramatically, causing us a permanent anguish . . . the dictatorship screwed our life projects.”<sup>144</sup>

In many cases, the long-term physical effects hindered or diminished the possibility to carry out a normal life. To mention some examples, Tomás Flores’s legs were deformed, and he continues to suffer chronic pain in important parts of his body.<sup>145</sup> Erardo Oyarzo is unable to work and considers that the long-term effects of his torture prevent him from enjoying a worthy and normal life.<sup>146</sup> The repetition of “the telephone” torture technique caused Armando Aburto an irreversible injury in his left ear.<sup>147</sup> The headaches are permanent for

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140. María Alvarado, *Lo que Más Duele: La Indiferencia y la Falta de Justicia*, in CIEN VOCES, *supra* note 6, at 55.

141. Marcos Abarca, *Siete Meses Detenido y Torturado por ser un Trabajador Comunista*, in CIEN VOCES, *supra* note 6, at 36.

142. Raúl de la Fuente, *Los Verdugos de la Comisaría de la Calle Chiloé*, in CIEN VOCES, *supra* note 6, at 162.

143. Hernán Jalmar, *Para Que la Impunidad no se Imponga*, in CIEN VOCES, *supra* note 6, at 280.

144. Rosa Prenafeta, *Sigo Esperando Justicia*, in CIEN VOCES, *supra* note 6, at 429.

145. Tomás Flores, *Ciclo Infernal de Torturas a Manos del Comando Conjunto*, in CIEN VOCES, *supra* note 6, at 202.

146. Erardo Oyarzo, *El Daño Irreversible que me Hizo la DINA*, in CIEN VOCES, *supra* note 6, at 392.

147. Armando Aburto, *El Paso por el Infierno de un Dirigente de la CUT*, in CIEN VOCES, *supra* note 6, at 38.

Raúl de la Fuente, and he also lost vision in his left eye and several teeth.<sup>148</sup>

Perhaps the long-term physical effects can be corrected, or maybe the person is able to adapt to the new conditions, but the wounds in the soul are the most difficult to heal. María Alvarado comments that, as time goes by, the bangs that she endured no longer hurt, but the fact that the militaries destroyed her ideals and dignity as a person, and transformed her into something that did not have value, still hurts her deeply: “[w]hy am I not able to forget although the time has passed? Why does this story hurt me so much? I was a young woman full of illusions and dreams.”<sup>149</sup> Brígida Bucarey explains that, although she has burn marks on her legs, back, and breasts, time has helped heal those wounds. But the wounds in her soul and conscience have never healed.<sup>150</sup> Similarly, Diógenes Elgueta still sees the faces of the torturers in his nightmares.<sup>151</sup> It is certain that all those damages, physical and psychological, will affect the survivors for the rest of their lives.<sup>152</sup> María Alvarado’s testimony synthesizes the long-term effects of the victims’ detention quite well:

The consequences of the repressive experience that I tell are diverse. In the first place, I have mental blocks; I find it difficult to remember names and situations from those times. I feel distrust and insecurity. Low self-esteem and a sensation of guilt for the pain that I caused my family and my daughter . . . I wanted to die so many times. After such situations and dates like September 11, [1973], the return of Pinochet to Chile from London, the act of writing this story and remembering what happened, I suffer long periods of insomnia, and I have recurrent nightmares, with sounds of fences, the dragging of chains, footsteps in corridors, people bleeding. I wake up covered with perspiration. I get rashes all over

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148. Raúl de la Fuente, *Los Verdugos de la Comisaría de la Calle Chiloé*, in CIEN VOCES, *supra* note 6, at 162.

149. María Alvarado, *Lo que Más Duele: La Indiferencia y la Falta de Justicia*, in CIEN VOCES, *supra* note 6, at 56.

150. Brígida Bucarey, *Lo que Pintó Para Siempre Mi Corazón de Rojo*, in CIEN VOCES, *supra* note 6, at 127.

151. Diógenes Elgueta, *Por el Rescate de la Memoria Negada*, in CIEN VOCES, *supra* note 6, at 176.

152. Enrique Aguirre, *Botado Entre Cadáveres en el Zanjón de la Aguada*, in CIEN VOCES, *supra* note 6, at 51.

my body without a physical cause. My lungs are ruined. I cannot see much, as my eyes are full of scars. There are periods when I isolate myself and I become lost in my thoughts. I cannot handle confinement or being in rooms without windows. I feel desperation only in thinking about the possibility of reliving a situation like the one I lived in the past.<sup>153</sup>

