



INTERVIEWS

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Researcher who revealed aid to Pinochet in his pretense: "The Chileans did it to the British."

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Interview

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SEE SUMMARY



An episode hidden for more than a quarter of a century was revealed last week with the publication of the latest book by researcher Philippe Sands, in which a senior official in Eduardo Frei Ruiz-Tagle's administration detailed how the government helped Augusto Pinochet feign insanity to avoid extradition from the United Kingdom to Spain in 2000. Speaking to BBCL Investiga, the author says he is surprised that Frei's former foreign ministers have denied such assistance. "I don't think it would be dishonorable to bring Pinochet back. (...) Like the Hand of God: life is hard and you use the tricks you can use," he states.

Ad



"I've investigated in many countries, and there are silences." A British lawyer and researcher specializing in human rights, Philippe Sands has recounted in his books everything from the torments of the Holocaust during World War II, through the Nuremberg trials and the tragedies of colonization, **to the story of a former Nazi commander hiding in Punta Arenas and**

the trial of Augusto Pinochet in London.

Visiting Chile to present his latest work, *Calle Londres 38*, Sands witnessed the uproar caused by his revelations about the litigation to extradite Pinochet from the United Kingdom to Spain between 1998 and 2000.

Twenty-seven years after the start of that conflict, the author—who participated as a representative of Human Rights Watch—brought to light previously

unpublished details, such as the existence of a **report prepared by the Chilean government so that Pinochet could feign dementia**, which was confirmed by Cristián Toloza Castillo, advisor at the time to President Eduardo Frei Ruiz-Tagle.

After the BioBioChile Investigation Unit released Toloza's statement, Frei's former foreign ministers, José Miguel Insulza and Juan Gabriel Valdés, denied that the government had helped Pinochet fake the case.

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Despite the attention paid to this, Sands finds much more important the existence of a document signed by Pinochet authorizing Operation Caravan of Death days after the coup. According to Toloza, a copy of this document was given to Jonathan Powell, Tony Blair's chief of staff.

“I spoke to Powell, he looked up his notes and confirmed he had received a document.

What surprises me is that there hasn't been more attention, because it's a big story. I find it very interesting that no one in Chile really wants to talk about it,” Sands told BBCL Investiga.

—What do you attribute it to?

—I think what's happening is that for 30 years the people of Chile have been told there are no documents. And suddenly this British guy comes along and says: actually, there is at least one document. My personal view, my intuition as a litigator, is that if there's one document, there are more documents. And they're not being delivered to the people of Chile.

—You spoke with Minister Mario Carroza about the issue.

—I went to see the judge who has handled more cases than anyone else, Mario Carroza. He told me: we've never heard of this document, we've never seen such a document, we've been told there are no documents. In certain societies, this would be a huge scandal. So I interpreted the former foreign ministers' statement as a distraction, to focus attention on the dossier prepared to help Pinochet pretend he was insane or senile. That's not the real issue. Frankly, it's a minor detail.

—It's still scandalous...

—Yes, but the biggest scandal is that there may be documents that prove Augusto Pinochet's direct and personal involvement. That's the biggest scandal. I mean, of course, it's a scandal that a state was involved in the artifice of making someone pretend to be sick when they weren't. **But it's not comparable to the scandal of a president authorizing the extermination of human beings.** It's a different issue, on a different scale.

—You also detail that the police interpreter realized when Pinochet began feigning dementia, in mid-1999.

—I'm a courtroom lawyer. And if a judge asks me: What's your evidence for that, Mr. Sands? I need to be able to back it up. One of the aspects that was very important to me was the accounts of the interpreter, Jean Pateras. Because she was involved in everything. And she found him feigning illness. The Pinochet story, where he starts talking about this woman who came to see me and I didn't know who she was [when she was Lucía Hiriart]... Jean simply says to him: “Come on, stop it, you're ridiculous.” He looks at her and smiles. Everyone knew what was going on. He was pretending.

—You also consulted with Pinochet's two personal lawyers.

—Both Miguel Schweitzer and Hernán Felipe Errázuriz didn't want to talk about this topic. But there's a quote from Schweitzer that more or less confirms that he was fine. He was an older man, but he understood everything.

"IT WAS INSULZA WHO TOLD ME TO GO SEE TOLOZA."

After BBCL Investigates published Cristián Toloza's testimony, the former foreign ministers of the Frei administration, José Miguel Insulza and Juan Gabriel Valdés, sent a statement to this outlet stating that what was said was "absolutely false," adding that if the dossier was prepared, "it was done behind the back of the Chilean government."

—You interviewed Insulza for this book. Were you surprised by his statement?

—I went to speak with Mr. Insulza. We spoke for two hours. Among other things, he told me that during the negotiations, Frei went to see the president of the Supreme Court and gave him instructions: **"Pinochet's immunity must be removed when he returns"**. I think Mr. Insulza must have forgotten that he spoke with me.

