

Season 3 Episode 3 (November 2021)

How do we talk about time and temporality in the Chilean transition?

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Sangeetha: Welcome to the Justice Visions podcast. My name is Sangeeta Yogendran, and I'm one of the hosts of this season, and I'm very happy to connect with you again for the third episode of season three, in which we're going to focus on the topic: How do we talk about? In September we talked with our colleague Brigitte about broadening the justice imagination and the issue of invisibilization in the Syrian context. And more recently, we released an episode about truth and literature in the South African context with Antjie Krog. Today we're going to focus on Chile with our colleague Marit de Haan. You might remember our spotlight episode on Chile last season, in which we talked about the protests about social inequality that were happening in the country back in 2019. And also the start of a constitutional reform process. Today, we're going to be focusing on the question of how we talk about time and temporality in transitions, or more specifically, the questions of time and timing in the Chilean transitional justice process. So welcome, Marit.

Marit: Thank you Sangeetha.

Sangeetha: So, Marit, can you tell us why you wanted to do this episode today?

Marit: Well, I just arrived to Chile a few weeks ago to conduct interviews for the coming months, and I felt quite inspired to create another episode about Chile as there has been various new developments. One of them was actually the commemoration of the social protest on the 18th of October, marking exactly two years after their start in 2019. And as you hear in this audio fragment, this was quite a moving day where people took the streets again throughout the country, and the commemoration mostly had a peaceful character but at some places led to a little bit more unrest as well.

Sangeetha: So before we start talking more about these protests that you just mentioned, maybe you could briefly fill us in on how Chile has addressed its violent past and dealt with crimes that have been happened during the dictatorship?

Marit: Chileans lived under military dictatorship between 1973 and 1990, and dictator Pinochet had to leave power after a referendum as a result of national and international pressure. During the dictatorship, more than 3.000 people were executed or disappeared. And over 40.000 people suffered

political imprisonment and torture. And just to mention that these are the official numbers recognized in the truth commissions, excluding people that, for example lacked documentation to be recognized to the commissions, or for a variety of reasons did not want to participate. And besides that, there have been over 200.000 people that were forced into exile and an unknown number of people that were, for example, removed from their professional positions.

Sangeetha: Wow, those numbers are quite staggering. So we've had a transition that was initiated over 30 years ago after a wide variety of human rights violations. So what would you say about the state of the transition at this moment?

Marit: Interesting is that Chile is often mentioned as this 'paradigmatic case' of transitional justice because of the fact that there have been several truth commissions, a reparation system, justice efforts and also some elements of institutional reform. Yet they all come with their limitations. And this is a topic I discussed quite extensively with experts from the field of human rights over the past months, because as a result of limited political will, there are still very high levels of impunity. Although there have been some convictions, many judicial cases are still ongoing. And also, to this day, it remains unknown what happened to part of the disappeared.

Sangeetha: So even after 30 years have passed, there are still a lot of things that remain unresolved. And on top of that, we have seen these massive protests about social inequality that erupted in Chile two years ago. So how does that relate to the unfulfilled promises of the transition?

Marit: Well, in the first place, because of the numerous human rights violations that took place during the protest movement, that was heavily repressed by the government. And by many this was seen as a continuation or repeat of the state violence that was all too familiar from the dictatorship years. And in some of the interviews I conducted, experts mentioned that they thought the transition was over until this protest movement happened. So I would say that for people directly affected by the dictatorship, especially victims/survivors and their family members, these topics were, of course, never in the background. But these societal developments seem to have put the topic back on the agenda for broader society as well.

Sangeetha: And as a result of this protest movement, Chile is currently undertaking a constitutional reform process, a topic that we actually discussed last year. So that means that the constitution that was written in 1980 during the dictatorship, will be rewritten.

Marit: Exactly. And these recent developments also illustrate that transitions do not necessarily happen in a linear way. In a paper Tine Destrooper and I recently wrote, we described this in more detail, and it led us to the concept

of temporality, which refers to the lived experience of time. And the idea that we present in the paper is that the transitional justice process has been organized in a certain way, for example, the early focus on truth and relatively late justice efforts in Chilean case. And this might not have been in line with the victims' perceptions and needs justice. So in the paper, we looked into several dynamics that relate to time and timing, using examples from the Chilean context.