#### *D. Evaluation*

The moment the testimony is written impacts the content of the speech. In this section, I show how the testimonies—written several decades after the events—include thoughts that go beyond what happened in the detention centres and concentration camps. The survivors include thoughts and evaluations of how their lives have progressed and also about the collective life in the country. The time that has passed does not imply that the wounds have healed.<sup>154</sup> After thirty years, it is possible to appreciate that many survivors have a critical view not only of political leaders and public authorities, judges, and the Armed Forces, but also of the rest of the Chilean society. Hernán Jalmar—73 years-old when he wrote his testimony—synthesizes this aspect quite well: “I am deeply hurt and angry with the attitude of the government, the judicial tribunals, and Congress, which have all demonstrated, on numerous occasions, that they are actively committed to Pinochet’s impunity, as well as to the other human rights violators.”<sup>155</sup> There is no doubt that many survivors still do not feel socially accepted, included, or welcomed, and that they consider the majority of Chilean society is still in debt to them.<sup>156</sup> It is very difficult to speak about reconciliation when the victims express, over and over, that justice has not been achieved, and that they have not received sufficient compensation for the damages in their personal lives, particularly for the physical and psychological consequences of the tortures. In fact, the testimonies reviewed on this

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153. María Alvarado, *Lo que Más Duele: La Indiferencia y la Falta de Justicia*, in CIEN VOCES, *supra* note 6, at 55.

154. Juan Plaza, *La Herida No ha Sanado*, in CIEN VOCES, *supra* note 6, at 414.

155. Hernán Jalmar, *Para Que la Impunidad no se Imponga*, in CIEN VOCES, *supra* note 6, at 281.

156. Marcelino Fuentes, *Pensamientos y Recuerdos de 1973*, in CIEN VOCES, *supra* note 6, at 213.

occasion clearly show the victims do not plan to give up on their search for justice and reparation.<sup>157</sup> Marcelo Gauthier explains, “I cannot accept, I cannot conceive that the torturers continue living peacefully, without judicial punishment.”<sup>158</sup>

As do many other victims, Isabel Uzabaga still feels hatred and immense bitterness against Pinochet’s arrogance.<sup>159</sup> She considers that she wrote her testimony “with the pain and blood of those moments that [she] will never forget.”<sup>160</sup> An interesting conclusion from Margarita Vivallo’s testimony is that survivors can pretend to be just like any other citizen. Apparently, it could not be noticed that all survivors are affected by the experience they lived and because of that they are different than the rest,<sup>161</sup> “[o]ne can feel very well in some moments, but suddenly everything comes back at once, and there is rage, pain, powerlessness, crying, the wound re-opens, bleeds, and heals again and so on.”<sup>162</sup> Marta Arancibia has lived in Germany for three decades, in exile, feeling homesick when thinking about her family and friends, “as a rootless carnation in the air.”<sup>163</sup> When she visited Chile in her last trip, she thought about her life, and for the first time, she cried.<sup>164</sup>

In their stories, it is possible to see that there is a deep pride for and commitment to the work and ideas they promoted before being

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157. Armando Aburto, *El Paso por el Infierno de un Dirigente de la CUT*, in CIEN VOCES, *supra* note 6, at 40; Gabriela Bucarey, *¿Cómo Saber Cuándo Empecé a Ser Comunista?*, in CIEN VOCES, *supra* note 6, at 132; Francisco Durán, *Lo que No se Debe Olvidar*, in CIEN VOCES, *supra* note 6, at 173; Rubén Morales, *Canallas que no Tienen Perdón*, in CIEN VOCES, *supra* note 6, at 352; Mariluz Pérez, *Fui la Primera Prisionera en el Estadio Chile*, in CIEN VOCES, *supra* note 6, at 402; Rosa Prenafeta, *Sigo Esperando Justicia*, in CIEN VOCES, *supra* note 6, at 429; Margarita Vivallo, *Soy Sobreviviente de la Tortura*, in CIEN VOCES, *supra* note 6, at 582.

158. Marcelo Gauthier, *Estoy Vivo y Aún Tengo Sueños*, in CIEN VOCES, *supra* note 6, at 243.

159. Isabel Uzabaga, *Un Relato Hecho Con Dolor y Sangre*, in CIEN VOCES, *supra* note 6, at 539.

160. *Id.*

161. Margarita Vivallo, *Soy Sobreviviente de la Tortura*, in CIEN VOCES, *supra* note 6, at 582.

162. *Id.*

163. Marta Arancibia, *Soy Como el Clavel del Aire*, in CIEN VOCES, *supra* note 6, at 62-63.

164. *Id.* at 62.

