

THE INTERNATIONAL COUNCIL ON HUMAN RIGHTS POLICY

Review Meeting

Media: Reporting Human Rights Issues

Geneva, 27-28 November 2000

THE MEDIA'S PRESENTATION OF UNIVERSAL JURISDICTION IN THE CONTEXT OF THE PINOCHET CASE

Mirko Macari

© 2000, International Council on Human Rights Policy
ICHRP commissioned this document as a Working Paper.
ICHRP has not edited it and is not responsible for its accuracy or for the views and opinions expressed.
ICHRP welcomes the re-use, re-publication and re-distribution of this paper, appropriately cited.

WHAT WAS THE ISSUE?

1. The arrest of General Pinochet in London on October 16, 1998 was without doubt the most important national news event of the last thirty years, after the 1973 coup and the 1988 referendum, in which fifty-five per cent of Chilean voters said "no" to Augusto Pinochet remaining as Head of State. *"But it was important because of the effect that this unexpected event might have on Chile's internal situation. His arrest was also a test case for developments in international criminal justice. But coverage of this aspect was very weak. It was never clearly addressed, nor did we ever consider the implications of the Pinochet case in these terms. The significance of Judge Garçon's actions was therefore lost,"* says Eliana Rozas, director of the Journalism School at the Catholic University, which is linked both ideologically and administratively to the Vatican and which also owns one of the biggest and most influential television channels, the traditionally conservative and right-wing *Canal 13*.
2. For the vast majority of national media, the trial proceedings underway in Spain since 1996 against members of the Argentinian and Chilean military juntas for the disappearance and torture of Spanish citizens had merely testimonial value. *"Many people couldn't believe the news of Pinochet's arrest. The news seemed to come out of the blue as it was linked to a trial which had not been covered in the Chilean press,"* says María Isabel de Martini, political editor of *La Tercera*, the biggest circulation tabloid in the country, owned by the Copesa group. Copesa also used to publish the now defunct evening newspaper *La Hora* and owns the only weekly current affairs magazine, *Qué Pasa*, as well as a sensationalist popular newspaper, *La Cuarta*.
3. I wrote an article on these proceedings for the political analysis section of the daily *El Mercurio* in 1997, when Pinochet was still Commander-in-Chief of the Army. It was never published because, according to the editor, one of the people interviewed, international human rights law expert Andrés Domínguez, *"said some very strong things"* about the Chilean military.

4. Pinochet's arrest therefore came as a complete surprise to most Chileans and to the Chilean media. It broke one of the unspoken rules of the political transition: that Pinochet was untouchable.
5. For almost all the local media, the main news angle was the changed political landscape and in particular the uncertain fate of Pinochet, transformed by the circumstances into a media "megapersonality."
6. But there were also exceptions, such as the news analysis programme *Medianoche*, which is broadcast at midnight on the public and self-funded TV station *Canal 7* and whose board reflects the range of political parties represented in parliament. "*At the beginning we argued that the new role being played by prosecutors in Europe signalled a new development in international law. Judges were beginning to disregard the traditional concept of "reasons of State" in favour of the principle that any citizen of any country had the right to justice. My impression was that reactions both in Spain and England would focus mainly on the new international law aspect. There was a degree of consistency in the approach of prosecutors such as Garçon to the concept of authority. This is how we saw it on the team at Medianoche, the most analytical news programme,*" says Alejandro Guiller, who directed the programme up to the end of 1998 and subsequently took over as head of media at *Canal 11*, a small channel owned by the Venezuelan group Cisneros.
7. But the rest of the media, including *Canal 7*'s traditional news programmes, had a different reading of the case. According to De Martini, "*The fact that Pinochet himself had been arrested, not just one of his former ministers, made this a major news story that repositioned human rights in newsworthy legal terms. The press returned to the previously excluded issue of human rights. There was a change in the political landscape and in the focus of the media's agenda.*" There is an obvious reason for what De Martini refers to as the "exclusion" of human rights issues: although Pinochet left office in 1989, he and his supporters maintained considerable power at all levels. The new authorities took office within a constitutional framework established by Pinochet himself: his supporters maintained control of the legislature through the members of parliament he had appointed and he himself could not legally be removed from his position as Commander-in-Chief until March 1998, when he became a Senator-for-Life. Throughout this period, human rights issues were shrouded in silence as part of a tacit agreement by all political actors not to cause Pinochet any discomfort. Whenever he felt uncomfortable or "*persecuted*" he would threaten to use force, as occurred on a couple of occasions.
8. The first news medium to learn of Pinochet's arrest was *El Mercurio*, the country's most traditional daily newspaper and the one with the greatest influence on public opinion and those in positions of power, comparable to the New York Times, Spain's *El País* or Argentina's *La Nación*. *El Mercurio* is part of a media conglomerate which includes 16 regional dailies as well as the evening newspaper *La Segunda* and the tabloid *Las Ultimas Noticias*.
9. Journalist Jenny del Río was at a dinner on the night of October 15, 1998 when she received a call on her cell phone. The call was from a source, a senior officer from Pinochet's military entourage, who gave her the scoop that the General had been "*retained*", a term which was used in the article published the next day, inexplicably relegated to the second story on the front page despite the fact that it was a journalistic coup.
10. Explaining the newspaper's focus on the issue, she says, "*This was the first time a former Head of State had been arrested on charges of this kind; he was arrested in London at a time when his political profile [as Senator for Life] was in decline and he was ill. The arrest gave rise to the problem of the territorial jurisdiction of the law. For El Mercurio and the country as a whole, the case had both legal and political significance.*"