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—Insulza was no longer Foreign Minister when the agreement described by Toloza was reached.

—He was the Secretary General of the Presidency, he knew everything. He met with the President every day; he was part of that small group that was in charge of Pinochet's return. And he was the one who told me: go talk to Toloza.

—What do you think was the purpose of the statement?

—It was written not out of concern for the truth, but to address the political consequences of certain events that came to light, which is different.

—Do you trust Toloza's testimony?

—It took a while to find Mr. Toloza. I met with him several times. I consider him a person of integrity, I consider him a very honest person. I mean, I'm a skeptical trial lawyer. I work with witnesses, I cross-examine witnesses. **I'm 100% sure of what I wrote and what happened.**

I comment to Sands that in the book he mentions, before asking Toloza, that he "had heard (...) that a document had been drawn up in which Pinochet was told how he should behave to maximize his chances of returning to Chile," which suggests that there were other sources who assured him that the document existed.

Before answering, the researcher opens his laptop and carefully rereads the paragraph in the original English twice: "Yes, this is accurate."

—How many sources confirmed it?

"I'm not going to say anything else, except that this is 100% accurate," he replies, smiling.

THE "HAND OF GOD"

In his testimony, Toloza explains that one of the reasons he was selected to be part of the group tasked with bringing Pinochet back to Chile was because he had studied psychology in the United Kingdom, so he was familiar with the English mentality.

"Chile's strategy was brilliant; **they did it for the British. Toloza is a very intelligent man.**" Sands emphasizes. According to the official, a three-part plan

intelligent man", Sands emphasizes. According to the official, a three-part plan was developed. The first was to hope that Pinochet's stay would cause problems for the British government, which happened when the first ruling by the House of Lords Appeals Committee was overturned, citing Lord Leonard Hoffmann's links to Amnesty International.

—Actually, one could turn it around and, instead of being defensive, like the former foreign ministers' statement, simply say: it was brilliant Chilean diplomacy. We knew that at some point the British would show weakness, and at that moment we would attack. And that's what happened.

—But they cheated, it's not part of the game to pretend...

—Hand of God, Hand of God... The only reason Arsenal are playing Real Madrid in the Champions League is because of that absurd penalty decision—the double touch of the ball—which I've reviewed hundreds of times and I just don't see. But, you know, life is hard, and you use the tricks you can use.

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—Why do you think they haven't admitted all this?

—That's the question I ask myself. **I mean, I don't think it was dishonorable to try to bring Pinochet back. I understand why they did that. They believed it was, above all, Chile's responsibility to address the issue of justice.** After 25 years, why can't they just be honest? Like Jonathan Powell, who negotiated on the British side with Toloza and is now National Security Advisor. I said to him, "Why are you meeting with me and telling me all this?" He replied, "Because after 25 years, what's the problem?"

Monserrat Madariaga, a lawyer and Sands's assistant during five years of research, joins the conversation. We mentioned to the author that Frei was being considered as a presidential candidate, and that it's also a political dynasty.

—I'm going to be careful with my words. Some would say it reflects a degree of collusion between Mr. Frei's presidency and the Army, the writer reflects. —The Caravan of Death document existed then; I have to assume it still exists today. And why hasn't President Frei been able to say: 'Yes, we handed over this document because it was important for us to bring Mr. Pinochet back, and we considered that price worth it, but we're not going to allow the Chilean people to see the document'?... Have you spoken with Mr. Frei?

—His entourage responded that he was out of the country and not giving interviews.

—We have heard your reaction.

—How did he take it?

—Very annoying.

THE RAUFF-PINOCHET RELATIONSHIP

En *Calle Londres 38*, Sands intercala los acontecimientos de la fallida extradición de Pinochet a España con su investigación de los nexos con la DINA de Walter Rauff, responsable de los “camiones de la muerte”, en los que fueron asesinadas miles de personas mediante gaseamiento en la Segunda Guerra Mundial, y a quien la Corte Suprema se negó a extraditar en 1963.

Entre otras cosas, la obra revela que fue Augusto Pinochet quien sugirió a Rauff que viniera a vivir a Chile, tras encontrarse en Ecuador durante la década anterior.

—¿Sabía Pinochet que estaba invitando a un criminal de guerra?

—Probablemente no, porque en 1955 no había nada público sobre Walter Rauff. Su nombre había aparecido en los juicios de Núremberg, pero muy de pasada. Quizás Rauff le habló de su servicio militar, porque hablaba con otros sobre eso. Y know that Pinochet wasn't insensitive to people who had been involved in the Nazi system; he was skeptical about the number of people who died between 1939 and 1945 at the hands of the Nazis.