Sangeetha: And as your research focuses on the perceptions and needs of justice of the victims of the dictatorship, you also discussed these topics with some people on the ground in Chile-

Marit: For this episode, I had the opportunity to talk about this topic with two very inspiring experts who experienced this from close by. I had a conversation with **Noemí Baeza**, survivor of political imprisonment and torture. She went into exile and returned to Chile in 1984 to participate in the resistance movements against the dictatorship. Noemí has been involved in the struggle for justice for many, many years, and she was actually one of the reasons that I became interested in this topic of victims, or survivors of the Chilean military dictatorship, and started conducting this research.

I also talked to **Haydee Oberreuter**, who is one of the leaders of a victim group in Chile for ex political prisoners and their family members: *The Comando Unitario de Ex Prisioneros Políticos y Familiares*. She's also spokesperson of the NGO *Derechos en Común*. She's a very active voice in the human rights movement in Chile, and a survivor of torture and political imprisonment. She lost her baby as the result of severe torture.

Sangeetha: And so with both of them, you talked about this topic of temporality.

Marit: Yes, we conducted the conversations in Spanish, but our colleague Gretel Mejía was so kind to help us with the voice over.

Sangeetha: For our listeners that would like to listen to the recordings in Spanish and take a closer look at the full transcription of these conversations, they are available on our website as well.

Marit: Yeah, and striking was a conversation I had with Noemí Baeza about the protest movement.

Noemí: With respect to the social protest movement of 2019, it caused me a lot of fear. On the one hand hope, joy and on the other hand fear. Because the government's response was repression. Strong repression as in the times of the dictatorship. Especially the extent of eye traumas has been horrible, shooting pellets at young people's faces and eyes, leaving them without eyes. And all the ghosts of the dictatorship revived in me.

Marit: And because of her personal experiences of taking part in protests during the dictatorship, Noemí was very worried about the young people on the streets in 2019.

Noemí: So I approached a group of young people and I said "can you please listen to me for a little while?" They stopped, they listened to me. I told them "Look, I am a survivor of the dictatorship, I want to tell you that you have to take the curfew seriously, because when the military arrives, they will start shooting immediately. So if there is a curfew, please go back home, don't stay outside, because they are going to shoot you."

And of course, it is indeed a different type of youth. Young people who did not experience the dictatorship and who have had the courage to go out into the streets.

Marit: Haydee Oberreuter, spokesperson of *El Comando Unitario*, the ex-political prisoner group in Santiago, also reflected on the high levels of young people involved in the protests of 2019 and the generational links that became visible.

Haydee: *And in between the past and the present, you see people in these manifestations holding banners that say "I am the grandson, I am the son of the one you tortured or the one you killed".*

Sangeetha: That's very interesting to hear. Where else do the topics of time and temporality come into play?

Marit: These topics are actually also of importance beyond these protest movements. In the first place, as Noemí Baeza mentions, because the transition has been a long and slow process.

Noemí: This famous transition went on and on and on. We are still in transition.

Marit: But also, for example, regarding the short timeframes or truth commissions. Haydee Oberreuter mentioned this during the interview.

Haydee: The qualification commissions have a limited timeframe, they close. It's like one day they hire an office, they raise the curtain, people start to come in, they close the curtain when the show is over. They draw up a document, they make it public, they say three marketing phrases for the public, for the television and so that society feels that human rights issues are indeed resolved. But after that there is no follow-up body. Therefore, access to truth and justice is not guaranteed by the state.

Sangeetha: Another topic that both you and Tine discussed in the paper is the prioritization of certain human rights violations in the timing of transitional justice interventions.

Marit: Yes, and while this is a broader issue in transitioning societies, you can see this very concretely in the Chilean truth commissions. There has been a first truth commission in 1991, the Rettig Commission, that focused on victims of political executions and disappearance. The government used the classic justification that "the most serious human rights violations should be dealt with first". And which is quite shocking, is that only in 2003, a Second Truth Commission was created that focused on political imprisonment and torture. And the opening of this commission, the Valech Commission, was the result of persistent pressure from victim groups. I discussed this with Haydee Oberreuter from the ex-political prisoner group.