11. Guiller sheds further light on this: *“In Chile, the Pinochet case is a political problem whereas in Europe it is a problem of principles: Pinochet violated human rights and this could not go unpunished”*. In general, it is safe to conclude that for the Chilean media, human rights were not the central or overarching theme of the process.
12. Paola Sais was *La Tercera’s* reporter on the case in London. *“Strictly speaking it is a human rights issue,”* she says, *“but La Tercera did not address it in this way and I doubt whether any of the national media did. Our angle was that General Pinochet, ‘former President’ of Chile, had been arrested, that it was incredible that someone who everybody considered untouchable was now under arrest in London and that it wasn’t simply a question of going over and freeing him.”*
13. It is true that human rights were, by necessity, mentioned again when the parties argued their case before the courts in London. Pinochet’s defence argued, for example, that torture had been part of State policy. And it claimed that, according to this logic, not even Adolf Hitler could have been prosecuted, since he also enjoyed sovereign immunity as Head of State. In this sense, the issue of human rights violations during the military dictatorship appeared on the agenda of the local media as a result of the case, but only tangentially.
14. Without a doubt, the spectacular impact of the news, declared by CNN to be the news item of the year, has to do with much more than the exclusive topic of human rights. As Amaro Gómez Pablos, CNN’s correspondent in London, explains, *“The Pinochet case is multifaceted and over a year and half of coverage, from beginning to end, we tried to present it from all angles: Chile’s internal politics, the international law precedent, Chile’s bilateral relations, the history and context of the dictatorship, among others. It doesn’t seem appropriate to me to extrapolate and consider any one aspect in isolation, unless you’re a specialized medium – a law journal, for example. Nor do I think it would be objective journalism to talk about the arrest solely from a factual and linearly descriptive perspective.”*

HOW WAS THE ISSUE REPORTED LOCALLY?

15. *Canal 7’s* correspondent in London, Mónica Pérez, was praised for her professionalism by almost everyone interviewed for this report. She gives the following account of her experience: *“At Televisión Nacional we tried to cover it in a purely informative way, explaining to the Chilean public what was happening in London, which was frankly incomprehensible even to lawyers and politicians. We tried to stick to the facts and avoid sensationalism, although this was a strong temptation with such an interesting story. Sticking to the facts does not necessarily mean ascetic coverage. I think we tried to put the facts in context and to recognize how important context was in this case. We also tried to be balanced – as far as that is possible. Frankly, I don’t think you can be balanced when talking about human rights violations. You have to be squarely on the side of the victims as, in my opinion, respect for human rights should be something that transcends political affiliations.”*
16. Mónica Pérez’ professional efforts were laudable and they paid off in terms of personal credibility and high ratings for the station. But the channel’s editorial line reveals a different reading of the case. As Alejandro Guiller explains, *“Canal 7 does not have an editorial position. It tries to play a neutral role. There is constant ambiguity because the board tries to keep everything neutral, reflecting the political balance of the board, which is made up of supporters of the pro-Pinochet right and of the Government in equal measure. In my view, Televisión Nacional (Canal 7) is very inhibited when it comes to controversial issues. It tries to be the State channel but it confuses neutrality with the legitimate expression of opinions. Generally among media editors in Chile there is a culture of inhibition, a feeling that it is not legitimate for a journalist to have an opinion”*.
17. However, this was not the case with *Canal 13*, whose journalist covering the case, Claudio Sánchez, came out openly in support of Pinochet. In an interview of his which provoked

