

Action Against Doctors Involved in Torture

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In 1982 with the institution of free elections to the Colegio Medico de Chile which was charged with ethical supervision of the profession, there has been much reorganisation and a new code of ethics has been prepared and is implemented vigorously despite opposition from the political authorities.

TORTURE has been practised in Chile systematically and continuously since the coup of 1973. There is sufficient evidence that those responsible for torture in Chile are the security institutions of the armed forces, the police, and the government security agencies: first Direction de Inteligencia Nacional (DINA), followed by Central Nacional de Informaciones (CNI) to the present time. Thousands of cases of torture perpetrated by the above institutions have been documented and denounced by Church and human rights organisations, professional colleges, and international institutions.

In Chile, the armed forces have always included physicians, civilians as well as those with military rank. Until 1973, however, military doctors were shown the same respect as other doctors and were not burdened with the suspicions which are now cast upon them.

During the dictatorship, over 80 physicians directly or indirectly participated in acts of all-treatment, humiliation, or torture; the great majority of these physicians belonged to the armed forces and were attached to the security agencies.

From 1973 to 1982, the officers of Colegio Medico de Chile were appointed by the military authorities. Servile and obedient, these officers heard reports of physicians participating in acts of torture but did nothing to investigate or denounce them.

In 1982, the government enacted a new law on professional colleges, whereby the organisation of more than one college was permitted and authority of the Colegio Medico de Chile for ethical supervision of its members was revoked. Simultaneously, the law allowed free elections to be held in the Colegio. The pro-Pinochet, pro-dictatorship position was defeated at these elections, and the officers elected fully represented the opposition.

The Colegio's new authorities set themselves three major lines of action:

- (1) Defense and protection of physicians against abuse from the Ministry of Health and optimisation of the Solidarity and Welfare of Departments of the Colegio Medico.
- (2) Defence of Chilean public health. Criticism of and mobilisation against those health laws which the government seeks to impose which are arbitrary and elitist, beneficial to higher-income sectors. Report of poor conditions for medical service and near-irreparable deterioration of the Chilean hospital system, which until

1973 was a model of high quality and efficiency.

- (3) Struggle to defend, protect, and encourage human, social, and political rights of physicians and all citizens of this country.

This last item has evoked the vigorous, undeviating will of the Colegio Medico to investigate the part played by doctors in all forms of violation of human rights, especially torture.

Since the democratic election of its officer General Council of the Colegio Medico has reorganised its Department of Medical Ethics and set up a Human Rights Committee.

From their inception, these departments began to receive reports of the participation of doctors in acts of torture. These reports have been divided into cases where evidence is obtainable and cases which, though undoubtedly true, lack conclusive proof for an investigation. All these reports have been received by the General Council of the Colegio Medico through the regional councils across the country, channelled by the Ethics Department and the Human Rights Committee.

To date, two cases involving four physicians have been investigated and tried; two of the doctors were suspended from the Colegio for one year, the other two were expelled. In addition a trial of another three doctors responsible for the death from torture inflicted by members of the security agencies in a northern city is reaching its final stage.

In the first two cases, the accused were found guilty of negligence in the medical examination of individuals under arrest who were subsequently tortured; various extenuating circumstances were taken into account. In the other two cases, most serious breaches of ethics including negligence in medical examination, wilful omission in reporting lesions, insufficient and unreported treatment of torture victims, issuing false health certificates, together with the absence of extenuating circumstances, deserved the sentence of expulsion from the Colegio Medico.

The above trials were conducted impartially and impeccably by the General Council of the Colegio Medico which is its highest court with renowned counsel acting for the defence of the accused. All counsel, including counsel for the defense of the doctors expelled from the college, agreed that the medical court had shown exemplary fairness and impartiality. Furthermore, not only have the Chilean public opinion and the international

medical community (World Medical Association) acknowledged the same merits, but also the entire body of Chilean physicians have recognised the fair-mindedness of the General Council in dealing out justice and in its generosity towards the culprits.

However, the efforts of the Colegio Medico in this area did not stop there. A new code of ethics was prepared and drafted. At the preliminary meeting held recently in Montevideo to restore the Federation of Medical Associations of Latin America, this code was taken as a model for a continental Code of Medical Ethics.

Our efforts are known beyond our frontiers; we have reported on them before, as we are doing today, with both pride and shame: With pride, because in the midst of cruel dictatorship we have been able to denounce and punish the henchmen of terror and death; with shame, because the men we have tried are physicians, Chilean physicians who have taken the Hippocratic oath and made a commitment to life, not death. Neither is our fight for human rights framed within the bounds of medical ethics. Since we know that we are citizens before being doctors and that human and political rights are best protected in a democracy, we are also involved in the political struggle against the regime.

We say this with pride. The Colegio Medico de Chile penalises physicians who practice torture and strives actively to put an end to Pinochet's dictatorship. We are members of the Asamblea de la Civilidad de Chile, which embodies the 22 most representative social organisations in the country (blue-collar workers, rural workers, slum-dwellers, professional men and women, students, women,

university academics, ethnic minorities, and others), and we are part of the plan for progressive civil disobedience designed to put an end to dictatorship. We have been jailed for it, and this we also declare with pride.

In Chile, physicians who practise torture are promoted in the armed forces; we doctors who denounce torture within the military circle of dictatorship are thrown into the jails of Pinochet. Unamuno spoke of peoples with a tragic sense of life. Of men who share this tragic feeling—the feeling that leads a man or a people to folly in the pursuit of freedom. Such folly is ours. To try a torturer under a regime with torture as its policy is folly. To foster civil disobedience under a regime that believes in sterile order and vertical authoritarianism is further folly. To be jailed under a dictatorship that tortures and murders unhindered is folly, too.

We love such folly. It is the folly of Bolivar, Carrera, Manuel Rodriguez, and Salvador Allende: The sublime, heroic folly that made our peoples free. The heritage that allows us to know we are free and to continue struggling for final liberation of our country. We Chilean physicians know that the solidarity of Danish physicians and physicians all over the world is behind us. That is one of the strongest support in our struggle. We will put an end to torture when we recover democracy. Our victory will be your victory too.

[This presentation was made at the International Meeting on Doctors, Ethics and Torture in Copenhagen by Professor Bent Sorensen on behalf of Dr. Francisco Rivas Larrain, who had been imprisoned by the authorities in Chile on unspecified charges.]

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