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The “Unidad Especial de Identificación Forense” and Human Rights in Chile

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ABSTRACT

This communication presents the **Unidad Especial de Identificación Forense** (Special Unit of Forensic Identification) to the international scientific community, focusing on its origins and organizational structure. It also reviews the process that regards human identification of the victims of the military dictatorship that ruled Chile during the years 1973 – 1990.

Keywords: Human Rights; positive identification; Chile; detained and missing; repatriation.

RESUMEN

Esta comunicación presenta a la Unidad Especial de Identificación Forense a la comunidad científica internacional, enfocándose en sus orígenes y estructura organizacional. Se revisa además el proceso de identificación de las víctimas de la dictadura militar que gobernó en Chile durante los años 1973 y 1990.

Palabras clave: Derechos Humanos, identificación positiva; detenidos desaparecidos, repatriación.

RESUMO

Esta comunicação apresenta a *Unidad Especial de Identificación Forense* (Special Unit of Forensic Identification) à comunidade científica internacional focando-se nas suas origens e estrutura orgânica. Além disso, faz uma revisão do processo de identificação das vítimas da ditadura militar que governou o Chile entre 1973 e 1990.

Palavras-chave: Direitos Humanos; identificação positiva; Chile; detidos e desaparecidos; repatriação.

Historical background

The political situation in Chile before the 11th of September of 1973 has been described as one of extreme polarization of the society; being mainly formed by two bands, the one that supported the Russian-Cuban system and the one that supported the North American system.

This began in the fifties with the settlement of the Cold War. In the beginnings of the Cold War, its influence on the political life of Chile was subtle. However from the sixties, especially with the Cuban Revolution, the influence became stronger. Simultaneously to this global phenomenon, an idealisation of political parties and movements linked to specific social models without room for modification, postponement or transactions took place preventing any dialogue between opponents (Comisión Nacional de Verdad y Reconciliación, 1991).

Nevertheless all these changes in society, democratic life was kept unthreatened until the beginnings of the sixties during which the concept of potentially taking over democratic instances through force to obtain power and change the political model started to grow on

both sectors. These sectors were called *la Izquierda* (the left) and *la Derecha* (the right). Some sectors of *la Izquierda* took the same approach as the Cuban Revolution and opted for the armed conflict approach. This option was highly motivated by Ernesto (Che) Guevara who proposed this approach as the only option. In Latin America, Che Guevara personified the spirit of national liberation. It inspired thousands to follow in his footsteps, shaping much of the history of Latin America since the Cuban Revolution (McCormick, 1997).

The use of force as the only alternative was not exclusive of *la Izquierda*; it was also supported by some groups of *la Derecha*. An example of this was the *Tacna* group, which through the press called openly for a military coup. Also, heads and members of the *Movimiento Nacionalista Patria y Libertad* (Fatherland and Liberty Nationalist Front) participated in the frustrated military uprising called *El Tanquetazo* on the 29th of June of 1973 and were part of another similar endeavour that was soon abandoned because of the planning of the 11th of September coup (Emol, 2011). Earlier, the *Schneider Complot* in 1970 had ended with the murder of General René Schneider, chief

commander of the armed forces, in the intent of kidnapping him. This was another instance where *la Derecha* parties showed their conviction of using violence as a means of obtaining power (Central Intelligence Agency, 2012).

There was public hatred between the two sectors, aiming for the moral destruction of the opponent. Such climate was inductive of civil war; violence and death had thus become to some extent a trivialisation. *The Establishment* was breaking the moral pillars of society and making room for new and major atrocities.

By August of 1973, the Parliament with the support of the opposition announced that if the Government did not stop the alleged legal and constitutional violations, the military ministers would leave their posts. The President – Salvador Allende - convened the four chief commanders of the armed forces to share with them the government and administration of the country. This was known as *El Golpe Blanco*, the white coup.

The 11th of September of 1973 was the darkest day for Human Rights in Chilean history. On that day, the President Salvador Allende arrived to the presidential palace *La Moneda* at early morning hours after being informed of an uprising from the naval forces in Valparaiso. He was then informed by radio to relinquish and transfer power to the police and the armed forces. He was then threatened with air and ground strikes aiming at the palace if he did not renounce by 11 am. Allende refused to surrender and gave his final speech through the radio station Magallanes, the only one still

broadcasting at that moment. A tank attacked *La Moneda* and four hawkers hunters bombarded the palace. By 3 pm, the country was in curfew and the President was dead. A military junta led by Augusto Pinochet took over Chile and implemented a dictatorship that would last until 1990.

The fatal victims of the dictatorship

Fatal victims have been classified whether as detained and missing, executed or victims of the prevailing political violence. A total of 3227 victims have been declared through three major reports regarding the violation of human rights in Chile (Comisión Nacional de Verdad y Reconciliación, 1991; Corporación Nacional de Reparación y Reconciliación, 1996; Instituto Nacional de Derechos Humanos, 2012). From the total of fatal victims, 1465 were detained and missing; from these, 364 correspond to executed victims without repatriation of the remains. From those, 79 corresponded to women, and over 70% were under 35 years of age. The Metropolitan Region of Santiago was the one where the most killings took place, but victims also died abroad, mainly in Argentina, where 32 victims are still missing. See Figure 1 for detailed statistics of missing and identified victims by region; the identified numbers refers to identifications of victims that had been missing and not to the positive identification that were performed at the moment of death in the same territories.