widespread comment, the General's wife, Lucía Hiriart, became visibly emotional about "*her husband's tragedy*" and hugged Sánchez, who also appeared to be moved.

18. This same journalist would make pejorative comments in private about the victims and refused to talk about them in his reports. "*The case of Claudio Sánchez prompted a lot of comment in the international and Chilean media*", says Amaro Gómez Pablos. So much so that Canal 7, seeing its credibility waning and its audience going over to the competition, decided to send Sánchez to Madrid and to send another reporter to London. It is worth noting that Sánchez is now director of the journalism school of a private university owned by prominent business figures, all of them former key officials during the dictatorship.
19. This impression is shared by Eliana Rozas: "*As the Pinochet case was confusing and unsettling, the media tried to avoid taking a position, not daring to get involved in the controversy and appearing more afraid than usual to intervene in case they were misinterpreted. There was a lack of analysis by the media which merely featured people arguing over an international situation but motivated by domestic concerns. By contrast, there were also some journalists who made known their personal position, such as Claudio Sánchez, who revealed his complicity*".
20. Sociologist Matías Chaparro has followed the case as part of his work for a government unit which analyses television news programmes. He gives this general overview of the context of the coverage: "*All channels fell into line with the broad perspectives which began to emerge on the issue. Pinochet had to return to Chile and that was the country's position. Subsequently, Pinochet illness was another issue on which all channels converged*". (Following the judicial decisions against Pinochet, the government's strategy was to appeal to "humanitarian grounds", that is, to invoke the image of a sick and lonely old man unfit to stand trial). The sociologist's view is compelling: "*In terms of their general reporting or vision of the problem there is little to distinguish each channel. Not one television channel dared to argue that Pinochet should remain in Europe to stand trial*".
21. As regards the newspapers, the vast majority of which are owned by business groups sympathetic to the former dictator, editorial lines began to be circumscribed by a communications cordon which the government itself naturally respected, obeying the internal political imperative of defending Pinochet out of fear of the military.
22. The written press, which is supposedly more analytical and intellectual, which weighs its facts and acts as a key point of reference for identifying trends in public opinion, spoke uniformly of the need for Pinochet to return to Chile.
23. Three broad editorial themes can be identified from an analysis of the period. Firstly, a conspiracy is alleged in order to explain the origins of the case (there is talk of "*betrayal*" and an "*undercover operation*"). "*Scapegoats*" are then created to lend credibility to the idea of a conspiracy (e.g., "*the international left*", "*the socialist network*"). An image is then constructed of Pinochet as a martyr and this is subsequently linked to the issue of his arrest as a violation of national sovereignty.
24. One right-wing senator put it in the following terms: "*Pinochet is a hostage, he is being held by force and this is therefore a case of abduction*". *La Tercera* described it as an "*extremely grave event for the country*," affirming that "*it is an offence to Chile. The State and the Chilean nation are the aggrieved party, regardless of the identity of the person directly affected and the reasons given*". *La Segunda* argued that "*these events need to be analysed in light of the principles at stake and the national interest. At the root of this challenge to international norms is a questioning of Chilean sovereignty and jurisdiction, of our institutionalism and our transitional process*". In a clear allusion to those sectors who celebrated Pinochet's arrest and who supported his prosecution in Chile or in another country, an editorial in *El Mercurio* stated that, "*When the country's common interests are at stake, there is no place for those who seek to undermine the foundations of the rule of law and to attack basic constitutional principles.*"