Haydee: Well, the first thing to be clear about is that the decisions made by the Chilean Government in the post-dictatorship era, are directly linked to the search for stability and establishing certain priorities with regards to the seriousness of human rights violations. That resulted in a prioritization of political execution and forced disappearances. This puts the focus on the issues that are most present in the public, national and international opinion and with which it can eventually be said "the process of truth and justice is concluded in Chile". And that was somehow the attempt that was made persistently, because, for example, political prison and torture were not addressed in Chile until 2003."

Sangeetha: It's actually quite daunting to hear how political detention and torture were only addressed 13 years after the end of the dictatorship.

Marit: Yes, and actually with large consequences as well, because when this commission finally opened in 2003, this was already too late for some of the survivors of these crimes, Haydee told me.

Haydee: The consequence of this is that in 2003 already a large number of people had died, because it was one thing to have survived 17 years of dictatorship, sometimes including multiple detentions and forms of state violence. And another thing is, in addition to these 17 years, surviving 13 more years, waiting for the State to qualify.

Marit: And the same applies to the pace of addressing cases, that finally make it to the courts, as Haydee explains.

Haydee: And the concrete results are that the population of survivors of political imprisonment in Chile dies at an extraordinary speed, leaving behind a trail of impunity. And the courts work at the speed of a turtle, that thinks and thinks what it is going to do. It is delaying and thereby facilitating the installation of impunity at a rate that is convenient exclusively to the violators of human rights. And today even the vast majority of them have been rehired or remain active within the institutions of the State.

Marit: And on top of that, victims are severely limited in their possibility to get their cases to court, because of a law that was implemented with the opening of this commission in 2003, that put all the testimonies under a secrecy of 50 years. And actually, this law was proposed and accepted over the course of just a few days without consulting victims.

Haydee: A law was approved, of which it's most important provision was totally unknown to us: the imposition of 50 years of silence. 50 years of silence that prevented our testimonies from being known by the courts, the judges, the Ministers of Exclusive dedication to human rights. They could not be known.

Marit: And while several victim groups were actively mobilizing for a permanent qualification commission, they were instead surprised with this law that was set to be designed "for their own good", to prevent re-traumatization.

Haydee: "For our own good" it said, because making it public was going to retraumatize us. But look at the result. The law has been horribly traumatizing because it has exposed us to having to talk. Now, if you don't want to retraumatize yourself, then in the end you don't go in search of truth and justice at the tribunals. In other words, not only was there no follow-up body, but also an anchor was placed in which the courts themselves were prevented from having access. We have never asked that our testimonies would be in the public domain, in the sense that they can be published in a newspaper, on a front page, etcetera. What we asked was that our testimonies, which we gave in the hope of achieving truth and justice, would be made available to the courts so that we would not have to live these experiences again, giving again and again the testimony that takes you back to the hells from which you come from and that have cost you a lifetime to get out of. That is what we wanted.

Marit: To me, this is a clear example of how victims' needs and demands are sometimes completely misinterpreted or even misused. With large consequences, as this information can't be used in the courts either. Resulting in enduring impunity that will outlive both the majority of the individuals that have suffered human rights violations and the perpetrators of these crimes.

Sangeetha: Thanks for that Marit. And you also focus on how needs and perception's might change over time, and-asked our guest what is most urgently needed in the Chilean transitional justice process and what are the most pressing demands are today. For Noemí Baeza, survivor of political detention and torture, this mostly relates to solving injustice and a dignified, symbolic reparation for victims.

Noemí: When it is finally time for the courts' resolution with regards to "justice", within quotation marks, the outcome is nightly house arrest. That's just a joke, because everyone sleeps at home. And that is what hurts terribly,

all this injustice hurts me. And it is so difficult to change, because it is present at all levels of society. And while there is no justice, when you asked me what I want, I want them to pay accordingly, that they pay accordingly with ordinary prison sentences. And reparation for the victims. But not a miserable reparation like the one we had. It is not even about the money, because there is nothing, nothing that is going to replace your father, your brother, your partner or your husband, your husband who was tortured or detained, disappeared. Not a million pesos will replace that.

Sangeetha: Hearing this reaction, it seems that there are still many things unresolved with regards to the Chilean transition.

Marit: Exactly. And the thing that actually became clear from both of the conversations, as well as in several other interviews I conducted, is the constant pressure from civil society and victim/survivor organizations and the key role that have played in the transitional justice process. Haydee actually said that the governmental strategy seems to have been, to have "no human rights policy".

