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Edmundo Saballos

American University Washington College of Law

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MOVIE REVIEW

THE JUDGE AND THE GENERAL — A *P.O.V.* (POINT OF VIEW) DOCUMENTARY BY AMERICA'S PUBLIC BROADCASTING SERVICE (PBS)

Judge Juan Guzmán Tapia stares at a television screen watching supporters of the late General Augusto Pinochet chanting, “*No lo condenaron! No lo condenaron!*” (They didn’t convict him!). They were celebrating the fact that Pinochet died in 2006 without being convicted of a single murder. The scene showed others passing by a casket, paying their respects to the man that ruled Chile with an iron fist for 17 years. Guzmán, the central character of PBS’s *P.O.V.* documentary, *The Judge and the General*, was once one of the young men who looked up to the general. Later he became a member of the Chilean upper-middle class, which ignored the terrible tactics by which the general “saved” them from “communism.” Ironically, from 1998 until Pinochet’s death, the same man fought to complete the democratic transition of Chile’s legal system by bringing the man he once admired to justice. How he began to listen to the victims and reevaluate his past is the focus of this remarkable documentary.

The history behind the events is by now well-known: the CIA-backed 1973 coup that overthrew the democratic government of Socialist President Salvador Allende; the systematic murders of those that supported his government and subsequent wave of repression; the enforced disappearances of opponents, later in coordination with other dictators in South America; and the difficult road to democracy after the 1988 plebiscite in which Chileans rejected eight more years of Pinochet. But it is the transformation of Chile’s most famous judge — the man that finally indicted Pinochet in 1998 — from a close-to-retirement jurist to the moral conscience of Chile’s middle class that is the film’s most revealing feature.

The film, produced and directed by Elizabeth Farnsworth and Patricio Lanfranco, is as much about two of Pinochet’s victims as it is about Guzmán. Manuel Donoso was a

young university professor shot in the head by the side of the road, and Cecelia Castro was a young law student and mother who disappeared, her body most likely tied to an iron rail and thrown into the ocean from a plane. Like Castro, Guzmán studied law, and like Donoso, he took sides as Chilean society became increasingly polarized in the three years of the Allende administration. But unlike both of them, Guzmán came from a prominent Chilean family that first supported Salvador Allende’s opponent in the 1970 elections and later went on to support and toast to Pinochet’s coup. Subsequently, as a young lawyer in Chile’s court of appeals, Guzmán took part in the legal system that carried out the dictatorship’s orders and that denied thousands of habeas corpus requests, some of them penned by Guzmán himself. Among these requests of family members who, even after the coup, still believed in Chile’s democratic institutions were Castro’s parents and Donoso’s widow. They would have to wait 30 years to find out what happened to their loved ones.

It is clear from watching the film that Guzmán will go down in history not for his early work in Chile’s appeals court but for his courage in finding a principled solution to the apparent immunity that the 1978 amnesty granted Chile’s military. Guzmán successfully argued that the disappearances, detentions and presumed executions of dissidents whose bodies were never recovered were in reality “continuous crimes” of aggravated kidnapping and therefore not covered by the general amnesty. Thus, Guzmán secured the indictment of a number of Chile’s generals (including the head of Pinochet’s secret police) and, more importantly, of General Pinochet himself. Pinochet was accused of establishing, by an October 1973 order, the Caravan of Death — a squad that traveled the country in search of opponents of the military government such as Donoso. He was also indicted for his part in Operation Condor, the coordinated elimination of political opponents by six South American dictatorships. It was the charges in these later cases that led a Chilean court to strip Pinochet of his immunity.

From there, the film follows Guzmán’s attempts to bring the dictator to justice,

despite his claims of dementia. In an interview with the U.S.-Spanish language network, Univision, Pinochet coherently argued not only that he had no trouble sleeping at night, but that anything done during his rule was needed in order to prevent the takeover of the country by communists. The interview, which was meant to defend his regime, provided the crucial evidence that Pinochet was not only fit to stand trial but remained unapologetic about what he had done. Pinochet died shortly after the interview while under house arrest ordered by Guzmán. Pinochet did survive to see the revelation to the public that his personal fortune amounted to several million dollars and that Riggs Bank in Washington, D.C. was happy to safeguard for the general and his family. The news accelerated Chile’s right-wing parties’ increasing attempts to separate themselves from their past support of the dictatorship. *The Judge and the General* notes the importance of this last revelation in dispelling the myths that Pinochet’s actions were in the best interest of the country and that his authoritarian government was free from corruption.

The obvious question after watching the stories of those that were tortured, disappeared, and simply shot by the side of the road, is how did a society with a history of democracy and stable institutions turn its back on so many of its citizens and turn to terror dressed up as patriotism? For his regime to function, it was not enough that Pinochet had men like the Chilean secret police official who, in the film, was eager to explain where each electrical wire must go during a torture session. The regime also needed a judicial system that regarded safeguarding basic human rights as “too risky,” an educated elite willing to ignore what was going on, and administrations in Washington intent on duplicating the General’s “miracle.” In exploring what made Pinochet’s 17-year rule possible, *The Judge and the General* only begins to address this question, but does an excellent job with providing a starting point. **HRB**

Edmundo Saballos, a J.D. candidate at the Washington College of Law, wrote this review for the Human Rights Brief.