



THE RETTIG REPORT AND THE DEFENSE OF HUMAN RIGHTS IN CHILE



MATERIAL FOR TERCERO MEDIO-11TH GRADE

LEARNING OBJECTIVE:

Analyze the historical significance of the **National Commission for Truth and Reconciliation Report (Rettig Report)** in promoting the recognition and protection of human rights.

EXPECTED RESULTS:

- Students identify the importance of the National Commission for Truth and Reconciliation Report as the first step toward addressing the human rights violations committed during Chile's Military Dictatorship.
- Students understand the importance of the Rule of Law in guaranteeing human rights.

INSTRUCTIONS FOR TEACHERS:

- This material is based on Learning Objectives 1 and 5 from the 11th Grade (Tercero Medio) Citizenship Education curriculum.
- The historical thinking skills developed in this guide are historical significance and critical thinking.
- Prior knowledge students should review and understand includes: the concept of the Rule of Law, the systematic violation of human rights during Chile's Military Dictatorship, and the transition to democracy.

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BEFORE THE VISIT: Why was the Rettig Report created?



Instructions:

- Before visiting the museum, we should review the context in which the Rettig Report was created during Chile's transition to democracy.
- To do so, read the introduction and the historical sources presented below, then answer the questions.

Let's Remember: What Are Human Rights?

"Human rights are inherent attributes of every human being by virtue of their dignity. They are essential rights that must be respected by all authorities and by every individual in relation to others. Throughout history, these rights have been recognized in declarations from different periods, such as the Magna Carta (1215), the Declaration of the Rights of Man (1789), and the United Nations Universal Declaration of Human Rights (1948), adopted after the Second World War. No government, group, or individual has the right to carry out any act that violates the rights of others."

Fundación Astoreca. (2024). *Los derechos civiles y políticos* (Vol. 1, Ch. 7, p. 308). In *Educación ciudadana*. Fundación Astoreca.

During Chile's Military Dictatorship (1973–1990), serious human rights violations were committed by the State, including unlawful detentions, torture, killings, forced disappearances, and the exile of people opposed to the regime. These systematic violations of human rights were carried out by State agents. Organizations such as the National Intelligence Directorate (DINA, in Spanish) and its successor, the National Information Center (CNI, in Spanish), were established and staffed by members of the Armed Forces and police institutions.

After the dictatorship ended, and recognizing the need to promote national reconciliation, President Patricio Aylwin supported the creation of a commission made up of individuals from different political backgrounds. This body was called the National Commission for Truth and Reconciliation, also known as the Rettig Commission in honor of its president, Raúl Rettig.



Read Sources 1, 2, and 3 carefully and complete the proposed activities.

1

"The Rettig Commission was established to investigate the crimes of the dictatorship; I convened it at the beginning of my administration (...)

(...) Pinochet had said that he would make sure none of his men were touched, but the Rettig Commission's report had an enormous impact. Many people still did not believe the truth, and it was as if the report officially confirmed it. Other steps followed, and the reality is that we made more progress in truth and justice than many other democratic transitions."

Aylwin, P. (2012). Interview [By A. Lowenthal & S. Bitar]. In A. Lowenthal & S. Bitar (Eds.), *Democratic transitions: Conversations with world leaders* (p. 7). Johns Hopkins University Press.

Available at <https://fundacionaylwin.cl/wp-content/uploads/2020/04/Entrevista-con-Patricio-Aylwin.pdf>

2

"To close our eyes to what happened and ignore it as though nothing had occurred would be to prolong indefinitely a constant source of pain, division, hatred, and violence within our society."

PWords spoken by President Patricio Aylwin when signing the decree that created the National Commission for Truth and Reconciliation, April 24, 1990.

Available at <https://fundacionaylwin.cl/wp-content/uploads/2020/04/Discurso-PAA-firma-decreto-crea-Comision.pdf>

Based on Sources 1 and 2, how would you describe the national context in which the Rettig Commission was created?



