



Archiveros sin Fronteras Chile

Pact of silence and secret archives

RAISE THE VOICE OF ARCHIVES FOR A DEMOCRATIC STATE

In the last days Chile has witnessed several episodes that have highlighted and brought to the public debate the issue of the importance of having access to information related to serious violations to human rights. In particular, three scenarios have demonstrated the necessity that the tribunals of justice have all the existent information in order to carry on with the processes that seek to clarify the truth and accomplish justice in the cases of violations to human rights which occurred during the dictatorship. In this context, today it is clear that both our legislation and the pacts of silence that restrict the access to information, are real obstacles for achieving those goals.

The three scenarios to which we refer, are:

The pact of silence has been broken between ex military functionaries, with the new statements of ex conscripts that have enabled the reopening of the case of Rodrigo Rojas de Negri and Carmen Gloria Quintana, whom were burned alive by military agents in 1986.

The conscripts that broke the pact of silence -which has been denied by the Army in innumerable occasions- present the opportunity for a new scenario to clarify what happened in this case. The conscripts' statements have been disseminated and have enabled reflection about the importance of access to information, since as the pact of silence has been denied, so has been the existence of secret archives.

More information can be found in:

<http://www.lanacion.cl/noticias/pais/ddhh/general-oviedo-ni-pacto-de-silencio-ni-archivos-ocultos-en-el-ejercito/2014-09-08/100602.html>

<http://www.cooperativa.cl/noticias/site/artic/20150722/asocfile/20150722113110/declaracion.pdf>

<http://ciperchile.cl/2015/07/30/testimonios-acreditan-que-el-ejercito-guardo-archivos-secretos-de-la-dictadura/>



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Statement given in 2015 by the ex conscript Fernando Guzmán, about the attack on Rodrigo Rojas de Negri and Carmen Gloria Quintana, burned alive by a military patrol in Santiago de Chile on the 2nd of July 1986. Action undertaken by *Colectivo Rufián* in Av. Alameda, Santiago de Chile, 27th July 2015.

50 years' secrecy of Truth Commission Archive

Regarding the silence and hiding of information, the issue of the **50 years of secrecy ruling over the antecedents gathered by the Truth Commission** (known as *Comisión Valech*), established for investigating the tortures and political imprisonment during the dictatorship, that published its report in 2004. Those records are currently under the legal custody of the National Institute of Human Rights (INDH) and physically held at the *Museo de la Memoria*.

The government's position for maintaining this information secret, is based in the argument of protecting the dignity and consideration for the victims and their painful experiences, detaching this commission to further legal actions or the records as sources for them. However, it is clear that this secret is related with a political agreement for avoiding the opening of new judicial investigations on human rights cases. Is in this point where the voice of the witnesses needs to be listened, providing the major argument, since they were never consulted about keeping their testimonies under secret.

More information can be found at:

<http://www.eldinamo.cl/nacional/2015/07/30/gobierno-defendio-secreto-de-50-anos-de-informes-valech-ante-corte-interamericana-de-derechos-humanos/>
<http://diario.latercera.com/2015/07/31/01/contenido/pais/31-194765-9-no-nos-preguntaron-si-queriamos-mantener-en-secreto-los-testimonios.shtml>



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Law Project for impeding the destruction of Army's Archives

The passage of the law project that seeks to impede the destruction of the archives of the Army, Police and State Security Services and forcing the transfer of these records to the National Archives, has made important progresses. Starting from a proposal made by *Londres 38, espacio de memorias* (human rights organization), two members of parliament developed a law project that during the current month gained a transversal support from the members of the Commission in charged of its first revision.

During the session in which the project was presented, the Director of the National Archives, Emma de Ramón pointed out: “The role of public archives and of archivists is, since long time and during our whole republican history, to guarantee the right of all Chilean society to know all the public information and to protect their personal data, together with guaranteeing the availability of the information democratically defined as public, for the construction of memory. Therefore, we think it is necessary and urgent to derogate the Law 18.771.”

More information can be found at:

<http://londres38.cl/1937/w3-article-97229.html>

http://www.camara.cl/pley/pley_detalle.aspx?prmID=10378&prmBL=9958-17

<http://londres38.cl/1937/w3-article-96991.html>

Reflections from the archives

The Inter-American Commission on Human Rights, on its Report about the Right to the truth in the Americas (2014) recommends to the states to “Adopt the measures necessary to classify, systematize, preserve and make available historical archives concerning serious violations of human rights and IHL.”

As Archivists without Borders-Chile, we consider that these events and the attention and public debate that they have generated, are an opportunity to raise the voice and insist on the necessity to push for the breaking of the pacts of silence and the openness of those archives that contain information for the establishment of the truth about violations to human rights perpetrated during the dictatorship, and to the achievement of justice for the victims.

Likewise, they are an opportunity for citizenship to view that archives are evidence that enable the acknowledgement of what happened, and in consequence, it is highly urgent to adequate the legal regime that governs public archives in Chile to the necessities of a democratic state.

Santiago, Chile, 31 de julio de 2015