25. *La Hora* stressed the martyrdom aspect: “*Supporters of the retired general are now doing everything possible to remove him from the uncomfortable situation of being under arrest in a foreign country, where he is very vulnerable and has few means of defending himself.*” The only other daily, *La Nación*, which is largely state-owned and therefore under the control of the government of the day, maintained a permanently ambiguous position, oscillating between its natural antipathy towards Pinochet and the Executive’s official opposition to his prosecution in Spain and arrest in London. “*I am not defending the dictator but the senator*”, said Foreign Minister José Miguel Insulza. Likewise, President Eduardo Frei stated, “*I am defending certain principles, not specific people*”.
26. From the start, the position of the mass-circulation written press was therefore highly judgemental and sloganistic on specific points: trampled sovereignty, a violation of rights, powerful states against a small but dignified country, colonial intentions, and so on.
27. In journalism, value judgements should be the exception, not the rule and they should always be properly substantiated. Although arguments appeared in the news and opinion pages of the press, as well as on television, challenging the claim that sovereignty had been undermined and that the Spanish courts did not have jurisdiction to prosecute Augusto Pinochet, editorials echoed right-wing discourse and were totally impervious to these arguments. The position that prevailed and remained unchanged over time was that the proceedings in Spain and the arrest in London were quite simply a breach of international law and an attack on national sovereignty. There was no recognition that this position was at least debateable and controversial. Letters and opinion pieces published in the press also largely supported this position. A reader’s letter published in *El Mercurio* sums up the prevailing sentiment of those who control the press: “*This is a calculated attack on a former president, a former Army Commander-in-Chief and a current Senator, exploiting his vulnerability as an elderly man in hospital in a foreign country*”.
28. The Chilean media operate in such a way that the editorial line is conveyed indirectly. “*The idea is not to reveal the author’s intentions, but to make people think that they have arrived at a particular conclusion by themselves,*” says one editor. *La Tercera*’s Paola Sais has an interesting take on the problem: “*When they arrested Pinochet, the newspaper’s editor was Fernando Paulsen (politically left of centre) and so we reported on Pinochet’s arrest from a human rights perspective. On my first trip to London I was as concerned to interview Pinochet’s family and lawyers as I was to interview Amnesty International and government representatives. Three months later a new editor took over, Cristián Bofill, who was much more right-wing. Then the focus became Pinochet as a person, since for this editor the most important thing was to concentrate on Pinochet’s arrest, on his lawyers’ efforts to release him and on the weakness of the Chilean government. All the contacts I had made in Amnesty International and other human rights organizations were of little use, as their views and reactions never made the headlines. The only story I wrote about Amnesty International was that they had made a lot of money from these cases. That is what I was asked to do.*”
29. Implicitly, the media tended to align themselves with the government’s position. But, given the dynamics of power, it was perhaps the government that ended up aligning itself in common cause with the media. A journalist from a morning newspaper confirmed how this line was conveyed through semantics: “*To us, Pinochet is a former President, a former senator, a former Commander-in-Chief, whereas to Europeans he is simply a dictator. I once tried to use the word ‘dictator’ and they said ‘How can you even think of it? You must be mad!’*” In Chile, none of the media spoke of Pinochet as a dictator. “*The same rules apply as during the transition*”, says one editor. In debates on social issues, meaning is constructed in such a way that the dictatorship is not even acknowledged and there is thus an attempt to ignore the past. To refer to the “*Senator-for-Life*” or “*former Commander-in-Chief*” is to speak from the perspective of the present and to omit history, the context which explains that Pinochet’s arrest was in connection with the murder, torture, abduction and disappearance of political opponents. Clearly, in journalism, history begins in October 1998.