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detained. Indeed, survivors have no reason to be embarrassed for their political beliefs.<sup>165</sup> The fact of having survived is also evaluated with pride: “I am a survivor of this experience so close to death;”<sup>166</sup> “I am grateful to be a survivor.”<sup>167</sup> Surviving is not just clinging to life, it is also acquiring the condition of a “victim of torture and state terrorism” and a “witness of crimes” committed against helpless people. The one who survives has the possibility to tell what she/he has lived, and that narration helps others to know and understand the past in a better way. One victim explains that “although a human being has not been a direct witness of the horror, through our testimonies she/he will be able to feel empathy, to feel what happens in the stomach of the monster.”<sup>168</sup>

The creation of the Valech Commission in 2003 generated expectations in the victims, and many of the victims are grateful for the Commissioners’ work. However, one of the topics that has caused more anger for some survivors has been the lack of publicity of their testimonies. When President Lagos created the Commission, the victims had to evaluate whether they would attend to declare. For different reasons, including lack of information, not all of the victims did it or were able to do it on time; and, that is one of the reasons why the Government of President Bachelet created the Valech Commission II in 2010.<sup>169</sup> For many, it was painful to remember the events of the past and to expose their long-term effects openly. As Jorge Montealegre remembers in *Blankets of the National Stadium*, “memories hurt . . . it is going back.”<sup>170</sup> Therefore, it has been disappointing for some victims, who made the decision to declare before one of the Commissions, to know that such declarations have

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165. Marcelo Gauthier, *Estoy Vivo y Aún Tengo Sueños*, in CIENTO VOCES, *supra* note 6, at 243.

166. Luis Cárdenas, *Afectado por la Represión Política*, in CIENTO VOCES, *supra* note 6, at 145.

167. Palmenio Rayo, *11 de Septiembre de 1973: Mi Experiencia de “Prigue,”* in CIENTO VOCES, *supra* note 6, at 447.

168. Claudia Raddatz, *Pasando por Aquí*, in CIENTO VOCES, *supra* note 6, at 431.

169. See COMISIÓN ASESORA PARA LA CALIFICACIÓN DE DETENIDOS DESAPARECIDOS, EJECUTADOS POLÍTICOS Y VÍCTIMAS DE PRISIÓN POLÍTICA Y TORTURA, available at <http://www.comisionvalech.gov.cl> (last visited Mar. 12, 2012).

170. JORGE MONTEALEGRE, *FRAZADAS DEL ESTADIO NACIONAL* 15 (2003).

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been kept secret by law. If the stories have already been silenced and unheard for thirty years, to prolong that silence for another fifty years is disturbing.<sup>171</sup>

. . . the memory of what I lived is part of the collective history of the popular sectors of our country . . . the fact that, by virtue of a law voted for by Congress, the testimonies we gave to the Valech Commission will remain hidden for fifty years, makes me angry . . . . I do not accept the oblivion, I do not accept the cynicism, and I will die with the hope that Chileans do not lose the memory and that they recover fraternity and justice. My message to the young is that they should take advantage of us, listen to us, question us, because we are still alive and we are witnesses of a story that, without a doubt, was terrible, but also beautiful.<sup>172</sup>

Another victim explains her frustrations over the continued suppression of the stories as follows: “I would like to shout in all directions what happened, and, I find absurd to keep the name of those responsible in secret for fifty years. In this country, no expressions of compensation have been made to those who lived the persecution of the dictatorship.”<sup>173</sup>

For these reasons, some victims have written and published what happened, or have helped ensure that their stories are kept in audiovisual records to be a part of the historical memory of Chile. According to Verónica Báez, the names of the missing detainees and executed prisoners, as well as the names of the victims of torture and political imprisonment, should be registered in the history of Chile.<sup>174</sup>

Despite the fact that the torturers committed crimes against the dignity and fundamental rights of the people, many of the survivors know that they bore an extreme situation with fortitude, without losing their condition of human beings. To find the strength in moments of cruelty and sadism was not easy for the victims, but they looked for inspiration in different ways. For example, the fact of not accusing

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171. See Diógenes Elgueta, *Por el Rescate de la Memoria Negada*, in CIEN VOCES, *supra* note 6, at 177.

172. Marcelo Gauthier, *Estoy Vivo y Aún Tengo Sueños*, in CIEN VOCES, *supra* note 6, at 243.

173. Verónica Báez, *La Solidaridad de las Mujeres Prisioneras en el Estadio Nacional*, in CIEN VOCES, *supra* note 6, at 97.

