

The Víctor Jara Case and the Long Struggle against Impunity in Chile

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THE JUDICIAL CASE CONCERNING THE 1973 TORTURE AND MURDER OF VÍCTOR Jara, beloved Chilean singer-songwriter and pioneer of Chile's New Song movement, has continued for almost 40 years. Víctor Jara was a celebrated musician, theater director, and composer. His songs spoke stirringly of the lives of the poor, denounced injustices and massacres, and communicated the vision of a new, socially just future. Jara was also a Communist Party militant actively involved in the social and political movements of the day, movements that elected democratic socialist Salvador Allende as president in 1970. Jara was killed in the Chile Stadium in one of the military's first and most infamous extrajudicial executions after the bloody September 1973 coup. The artist, and thousands of other supporters of the Popular Unity government, were detained in the stadium in the first days after the coup. The ongoing judicial case of Víctor Jara symbolizes the long struggle against impunity in Chile.

General Augusto Pinochet and his fellow officers used harsh repression to crush Chile's popular movements. Some 3,000 Chileans disappeared and at least 40,000 people were tortured after the coup; some 200,000 more were forced into exile (Wright and Oñate 2005, 57). Amnesty International and the UN Human Rights Commission estimated that 250,000 people were detained for political reasons after the coup. Parliament was closed, political parties outlawed, and media outlets shut down or subjected to strict controls. The New Song movement was repressed and even the indigenous instruments were banned. Over time the military regime implanted a number of "guardian structures" to limit a future transition to full democracy (McSherry 1995, 1998). Today, many cases of crimes committed by military or police officers are still sent to military courts, for example, and there are some 700 outstanding cases of human rights violations pending in the judicial system. An antiterrorist law from the Pinochet era is still in effect, despite some modifications. The law has been used against urban protesters and Mapuche land-rights activists, and in July 2014 the United Nations Human Rights Council

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criticized the law, not for the first time.¹ Another guardian structure, Pinochet's binomial (or binominal) system of elections—designed to give disproportionate weight to right-wing minority political parties, impede the Left, and obstruct the reemergence of a multiparty system (Huneus 2005)—was just beginning to be seriously challenged in parliament in 2014.

Yet despite the years of state terror and the difficult transition, Chilean society has made significant advances in its redemocratization process in recent years. The country is not the same as it was in the first years of the transition (beginning in 1990). A key catalyst was a massive student movement that took shape in 2011. Demonstrations of 100,000 took place weekly to demand free, quality public education and an end to the privatized and unequal system of education in Chile, another heritage of the military regime (McSherry and Molina Mejía 2011). This movement, led by a generation of young students born after the dictatorship, played an important role in awakening society, quelling the legacy of fear, and revitalizing other mass movements.

During the student marches, young people carried banners with Víctor Jara's visage and sang songs from the New Song movement such as "El pueblo unido jamás será vencido." Flags and posters of Jara continue to appear around Santiago, concerts are dedicated to him, his music is played by street musicians on buses and by professional musicians in elegant theaters, and he is invoked in many popular marches and demonstrations. Chilean society has never forgotten Víctor Jara, or the tens of thousands of other Chileans persecuted, tortured, exiled, and killed during the dictatorship. The dictatorship was unable to erase the historical memory of the New Song movement, or the music that represented the hopes and dreams of a generation. The memory of Víctor Jara as a cultural giant and committed political activist lives on. But the armed forces continue to resist accountability in this case and others.

This article examines the judicial case of Víctor Jara, providing updated information on its development and analyzing its significance. Under the current government of socialist Michelle Bachelet, who took office in 2014, political conditions may be more promising for a resolution. But there are strong forces in Chile—and probably in the United States—opposed to clarifying Jara's murder. Pressure from within Chile and from the international human rights community will be crucial to finally identifying and holding accountable those who authorized and carried out the murder of Víctor Jara.



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