30. The taboo about using the term “dictator” also applies to radio. This is particularly interesting as, during the dictatorship, at least a couple of radio stations were very critical of the military government and even became the symbolic voice of the opposition. One such radio station was *Radio Chilena*, owned by the Catholic church. Rodrigo Cerda, the station’s journalist covering the case from London, says he felt fully supported and able to work independently: *“On many occasions I was even very critical of the government and when it held back information I would say so and I never had any problems as a result. But I spoke of “Senator Pinochet”. I never called him a dictator because it was the radio station’s policy not to use that term.”*
31. Paola Sais adds, *“You could never use the term “former dictator”. You came to realise how they would edit your texts. When you sent articles from London and you read them the next day when they were published, you realised that if you had written something they didn’t like, they just changed it without telling you.”* This factor – self-censorship – is crucial to an understanding of journalism in Chile since the dictatorship. There are no direct orders or decrees, but there is a tacit awareness of what can and cannot be said without upsetting the powers that be, an awareness of the need not to cause problems or conflicts.
32. However, the picture was not entirely uniform. *Canal 11*’s coverage was much more analytical, with guests interviewed live on the news programme by the presenter, Alejandro Guiller. There was also room to express opinions and give views. It is particularly noteworthy that when the issue of torture became legally significant, a story run by the channel included images of torture sessions taken from an Amnesty International video never previously shown on Chilean television.
33. *“We do not contextualize because there are still many political issues that cannot be discussed in this country. This is reflected in the cautious nature of our coverage and our limited contextual analysis and reporting”*, says De Martini. CNN’s correspondent in Chile, Alberto Pando, confirms this view: *“The local media focussed on events and reactions to them. Context and analysis were more scarce. In fact, you could see from the TV news that many items simply reported what had happened but nothing more”*.
34. Matías Chaparro adds, *“There were certain issues relating to the background to this story that were never addressed by the media, such as Chile’s prior failure to prosecute Pinochet and the failure of Concertación (the centre-left governing alliance) to negotiate a more effective process of democratic transition. None of these issues were given importance on television and were even ignored. The most spectacular aspects of the case, the here and now, dominated everything.”*
35. An example of the above is that films highlighting the repression in Chile, such as *Missing* by Costa Gavras, have not been shown on public television. This film, starring Jack Lemmon, tells the story of the killing and disappearance of US journalist Charles Hormann at the hands of the repressive organs of the dictatorship and his father’s anxious search for his body.

HOW WAS THE ISSUE REPORTED INTERNATIONALLY?

36. Journalist Javier Navia, who covered the case for the Argentinian daily *La Nación*, says, *“The case mattered to us both because of the human rights angle and because of the impact that Pinochet’s situation might have on the transition in Chile. For many years following the return to democracy there was a perception outside Chile that this democracy was still somehow being managed by the military, who would never allow Pinochet to face any kind of judicial investigation or proceeding. The possible consequences of his arrest in London were therefore journalistically very interesting”*.
37. For the international press, Pinochet has always been a symbol of the Latin American dictatorships of the 1970s and 1980s. This is due to the human rights violations committed by

his regime and in particular the cases of the disappeared: people detained by the security services whose fate is still unknown and whose relatives continue their anguished search, demanding at least to know where they were buried or whether they were thrown into the sea. It is also due to the shocking images of the coup, including the bombing of the Palacio de la Moneda and the death of President Salvador Allende inside the palace, defending his constitutional mandate and the country's long-standing democratic and republican tradition. For three decades Pinochet was thus the ultimate hate figure of Western public opinion.