174. *Id.*

anybody at the interrogations was seen as a reason to continue bearing and fighting.<sup>175</sup> Not to lose hope of recovering freedom was also a reason to survive. To help and not to abandon their fellow cell partners was also perceived as a reason to survive, and Palmenio Rayo specifically recalls the reciprocal nature of the assistance and help victims received from their cell partners after the torture sessions.<sup>176</sup> For example, in Báez's testimony, solidarity and equality are linked; "our stay in the Stadium, besides being sad and painful, taught us lessons in solidarity and companionship . . . . We all were under the same conditions, independent of the professional qualifications or the social classes, we were all equal."<sup>177</sup> In his testimony, José Moya mentions a love story of a young couple that helped each other survive:

Claudio resisted and survived the torture sessions thanks to the solidarity of the rest of the detainees and to Gabriela's singing, his partner who was also detained in some place of [Villa Grimaldi]. She, with her melodious voice, offered us her songs that the wind took charge of spreading. Her singing was heard throughout the camp, it crossed the cell walls, it silenced the torturers' threats . . . until arriving to the lover's ears who received the message and experienced his energy to resist multiply.<sup>178</sup>

For the survivors, writing testimonies is also perceived as an opportunity to thank the people and institutions that generously collaborated with them during these years. When Benavides writes, she knows it is difficult to find words to describe her life as a prisoner in spite of remembering what happened very well. In general, the period of time in detention camps and centres is perceived as a suffering moment, "but also, of much resistance and solidarity."<sup>179</sup>

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175. See Irma Góngora, *Aún Tengo Mucha Fuerza para Luchar*, in CIEN VOCES, *supra* note 6, at 246; Vilma Rojas, *Noviembre: Un Mes Para No Olvidar*, in CIEN VOCES, *supra* note 6, at 485.

176. Palmenio Rayo, *11 de Septiembre de 1973: Mi experiencia de "Prigue,"* in CIEN VOCES, *supra* note 6, at 445.

177. Verónica Báez, *La Solidaridad de las Mujeres Prisioneras en el Estadio Nacional*, in CIEN VOCES, *supra* note 6, at 92-93.

178. José Moya, *Con la Venda Sobre los Ojos*, in CIEN VOCES, *supra* note 6, at 358-59.

179. María Benavides, *Resistencia al Golpe en la Cordillera de Talca*, in CIEN

The number of acknowledgements they include to other detainees for their generous gestures is large.<sup>180</sup> Some victims recognize the importance of the secret support they received from some guards, which allowed them to improve their living conditions during the detention.<sup>181</sup> There are also words of affection to their relatives, and sincere thankful expressions to the lawyers, priests, and institutions that tried to defend their rights. Victims also mention the countries that welcomed them during exile and gave them a hand in those difficult moments.<sup>182</sup> Additionally, there is hatred and bitterness against those who violated their human rights, yet gratitude and words of affection for those who have helped them and respect who they are and what happened to them. An example of this humble and generous attitude can be seen in the last words of Margarita Vivallo's text: "[t]o those who read this testimony, thank you very much."<sup>183</sup>

#### CONCLUSION

The analysis of one hundred testimonies of victims of torture and political imprisonment in Chile allows a better understanding of the

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VOCES, *supra* note 6, at 102; Galvarino Fuentes, *Galvarino Fuentes Canales, in CIEN VOCES, supra* note 6, at 211.

180. Vilma Rojas, *Noviembre: Un Mes Para No Olvidar, in CIEN VOCES, supra* note 6, at 487; Héctor Zavala, *Es Necesario Trabajar por una Democracia Plena en Nuestro País, in CIEN VOCES, supra* note 6, at 590; José Moya, *Con la Venda Sobre los Ojos, in CIEN VOCES, supra* note 6, at 356.

181. Marcos Abarca, *Siete Meses Detenido y Torturado por Ser un Trabajador Comunista, in CIEN VOCES, supra* note 6, at 33-35; Verónica Báez, *La Solidaridad de las Mujeres Prisioneras en el Estadio Nacional, in CIEN VOCES, supra* note 6, at 94; Belinda Zubicueta, *Mariposa del Alma, in CIEN VOCES, supra* note 6, at 596.

182. Armando Aburto, *El Paso por el Infierno de un Dirigente de la CUT, in CIEN VOCES, supra* note 6, at 39; María Aguayo, *Torturada por el Sicar, in CIEN VOCES, supra* note 6, at 47; Enrique Aguirre, *Botado Entre Cadáveres en el Zanjón de la Aguada, in CIEN VOCES, supra* note 6, at 50; María Alvarado, *Lo que Más Duele: La Indiferencia y la Falta de Justicia, in CIEN VOCES, supra* note 6, at 55; Verónica Báez, *La Solidaridad de las Mujeres Prisioneras en el Estadio Nacional, in CIEN VOCES, supra* note 6, at 96; Inés Espoz, *Testigo del Paso de la Caravana de la Muerte por Calama, in CIEN VOCES, supra* note 6, at 190; Manuel Troncoso, *Como Obrero Comunista Luché por los Cambios Sociales, in CIEN VOCES, supra* note 6, at 521.