Mass killing in Chile

The first years of the dictatorship were the hardest ones and many cases of mass killing took place in most of the national territory. The numbers from these cases are different to the ones in Figure 1 because they include victims which are not classified as detained and missing or executed without repatriation of the remains, remembering that the total number of victims are 3227, some of them were executed and repatriated.

The list below illustrates the situation:

- *Pisagua* case, I Region, 19 victims, all identified (Garrido Varas *et al.*, in press).
- *Mina la Veleidosa* case, II Region, five victims, all identified (Memoria Viva, 2010a).
- *Copiapó* case, 13 victims, III Region, all identified (Comisión Nacional de Verdad y Reconciliación, 1991; Memoria Viva, 2010b).
- *La Serena* case, IV Region, 15 victims, all identified (Memoria Viva, 2010c).
- *Calama* case, II Region, 25 victims, 19 identified (El Mercurio Antofagasta, 2012; SML, 2012a).
- Four militants of the Communist Party, VIII Region, all identified (Memoria Viva, 2010c).
- *Yumbel* case, VIII Region, 19 victims all identified (Lajino, 2011).
- *Fundo la Mona* case, VIII Region, number of victims uncertain, five identified (La Nación, 2012).
- *Chihuío* case, X Region, execution of 17 victims, six of which have been identified (Comisión Nacional de Verdad y Reconciliación, 1991; SML, 2012b)

- *Cuesta Barriga* case, XIII Region, number of victims uncertain, seven have been identified (SML, 2012c).

- *Cuesta de Chada* case, XIII, 14 victims, all identified (FASIC, 2012).

- *Fuerte Arteaga* case, XIII Region 30 suspected victims, 13 identified (Radio Universidad de Chile, 2012).

- *Lonquén* case, XIII Region, 15 victims, 14 identified (Garrido Varas and Intriago Leiva, 2012).

- *Paine* case, XIII Region, 22 victims, 11 identified (Radio Cooperativa, 2012).

Commingled cases in Chile

There are various documented cases in Chile that represent commingled remains, such as *Calama*, *Lonquén*, *Chihuío*, *Fuerte Arteaga*, *Cuesta Barriga* and *Fundo la Mona*. Among those, different processes of recuperation and documentation are found. For example, *Calama*, *Fuerte Arteaga*, *Chihuío* and *Fundo la Mona* cases were excavated in the nineties by archaeologists. Although these archaeologists were not “forensic archaeologists”, they did guarantee that the sites were properly surveyed, but the original documentation is fragmentary and limited. Cases as *Lonquén* and *Paine* were recovered by our unit, which apart from ensuring a forensic approach to the excavation and posterior analysis, have been thoroughly documented, fulfilling chain of custody standards and ensuring traceability.



Region	Total	Detained and missing	Identified	Executed	Identified
I/XV	41	15	4	26	19
II	38	10	5	28	21
III	22	6	0	16	13
IV	21	2	1	19	17
V					
RM					
VI					
VII					
VIII					
IX					
XIV					
X					
XIII (Santiago)	782	623	110	159	38
V	30	25	0	5	0
VI	1	1	0	0	
VII	64	54	0	10	7
VIII	209	153	7	56	24
IX	113	103	1	10	0
X/XIV	102	71	1	31	7
XI	7	4	0	3	1
XII	2	1	0	1	0

Figure 1: Number of victims and positive identifications by Chilean region.

In all the commingled cases the anthropological and odontological analyses have been limited by the conservation and

the scarcity of the remains. Nevertheless, sample selection for genetic analysis has been viable and has been very successful,

especially considering the representativeness that these samples have shown. In these contexts, the analysis of the personal effects has also been crucial, for example to establish the presence of the victims in the inhumation sites and even in some cases to determine the types of lesions to which they were subjected to. A methodology has been implemented to reconstruct garments, identify the type of garment, period of manufacture, and evaluation of the damage. This damage can be further categorized as a result of diverse traumatic agents or due to taphonomy.

Regarding the legal causes, the thorough evaluation of trauma and the application of the Minnesota and Istanbul protocols (The Advocates for Human Rights, 2010; United Nations, 2004) have permitted to determine the cause of death, aiding in the prosecution of the perpetrators despite all the efforts invested in making the victims and their crimes to *disappear*.

Unidad Especial de Identificación Forense

The *Unidad Especial de Identificación Forense*, was initially created in March of 2003 under the name of *Unidad Especial de Identificación de Detenidos Desaparecidos* (Special Unit for the Identification of Missing Detainees), by the *Forensic Service of Chile*. It was initially formed by two medical doctors, 2 odontologists, 2 anthropologists, 1 archaeologist, technicians and administrative staff. This organization has changed through the years and the present organization is formed by a core team, which includes a lawyer and a journalist, plus a group of

external consultants. The organogram of the unit is presented in Figure 2.