38. Eliana Rozas monitored the television and press coverage via the Internet: *"I think there was a clear anti-Pinochet position. There was a feeling that justice was at last being done. Rather than standing on the sidelines to prove their neutrality, the media generally got involved and took a position."*
39. In the opinion of Alberto Pando, CNN's correspondent in Chile, *"Human rights were the overarching theme in this case, for obvious reasons. Many lawyers as well as human rights activists have recognized that the Pinochet case is the most important development in international law since the Nuremberg trials. Given that it had viewers in Chile, the journalistic challenge for a network like CNN was how to avoid being too vague for an audience more familiar with the case while at the same time not getting into details which might appear inconsequential and extraordinarily local to a broader audience. We set out to unravel the tangled mass of information, to highlight what was most important and to offer our Chilean viewers an alternative and independent perspective, by means of exclusive interviews, reporting scoops and a greater degree of analysis than could be found in the Chilean media. A predominantly Latin American and Spanish audience such as ours feels a certain historical empathy with a case such as the arrest of Pinochet, because almost all have lived through military governments. It was a controversy that could readily be described to people in simple, bipolar terms: Pinochet's detractors versus his defenders. Moreover, this was happening to a Latin American in Europe – and not just any country in Europe."*
40. In fact, human rights are one of CNN's editorial interest. Advertisements regarding the Universal Declaration of Human Rights, the Convention on the Rights of the Child, UNICEF and aid or environmental organizations such as WWF and Care are slotted between news programmes. Amaro Gómez Pablos describes CNN's treatment of the case as follows: *"Our reports featured both pro and anti-Pinochet figures, but they also included people who could go beyond a purely emotional response and give an analysis of the legal implications based on their knowledge of the theory and practice of human rights as a foundation of international law."*
41. CNN and other networks such as CBS in Spanish, later taken over by *Telemundo*, constantly provided contextual information regarding Pinochet's significance today and his role since the 1970s. CBS correspondent Juan Carlos Gutiérrez says that the editorial board explicitly asked him always to tell the story from 1973 onwards. He never had any problems using the term "dictator."
42. In reporting on the events of the moment, these stations would include information about background processes and issues. In England, the more conservative sectors of the media noted with interest that groups of Chileans had arrived to show their support for Pinochet. There were special programmes on British television including the arguments of pro-Pinochet groups justifying the coup and its aftermath. According to these groups, human rights violations were either a lie spread by *"the forces of international marxism"* or, at best, isolated excesses in a war between equally matched armed forces.
43. This served to challenge the notion among European public opinion that Pinochet was widely repudiated in Chile, which is not the case. From the very beginning, the military regime was able to count on a social base which saw the military firstly as an essential safeguard against communism and then as a guarantee that order would be restored. Human rights violations were seen by this sector as the necessary "price" of restoring order. This social base – close to thirty

percent – was maintained and became a source of electoral support to the political right in the democratic period, reflecting the traditional voting pattern of this sector. The coming to power of the military government should not be seen as a Central America-style dictatorial coup or uprising, nor as the egotistic impetuosity of an individual general. It represents, above all, the implementation of a political and economic project and social model by one particular sector of society which never wants to see its interests threatened again. A calculated capitalist counter-revolution. That is why the business world and powerful economic sectors in Chile are almost without exception Pinochet supporters, as are the big media conglomerates.

44. Amaro Gómez Pablos, who was working in Chile, gives this overview of the work of the foreign media: *“Independence. That is the key word. The greatest contribution that the foreign media made to Chileans was – in my opinion – a reappraisal of the value of impartiality. It is not acceptable for a Canal 13 journalist such as Claudio Sánchez to cry during an interview with Lucía Hiriart. It is not the fact that he cried that matters. Journalists are human. But if he’s going to cry, he should cry with those on both sides....otherwise he corrupts his profession, confusing it with public relations and deceiving his viewers.”*
45. Balanced reporting was another principle running through the international media coverage of the case. The best example, seen from Chile, was that of the most important Spanish newspapers: *El País*, *El Mundo* and *ABC*. All covered the arrest, the position of official sources and the Pinochet family. But they also gave prominence to anonymous figures, such as the Chilean exile who demonstrated day after day with his banners but was rarely covered by the Chilean media because the demonstrators were considered *“tedious,”* despite being as integral a part of the case as Pinochet himself. An editorial published in the right-wing, Madrid-based daily *ABC* following the first House of Lords ruling illustrates an almost unanimous position in the west: *“The debate about Pinochet’s fate should focus on the legal aspects of what happened in Chile in that tragic period, rather than on the political affiliations of the victims or perpetrators....The Lords’ verdict constitutes a historic precedent in the long struggle for the defence of human rights, as well as a symptom of the paradigm shift which we are witnessing in this area. Universal jurisdiction is not being invoked out of some imagined Spanish neo-colonial motivation; the intention is not to judge, if it ever comes to that, a country’s way of coming to terms with its past, but simply to enquire about 3,196 lives.”*
46. As one correspondent points out, *“Perhaps it is because they do not consider everyone to be equal before the law or any other forum, or because they lack creativity when it comes to representing views they consider predictable. But the fact is that almost all the Chilean media would always give priority to Chilean figures such as deputies or senators, both government and opposition, who had little to add from London to what they had already said back home. They rarely reflected the analysis of British lawyers, members of parliament and others, who are paradoxically the most knowledgeable about the workings of British politics.”*
47. For TVN’s political editor, Pilar Bernstein, monitoring the foreign press coverage was essential: *“They talk of “the dictator,” “murderer,” etc. The journalist takes a position. In Chile, if you say “dictator,” you will be applauded by the left and condemned by the right. They are different situations. That’s the nature of the medium. We have to do a balancing act to survive, but they don’t.”*

WHAT INFLUENCE DID INTERNATIONAL COVERAGE HAVE ON LOCAL COVERAGE?