183. Margarita Vivallo, *Soy Sobreviviente de la Tortura, in CIEN VOCES, supra* note 6, at 583.

concerns and messages that these victims want to transmit to the rest of society. In order to identify the main and substantive messages, I applied Grounded Theory's approaches and research techniques. This bottom-up perspective was useful to encode the texts and to select the analytical categories that contributed to generating an interpretation of the victims' written stories, which has been structured in four themes: (1) victims' motivations to share their stories publically; (2) prisoners' living conditions in the torture camps and centres; (3) victims' living conditions after regaining their freedom; and (4) victims' evaluations about their lives, as well as Chilean society.

As for the motivations, in the last decade, survivors have decided to speak with more intensity than before, breaking the imposed silence and disclosing their truth. Although some testified in the Valech Commissions I (2003- 2004) and II (2010-2011), a subsequent law has established that those statements must remain secret until 2054. Despite the pain associated with the act of remembering the moments of humiliation, threats, beatings, and abuses, some have decided to write about what happened, as they are genuinely interested in their testimonies becoming a part of Chilean history and the country's collective memory. Another motivation has been to denounce the torturers and those responsible of human rights violations, as many have managed to avoid criminal sanctions and walk in the streets as if nothing happened from 1973 to 1990.

Most of the survivors describe the state agents' inhumanity and unlimited cruelty when they refer to the conditions of their detentions, interrogations, and torture sessions. Starved, cold, crowded, isolated, without defense, and beaten mercilessly, are some of the words the survivors use to refer to the attempts against their dignity. Not even animals deserve to be treated the way victims were kept in the camps and centres. For many of the victims, listening to the screams of their peers being tortured has been one of the most painful experiences. Especially heartbreaking are the testimonies of women who were raped and abused, although some men were also victims of sadistic sexual assaults. This "season in hell" also included threats against family members, which increased the victims' fear and anguish. The victims also felt helpless and unable to reverse the situation. They understood their lives depended completely on the will of the leaders and guards of the camps/centres. Moreover, victims also mention

gestures of generosity and solidarity among their peers during the arrests, encouraging each other to bear the horrors of state terrorism.

Victims also wanted to share their life conditions and emotions after being released. In general, they experienced difficulties when re-entering Chilean society. In fact, many felt under permanent surveillance, excluded, and stigmatized as terrorists or suspicious people, etc. Also, many had to face employment discrimination or obstacles to continue studying. Ironically, the experience in exile was far less friendly and pleasant than other Chileans tended to think. Loneliness, loss of family bonds, and the uprooting amplified the pain; although victims do express gratitude for the countries that welcomed them and helped them move forward. In general, survivors had high expectations when the Democrats regained political power in 1990, but the public debate and agenda of the long transition to democracy in Chile did not consider the priorities, demands, and concerns of the torture victims for more than a decade. It was not until the sudden arrest of Pinochet in London when, once again, the victims had hope that justice would be done. However, as a result of political negotiations and legal bickering, the initial optimism has gradually faded.

From the evidence of these testimonies, it is possible to conclude that the old wounds of the victims have not healed. In fact, those wounds are permanent and different than before: over the years, the emotions and thoughts of the survivors have evolved in consideration of the personal, social, and political contexts. For many, the physical consequences are secondary compared to the serious psychological consequences of the acts of torture. This research has confirmed that, at least in the Chilean case, many survivors continue to suffer a “painful psychological and emotional hell.”<sup>184</sup> Victims do not necessarily feel accepted or recognized by various social sectors, and consider that the state has failed to: (1) provide the victims with sufficient compensation, and (2) repair the damage the Armed Forces inflicted on their lives. It is also possible to conclude that the testimonies contain expressions of annoyance and frustration with political leaders and the authorities who have ruled Chile since 1990; but also, and more importantly, a profound desire for criminal

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184. PATRICIA HAYNER, VERDADES INNOMBRABLES: EL RETO DE LAS COMISIONES DE LA VERDAD 186 (2008).

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sanctions against the perpetrators. As Rosa Prenafeta emphasizes in her testimony, “I survived all of this . . . and I am still waiting for justice.”<sup>185</sup>

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185. Rosa Prenafeta, *Sigo Esperando Justicia*, in CIEN VOCES, *supra* note 6, at 429.