The cases that are analysed by the expert and technical area involve search and recovery, identifications of unknown victims, verification of identity, cause of death, repatriation and posthumous paternities (Figures 3, 4 and 5).

The multidisciplinary composition of the unit is one of its main characteristics. This approach results in highly specific and comprehensive reports. Each case is evaluated considering the specific objectives and requirements emanated from the court and the characteristics of the evidence and associated context. After this initial evaluation, and in strict requirements of each case the competent professionals are named, which can belong in some cases to other units of the Forensic Service and also experts from other organizations.

Near to 100 cases are investigated per year in the Unidad Especial de Identificación Forense. To date, 275 identifications related to human rights processes have been achieved.

Among the cases involving the assessment of the cause of death, iconic personalities such as the song writer Victor Jara, the president Salvador Allende Gossens and José Tohá González, Minister of Interior, among others, have been analysed, providing crucial information for the legal investigations regarding their deaths.

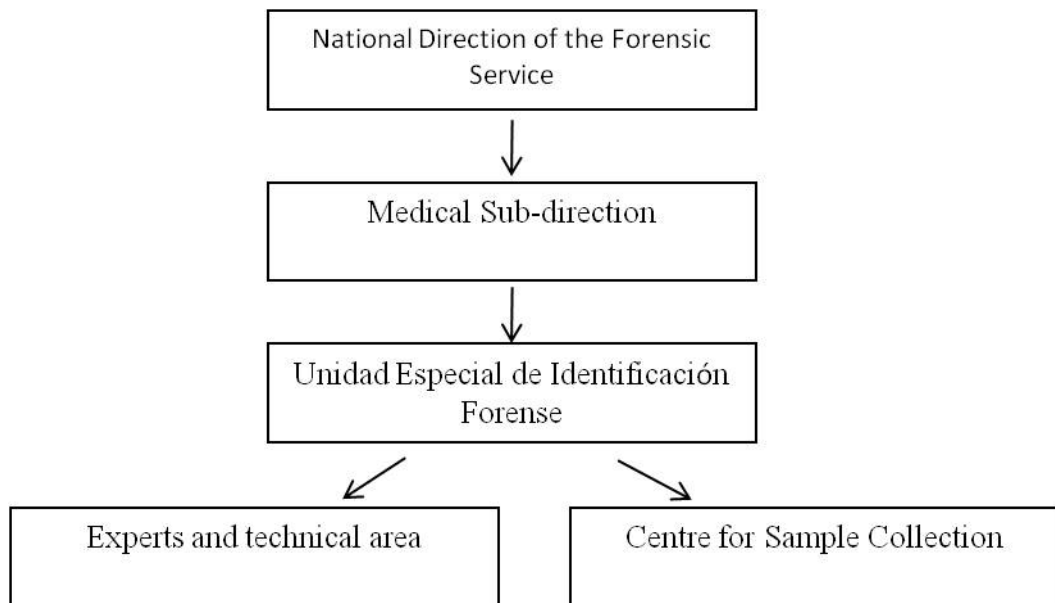


Figure 2: Organogram of the Unidad Especial de Identificación Forense.



Figure 3: Multidisciplinary team for the investigation of human remains (picture: courtesy of Ana María Araneda Caamaño).



Figure 4: Search and recovery of human remains (picture: courtesy of Ana María Araneda Caamaño).



Figure 5: Search and recovery of human remains (picture: courtesy of Agustín Hernández Canihuante).

Discussion

Soon after the re-establishment of democracy in 1990, the State and the civil society were not able to efficiently respond to the requests coming from the families of missing persons. An effort to establish the historical truth was made and also strategies to repair the harm done to the families of the victims were designed, which included economic compensation, social and judicial reparation. Nevertheless, the work developed by the groups of families of victims was excluded from these processes, generating a distance even larger between state politics and the demands made by the families. Despite the formation of the *Comisión Nacional de Verdad y Reconciliación* (National Commission for Truth and Reconciliation) that was aiming to establish an official truth about the crimes and to direct efforts to the real victims, it was not until the year 2006, with the crisis generated by the misidentifications of the individuals exhumed from *Patio 29* of the *Cementerio General*—the cemetery where many of the victims of the dictatorship had been inhumed and concealed

- that the absence of clear political guidelines and funding was finally recognized. These political guidelines needed to include concepts of quality, chain of custody and scientific certainty to reach judicial truth and aim for justice. In this process, the associations and families of the victims have played a fundamental role to obtain results that are both certain and reliable at a scientific level - results that finally allow the pursuit of justice in regards to find out the destiny of their loved ones, to recover them and persecute the culprits. These have resulted in an important inversion and greater investment from the State in areas such as training, application of modern techniques and standardization. Considering the demands of today's justice, the high standard protocols implemented at the *Unidad Especial de Identificación Forense* are being also implemented to the rest of the cases involving victims that are not related to the dictatorship and result from other events such as mass disasters or modified human remains that may have been object of criminal acts.

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