Haydee: Over time, we started to realize that there was no possibility of having a State policy for human rights, because in practice the government had made the decision not to have a policy on human rights. What they did was have a marketing policy, to put it one way, a policy of public relations, advertising, journalism, whatever you want, in which public proclamations were made saying the State has done this and that. But in reality they have been opening and closing, opening and closing and without, in the meantime, having any effects within the structure of society.

Marit: I would now like to listen with you to an audio fragment that also illustrates this in a way. Because in one of the conversations I had with Noemí, who identifies herself as a survivor, she started to sing when we discussed the concept of "victim". The song is called 'Como la Cigarra' and it's about surviving, persistence and presence. And I think it forms a nice metaphor for the persistence and strength of Noemí, Haydee and many others in their struggle for human rights. After the voice of Noemí you will hear the version of the song by Mercedes Sosa.

Sangeetha: Euhm, wow, that is, that was a very captivating experience, thank you for that. In light of this constant struggle, and as we always end our episodes, as a last question, we ask both our guests where they find inspiration in their work. Haydee Oberreuter responded with the following.

Haydee: The sentence that "this is not going to happen in my name, I am not going to be part of this." And in fact this is what I said when I went looking for my companions immediately after the coup, the next day, when it was possible to circulate for a couple of hours, the first thing I told them was "this

is not going to happen in my name". And the others responded "not in my name either".

Haydee: As documented in the documentary *Haydee y el Pez Volador*, they brutally torture me while pregnant, they deliberately kill my baby saying that he is one terrorist less. And that only strengthens in me the idea that this cannot continue to happen. And then, far from being terrified, being just a small girl, because I was just 20 years old, what they achieved was a sense of: I survive this, I will not allow these people to continue doing what they do. And that has been, I believe, the element of permanent inspiration. Now that I have realized a symbolic act to liberate my son that was killed, and have released him to the sea and the sky.

Marit: Noemí also finds inspiration in those who did not survive the dictatorship.

Noemí: I find inspiration in all of my friends who died uselessly. Who died, who were killed, who were tortured to death. Friends, I have no relatives that died, but it's the same because they fought for their ideals. And they killed them, they murdered them. And I believe this will be my inspiration for as long as I live.

Marit: She shared with me the story of Marta Ugarte, detained disappeared friend of hers.

Noemí: And suddenly, Martita Ugarte appears. Dead, of course she was dead, but she appeared because the cable that was tied around her neck when she was thrown into the sea, got loose. Today there are songs and poems about her, because many people were inspired by this story, about how the sea took her back to the beach. This way, we got to know what happened to many of the detained disappeared. It was something exceptional, but also very symbolic and in a way romantic. A very incredible thing that happened with Martita, because she was killed while fighting for democracy. And after her death, she reappears and it is like she is saying 'look at me, this is what is happening'

Sangeetha: That was very moving and I think this provides us with a lot of elements for reflection. Also with regards to the topic of temporality, as sharing these experiences and stories makes sure they remain in the presence. And that is where I would like to end this episode. We would like to thank Haydee and Noemí for sharing their experiences and reflections, and for participating in this episode.

Marit: Yes, we are very, very grateful for their contributions. And just as a reminder, you can find the audio of the full interviews in Spanish and the transcription on our website as well.

Sangeetha: Thank you again, Marit, as well for introducing us to this topic of temporality and updating us on what's happening in Chile right now. I think we've seen very concretely how the concept of temporality plays out in practice, for example in the return of memories during the protest movement. We've also seen what time and timing mean for concrete transitional justice practices, for example the Chilean truth commissions. And most importantly, the consequences of such decisions for victims and survivors of human rights violations: limited access to justice, enduring impunity and a continuous struggle for human rights. Thank you all for listening and we look forward to having you again with us next month.

This was Justice Visions. To relisten to this episode, or to browse our archive, visit our website, justicevisions.org or subscribe now via Spotify or Apple music. Justice Visions is made possible through generous funding of the European Research Council. The podcast is produced by Wederik de Backer and you heard the voices of Tine Destroyer, the Justice Visions researchers, and our guests.

*Voice over: Gretel Mejía Bonifazi
Audio fragment protests: Daniela Zubicueta
Song: 'Como la Cigarra' interpreted by Mercedes Sosa (1979)*