—You mention that there is a 1963 report from a high-ranking military officer that justified Rauff.

—Yes, an unidentified military leader in Antofagasta, where Pinochet was stationed, had a conversation with the West German consul and said: **"The attacks on Rauff are terrible. He was just following orders. And if the court extradites him, it will be easier for Chilean soldiers to say they won't follow orders."**

—Afterwards, it was Pinochet who gave the orders; he couldn't use that excuse.

—But you can see why he would support that view, because when he becomes head of the Board and president, he gives orders, and he expects them to be followed.

In his investigation, Sands reviewed various rumors about Rauff's involvement in the DINA. León Gómez—a torture victim—assured him that Rauff interrogated him at Londres 38, and another witness, Anatolio Zárate, recognized his voice as that of one of the interrogators at Tejas Verdes.

Meanwhile, former DINA agent Samuel Fuenzalida said he saw him many times at the Marcoleta barracks, and Jorgelino Vergara, "El Mocito," said he was at the first Operation Condor meeting at Manuel Contreras's home and visited him regularly in Santo Domingo.

On Monday, after an event in Valparaíso, another person told Sands that she had been interrogated by the German. "He came up to me and said, 'I was in London 38 in June 1974. I saw Rauff.' And I asked him, 'What did you see?' He hadn't read the book yet, and I had barely mentioned it. He told me, **'Rauff didn't torture. Rauff watched me while others tortured me.'**" And that's exactly what Gómez said."

THE FISHMEAL THEORY

The former agents' testimonies agree that Rauff was in charge of Pesquera Arauco in San Antonio, a company that DINA took over after the coup.

The Nazi had previously served as manager of the Camelio Fishing Company in Punta Arenas: "He was the perfect man for the job," explains Sands. According to him, the DINA took over the company because of the recently ordered refrigerated trucks, which they used to transport prisoners in disguise.

—Do you believe the theory that they turned bodies into fishmeal? In the book, Samuel Fuenzalida recounts that a former agent told him he'd found a fingernail.

—My instinct? Yes, probably. Not on a very large scale, but occasionally, when they had a problem body. The plant was huge, 30 tons a day. Anatolio Zárate showed us the size of the inlet through which everything was processed and said it could fit a sea lion without a problem. Would you say I've tried it? Absolutely not.

—You express doubts about the investigation into that aspect, specifically about the judicial interrogations of the fishermen, who said they hadn't seen anything.

—It seems clear to me that these statements were, let's say, managed by the police to prevent people from saying things that could cause problems in a small community where everyone knows each other. I wouldn't be surprised in the least if the fishermen were warned to be careful what they said, because there are very powerful people involved. **Everyone was afraid, truly scared.** I think there's a silencing of that discussion.

—Rauff's son also appears. What was his role in the DINA?

—In the book, I describe a conversation. In 1984, Thatcher told Pinochet, “You have to expel Rauff.” And Pinochet replied, “I won’t.” Well, apropos of that, Pinochet said to Rauff’s son, “Your father is causing me a lot of problems.” That’s a very intimate thing to say... There’s evidence, from both Fuenzalida and Vergara, that the son was involved with the DINA. El Mocito kept saying there were two of them, that they looked a bit similar. They called them El Chacal and El Chacalito. He saw the son and was a little confused about which was the son and which was the father. The son was bringing king crab to Contreras’s house.

THE REPUTATION OF THE GERMANS WITH PINOCHET

—In one of the chapters, you mention a torture seminar at Colonia Dignidad. Investigator Carlos Basso believed Rauff had participated, but you discover that this was probably not the case.

—They gave me the documents from that seminar. I sent them to a German linguist, and we more or less came to the conclusion that they have nothing to do with Rauff.

—It seems the regime had a fascination with the Germans. Because I understand that Walter Rauff did know about torture, but the others at Colonia Dignidad didn't necessarily know enough to teach a seminar.

—A couple of different people told me: **“They liked coming to us, the Germans, because we had a reputation for doing things efficiently.”** I think there was a reverence, this idea that you give them an order and they follow it. You still see some of that reverence in Chile, like in the hats—not just in the Army, but also the firefighters in Punta Arenas wear those German helmets. And that would have made Rauff attractive to Pinochet. He knew how to get things done.

—Rauff not only implemented his methods with the trucks, but he was also in charge of the repression in Milan.

—He was the head of the Gestapo in the city, there for a year and a half. He was responsible for all efforts to kill partisans and communists. Today, he remains known and hated in Milan for the torture center he ran and the hotel, which became his headquarters. I don't think Rauff was a high-level person. I don't think he was very intelligent, nor do I think he was very interesting. **He was a low-level person; he wasn't a very educated or cultured person: he was, essentially, a bureaucrat with an ideology.** He followed orders. You gave him an order, he executed it.

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