

Discovery of Chilean boy's body highlights role of Lagos government's accord with military

By Mauricio Saavedra
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The tragic story of the Farina family, who after three decades located the body of their 13-year-old brother Carlos Farina—killed by the Chilean military in 1973—is a sharp reminder of the brutal crimes that the government of President Ricardo Lagos is seeking to have excused under a recently-signed accord with the military.

The accord, signed in July, is designed to fix a legal loophole that has allowed the courts to hear charges against former Chilean dictator Augusto Pinochet and other high ranking officers for the “aggravated kidnapping” of some of the thousands of people who disappeared in the months and years following Pinochet's 1973 coup. Pinochet himself faces 169 such charges.

Classified as ongoing crimes, the “aggravated kidnapping” charges were not covered by the amnesty given to the military in 1990 dealing with murders committed in the first five years after the coup. But, under the recent accord, once the bodies of the “disappeared” are discovered or their whereabouts established, the amnesty once more applies.

While it is not yet clear whether the accord applies to the case of Carlos Farina, because the original amnesty did not cover the murder of children, it is the sort of crime that the Socialist Party-led government of Lagos is attempting to pardon.

Builders working on a project near the international airport, several kilometres outside Santiago, found the remains of Carlos Farina in June. A medical examination showed that he had been shot from behind 12 times—twice in the head, twice in the neck and eight times in the back.

Construction workers unearthed the corpse by accident, buried only 60 centimetres below ground level. Authorities had been searching for Farina in the capital's general cemetery. The Legal Medical Service confirmed this month that the remains were in fact that of the young

boy. They also found an identification card, which belonged to one of his two friends who were detained and executed alongside Carlos.

According to a government commission held in 1991, Carlos was the youngest victim of Pinochet's regime. He is one of 80 minors who were killed and listed as “disappeared”.

Army and police personnel had detained the boy on October 13, 1973 during a violent raid in the Santiago working class suburb, La Pincoya. The late Josefina Oyorce Farina, the boy's mother, testified: “Two carabinieri police, four military personnel and two civilian police burst through the house demanding that I hand over Carlos Patricio. I tried to hesitate, but they didn't take any notice. Two carabinieri took Carlos out of his bed and one of them butted him in the chest, which caused him to fall to the ground.”

The boy was taken to a nearby football ground with dozens of other people from his neighbourhood. There the military selected who was to be executed and who was to be set free.

“A friend of the family,” his mother continued, “had seen him and told us to pick him up as soon as possible because he was going to be killed.”

Josefina Farina filed an appeal for the protection of her son. Yet within months he had been erased from the state's records. His name did not appear on his parents' marriage certificate, nor was a birth certificate obtainable to verify his existence. In fact, the regime's representative, Sergio Diez (now a Senator for the right-wing Renovacion Nacional party) handed a list to the UN human rights commission classifying Carlos Farina as “without legal existence”.

Before her death in 1978, Josefina Farina made an official declaration to the Association of the Families of

the Detained/Disappeared, detailing her son's disappearance and her frustrated attempts to find him.

Twenty-seven years on, Carlos' only remaining family members, Humerto and Ivan Farina, filed a criminal lawsuit against Pinochet. The lawsuit, the 162nd against the dictator, was to fulfill a promise to their mother that they would not rest until they had found Carlos and brought to justice those responsible.

Following the Legal Medical Service's identification, Ivan Farina said: "Having found him makes me happy but it also saddens me and makes me angry having found him in this way, with so many shots in the head and back. I would like it that all those people who, in one form or another, never believed this had happened (and) those who are responsible, feel the some of the pain that I feel now, and this impotence..."

Nelson Caucoto, the lawyer representing the Farinas said that despite the murder having occurred in the five-year period covered by the amnesty decree, "the same law expressly excludes the crime of kidnapping a minor". The lawyer has reopened the Carlos Farina case, which had been suspended by a Court of Appeals decision in 1995. Besides the charge of "kidnapping," the case accuses Pinochet of "homicide, illegal inhumanity and crimes of war".

Caucoto said Pinochet was responsible for the death of Carlos and thousands of other victims "because he was chief of an institution that was obedient, hierarchical and disciplined. Never could such a chief excuse himself of a crime committed by a subordinate, by alleging ignorance. The very military justice code holds the superior responsible for acts committed by subordinates."

Despite overwhelming evidence proving Pinochet's responsibility, however, and strong demands within the working class for his indictment, the Lagos government has sought to prevent him from being brought to trial.

The government's accord with the military was finalised not long after the Chilean Court of Appeal voted to strip Pinochet of his Senatorial immunity, a decision that was recently upheld by 14 votes to 6 in the Supreme Court. In particular the accord seeks to end the most notorious case—the Caravan of Death—in which more than a dozen officers are charged with kidnapping 19 people who are still missing. The officers were acting on Pinochet's personal instructions.

The Caravan of Death case is now in question because one of the charged officers, Colonel Marcelo Moren Brito, has handed over information that could lead to the discovery of the whereabouts of 19 victims. According to

Moren Brito's lawyer, Fransisco Piffaut, the discovery of bodies "could overturn the Caravan of Death (by) clarifying that the persons (considered) kidnapped are in reality dead".

Pinochet is so confident that the lawsuits against him will come to nothing that he launched a public campaign on August 24, televised across the nation. In his first personal appearance since March 16, when he returned to Chile, Pinochet inaugurated a roll of honour at the Pinochet Foundation, listing the soldiers supposedly killed by opponents of his dictatorship. Some 100 close associates and family members attended the ceremony.

In response to the recent Supreme Court vote, a defence team has been formed to promote Pinochet and his legacy. The group includes present and former ministers and military figures, such as Pablo Longueira, president of the extreme-right Independent Democratic Union, and appointed Senators Sergio Onofre Jarpa and Jorge Martinez Bush—both members of the military junta.

Heading Pinochet's legal defence team is Pablo Rodriguez Grez, best known as the founder of the fascist paramilitary gang, Patria y Libertad. Its adherents formed death squads prior to the coup that toppled Salvador Allende's government in 1973 and were later integrated into the secret police apparatus. The Lagos government has not opposed the fascist leader's reemergence, after many years of anonymity.

Rodriguez has appealed against a court order that Pinochet undergo questioning in late September or early October, and asked for medical examinations instead. Only weeks before, Pinochet's team had ruled out any such medical examinations. Rodriguez now says a series of ailments will "prove that Pinochet is not capable of defending himself".

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