3

The Rule of Law is “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly enacted, equally enforced, and independently adjudicated, and which are consistent with international human rights norms and standards. It also requires measures to ensure adherence to the principles of supremacy of law, equality before the law, separation of powers, participation in decision-making, legality, non-arbitrariness, and procedural and legal transparency.”

Available at https://www.diarioconstitucional.cl/temas-civicos/estado-de-derecho/#google_vignette

Based on this definition of the Rule of Law, when is it violated?

- A. Only in cases of arbitrary detention.
- B. Only in cases of enforced disappearances, exile, and summary executions.
- C. Both A and B.

GROUP REFLECTION

Considering the context in which the National Commission for Truth and Reconciliation was created, as well as the goals it pursued, discuss in groups how acknowledging the human rights violations committed during Chile’s Military Dictatorship contributed to building a fairer society.

Do you think the commitment undertaken by this Commission should serve as an example today?



DURING THE VISIT: THE RETTIG REPORT



Name: _____

Grade: _____



This photograph corresponds to the delivery of the report prepared by the National Commission for Truth and Reconciliation in Chile, requested by President Patricio Aylwin in 1990. At the museum, you will find the original text read by the former president, distinguishable by the red underlines and the accompanying handwritten notes.

First, watch the following video and answer the questions below.
"Yo amo los 90's" (ch. 3, 0:47).

Available at

https://www.youtube.com/watch?v=iik-boL7WVE&t=2s&ab_channel=Canal13

Based on the video, comment: why do you believe that in order to respond to the demands for justice of the victims of Human Rights violations, it is necessary to clarify the truth?



Next, you must analyze the relevance of this report in ensuring the protection of Human Rights. To do this, review the following 3 excerpts from the Rettig Report presented below.

Excerpt 1

Knowledge of the Truth

"Upon assuming its duties, this Commission considered it its priority duty to know the truth of what occurred in each of the cases of serious human rights violations. Only from the certainty of what occurred in each individual episode could a picture be described that is as complete as possible regarding the entirety of the phenomenon of violations of these fundamental rights. The knowledge of that specific truth is also indispensable to establish, from there, measures to repair, as far as possible, the damage caused to families, identify the victims, and recommend measures aimed at preventing these events from happening again."

Report of the National Commission for Truth and Reconciliation.

Volume I, Part 1, First Part (Ch. 1, p. 1)

Available at:

<https://fundacionaylwin.cl/wp-content/uploads/2021/02/4.-Informe-CNVR-tomo1.pdf>

What do the measures of reparation and prevention refer to?



Excerpt 2

Knowledge of the Damage

The Commission established that throughout the entire period (1973–1989) there were 2,279 victims, of whom 164 are considered by the Commission to be "victims of political violence" and 2,115 qualified as "victims of violations of their human rights." The latter, in turn, can be classified as follows:

A. Killed by State agents or by persons in their service

1. By virtue of War Councils (59)
2. Due to excessive repression during protests (93)
3. In executions alleging the "law of flight" (ley de fuga) (101)
4. In other executions and deaths under torture (815)

Sub Total: 1,068

B. Detained by State agents and disappeared: 957

C. Killed in attacks committed by private individuals under political pretexts: 90

Total: 2,115

The Report specifies that "the Commission reviewed another 641 cases, which it individualizes, regarding which it was unable to form a conviction and considers it necessary for the investigation to continue."

Quote from the speech by President Patricio Aylwin presenting the Rettig Report to the citizenry, March 4, 1991. Available at:

<https://fundacionaylwin.cl/wp-content/uploads/2021/02/1.-Discurso-Ciudadania-al-Dar-a-Conocer-Informe-Verdad-y-Reconciliacion-04-mar-91.pdf>



What situations in which political violence was applied to the victims are described in the Rettig Report? Consider what is outlined in points A, B, and C of the presidential speech.

Excerpt 3

Moral Responsibility of the State

Supreme Decree No. 355, which created the Commission, refers, among others, to "acts in which the moral responsibility of the State appears compromised by the actions of its agents or persons in its service (...)."

"The Commission has understood this reference as the responsibility that, according to sound judgment, can be estimated to belong to the State for the acts of its agents (or of persons in their service) executed in fulfillment of policies or directives of organs of the State (...)."