48. It should be noted that the relationship between local and international coverage was one of “observation” rather than “influence.” That is to say, the national media kept a close eye on international coverage. Indeed, international coverage was itself an item of news in the national press. For example, the national media would say, *“This is what was reported in The Guardian”* or *“The following was shown on French television...”*. As happens in such cases, the Chilean press was also very conscious throughout the whole process of the repercussions of the case in the foreign press, especially in the United States, Argentina and Europe. To some extent, the foreign press

could be said to be a barometer of the climate of public opinion as well as a factor to take into account when analyzing or anticipating what might happen next in the case.

49. Following each significant development in the judicial proceedings, the Chilean newspapers always devoted space to the international coverage of the issue. Although this did not alter the main thrust of the local coverage, it was very useful and relevant in addressing one of the most obvious but intriguing questions raised by the case: why had Pinochet been arrested?
50. It became apparent that the foreign perception of the process of transition in Chile was totally different from the image one had of it domestically. The view from abroad sought to explain certain major incongruities, such as the fact that Pinochet not only enjoyed impunity but retained a significant hold on power. All those in institutions of power, whether governmental or from the right-wing opposition, congratulated themselves on the fact that Chile was a peaceful democracy with a stable economy and good macro-economic indices, praised in international financial circles. It was argued, sometimes openly and sometime implicitly, that the price of democracy was the adoption of constitutional provisions preventing the investigation of anything that had happened under the Pinochet administration and the Amnesty Law preventing the punishment of crimes committed between 1973 and 1978, the period of greatest repression, as well as other privileges which the general and his supporters conferred on themselves. *“If justice had been done, there would have been no transition,”* said the right-wing historian Lucía Santa Cruz, also a member of *El Mercurio’s* editorial board.
51. Sebastian Brett is the Andean regional director of Human Rights Watch. A British national, he has lived for several years in Chile. *“If you talked to anyone in England they would know that Pinochet was a dictator of Chile. It was just common sense. It is striking that this should provoke such alarm in influential circles. It illustrates the dramatic difference between external and internal perspectives on the country. I never understood why Pinochet’s supporters claimed that there had not been a military coup but a ‘revolt’ (pronunciamiento). What is common knowledge abroad is problematic and conflictive here. Those who justify the army’s intervention cannot separate it from the human rights violations committed. They do not understand that these are two separate issues, two completely distinct arguments.”*
52. In terms of competing for information, the national media had to pick up what was published in the Spanish and British press because few of them had access to primary sources in Spain or England, such as Judge Baltazar Garzón or British government ministers.
53. Mónica Pérez’s view is particularly interesting, as she is married to Antonio Caño, editor of the Spanish daily *El País* and currently lives in Madrid: *“Our strong point was the focus on Pinochet and the Chilean people. I think that the news published in El País was given too much importance in Chile, particularly by the government and politicians. Since I was also covering the case, I realised how the journalist covering the case for El País (Ernesto Ekaizer), rather than the newspaper as a whole, manipulated and distorted much of the news to suit his particular interests. He went along with Judge Garzón’s agenda, exaggerating or distorting any item of news that could undermine Aznar’s government and benefit PSOE (the Spanish Socialist Workers’ Party). Much of this manipulation indirectly undermined the Chilean government’s diplomatic manoeuvres.”*
54. *El País’s* coverage of the case was unique and extensive, perhaps the most comprehensive of any of the foreign media. Its editorial line completely identified and aligned itself with the anti-Pinochet cause, perhaps because of the paper’s strongly anti-Franco tradition. Moreover, it was always said that the paper had good sources within the English prosecution team and that Ernesto Ekaizer had reached an agreement with Judge Baltasar Garzón.
55. Boris Bezama, a journalist on the evening newspaper *La Segunda*, points out, *“El País and El Mercurio were totally different. That is where you saw the difference in editorial line. A fact is a fact, but each*

paper would give it a different nuance. El País often set the standard. For example, when it reported that they were intervening to secure Pinochet's release. They had more information."