"The Commission has further understood that this 'moral responsibility' is that established by its members, according to their sound judgment; and that such determination has no legal effects, other than serving as a background for measures of reparation that the branches of the State may wish to arbitrate, within their own powers (...)."

Report of the National Commission for Truth and Reconciliation.

Volume I, Tome 1, first part (Ch. 1, p. 16)

Available at: <https://fundacionaylwin.cl/wp-content/uploads/2021/02/4.-Informe-CNVR-tomo1.pdf>

What does it mean that the Rettig Commission established State responsibility but did not determine its legal effects?



AFTER THE VISIT: THE SUBJECT OF JUSTICE

INSTRUCTIONS:

Read the following excerpt from the speech delivered by President Patricio Aylwin in March 1991, on the presentation of the Rettig Report. Together with your classmates, answer the questions below.

Justice is the greatest social virtue of all, irreplaceable basis of peace.

We know that, due to limitations proper to the human condition, perfect justice is generally an unachievable asset in this world. However, it does not prevent that we always desire for the greater possible justice.

Justice is not vengeance; on the contrary, it excludes it. A crime can't be punished nor repaired by committing an equivalent. Nobody has the right to cause damage to others, much less to attempt on the lives of others, under the pretext of justice. Whoever does it also become a criminal against human rights and deserves the greatest social condemnation. Admitting private revenge is replacing law with violence, in which law of force prevails over reason and justice.

On this subject of human rights violations, the clarification and acceptance of truth, as emerges from the Report, is already an important part of the fulfilment of justice towards the victims. Acts of justice, moral claim of the dignity of victims, and the reparations to their families that the Report proposes are important too.

But it is not enough. Justice also demands the clarification of the whereabouts of disappeared people and the determination of personal responsibilities.

As to the first, the truth established in the Report is incomplete, given that in most cases of disappeared detainees and executed without returning the remains to their families, the Commission did not have the means to find their whereabouts.

Regarding the determination of responsibilities, it is a duty that, within a Rule of Law, corresponds to Courts of Justice, in conformity to the legal system and the guarantees of due process. The Commission on Truth and Reconciliation could not go into this aspect, because the decree itself that created it denied this faculty by reason of clear constitutional precepts.

In either case, the Commission has sent the corresponding data to the corresponding court. I hope that these properly fulfil their function and exhaust the investigations, to which the current amnesty law cannot—in my opinion—be an obstacle.

Full speech available at <https://fundacionaylwin.cl/wp-content/uploads/2021/02/1.-Discurso-Ciudadania-al-Dar-a-Conocer-Informe-Verdad-y-Reconciliacion-04-mar-91.pdf>



What was President Aylwin's argument for saying that accepting the truth is an important part of justice for the victims?

Why did the Commission not address the issue of justice, and who is responsible for that role under the Rule of Law?

Given the context of 1991, do you think more progress could have been made in ensuring justice?

We invite you to explore the other steps taken by democratic governments following President Patricio Aylwin's administration to promote truth, justice, and reconciliation in response to the human right violations that were committed during the military dictatorship in Chile.

Below are some examples to help with your search. You can review the available information to identify who initiated them, their objectives, and how they contribute to the goals of truth, justice, and reconciliation.

**Rettig
Report
(1990)**

***Mesa de
diálogo
(1999)***

**Commission
and Valech
Report I
(2003) and
II (2010)**

**National
Search Plan
(2023)**



Evaluation Guideline:

The following are the evaluation criteria that will guide your responses. Remember to review them each time you answer a question.

Evaluation criteria	Description
Protection of Human Rights	Describe, analyze, and reflect on the State's promotion and protection of Human Rights, based on an analysis of the Rettig Report and its objectives.
Historical significance	Identify, analyze, and reflect—in a way that is consistent with the sources provided—on the impact the Rettig Report had on promotion and protection of Human Rights.
Source analysis	Describe, analyze, and reflect—in a coherent and clear manner, based on the content of the historical sources studied—on the significance of the Report of the National Commission on Truth and Reconciliation for the promotion and protection of Human Rights.