WHAT OTHER FACTORS INFLUENCED THE COVERAGE, AND HOW?

56. In addition to political considerations, other factors influenced the local media coverage of Pinochet's arrest in London. Only the three biggest channels (TVN, *Canal 13* and *Megavisión*) sent teams to England. *Canal 11* did not do so, for reasons which Alejandro Guiller explains: "*We didn't have the money. Information reached us by satellite and we knew that the important political events were happening in Chile. In any case, the Chilean journalists who went to London used images from the same news agencies that we have contracts with. The only difference was that they had a journalist holding the microphone and reporting on the events while showing the same images as we used.*"
57. Mónica Pérez expands on this point: "*The Chilean media lacked the resources to work effectively. In the case of TVN, we were a big team but we would still have needed a good news producer to search for new information, because we were overtaken by rapidly unfolding events and we just couldn't cover everything. It was even worse for the rest of the media. Most of them sent journalists who could not speak English, who slept badly in cheap and uncomfortable hotels and whose allowances were so small they couldn't even eat properly. They were expected to cover every story but they didn't even have enough to pay for a taxi. Only La Tercera and El Mercurio gave them a laptop, but most of them didn't have agency services or cellphones. It was very cold and the station paid for me to buy special clothes, which for many others would have been a luxury. I don't think you can do a professional job in those conditions.*"
58. All the journalists agree that it was a challenge grappling with a legal system as different as the Anglo-Saxon one, which nobody knew anything about. Under the Chilean judicial system, all the information about a particular case is confidential, but in practice judicial decisions tend to be leaked quite accurately, so that there is never any surprise about the outcome or about the way each judge has voted according to his political leanings and legal opinions. In London, court information was transparent but nobody could anticipate the ruling. The case of Claudio Sánchez is an excellent illustration: fifteen minutes before the first House of Lords ruling on November 25, 1998, he anticipated that the decision would be in Pinochet's favour by three votes to two. As a result, the aeroplane waiting to bring Pinochet back to Chile turned its engines on. In the end, the decision was three votes to two *against* Pinochet. Perhaps the journalist was merely expressing his own wishes out loud.
59. Paradoxically, the key factor influencing local media coverage is that these media depend in some form or other on other sectors of power — economic, political and institutional — which are distinct from those controlling the press. One foreign correspondent adds: "*The natural counterpoint to this is the journalist. Regardless of what he or she does, to whom he or she is responsible or the powers that be who are putting pressure on the medium, the journalist has a commitment to society which cannot be compromised. Chilean journalism is restricted by the limited independence of journalists and that of the media. In the Pinochet case, the influence of the powers behind the press was very marked. They managed to ensure that the television media only reported the facts, not the background processes.*"
60. This is explored in greater depth in a Human Rights Watch report on freedom of expression in Chile published in 1998: "*The need to respect this fragile consensus [the political transition], it is argued, has imposed a tendency of caution, realism and deference to the middle ground, even of self-censorship.*" The consensus referred to above relates to the country's political stability, which depends on certain key actors: representatives of big business, who are all Pinochet supporters, the military and the Catholic church. This dependence generates a widespread climate of fear among the media of prompting a negative official reaction or provoking conflict, a fear which manifests itself in the erosion of public freedoms. In journalistic terms we are living through a period in which we

proactively anticipate the government line in order not to jeopardise fragile freedoms which risk disappearing altogether if the slightest conflict arises.

61. The dependence of the press on other powerful sectors is intimately linked to the question of media ownership. In the opinion of one correspondent covering the case, “*The general problem with newspapers is their ownership or source of funding. In some cases important figures linked to Pinochet were or had been on the board of the newspaper in question. For example, at first Pinochet’s lawyers only spoke to El Mercurio. What guarantees did they expect from El Mercurio which they could not expect from other publications or channels?*” In fact Pinochet had two Chilean lawyers. One was Hernán Felipe Errázuriz, former Minister of Foreign Affairs under Pinochet and member of the editorial board of *El Mercurio* (whose editorials have the most influence over politicians and in the corridors of power).
62. The other lawyer, Miguel Alex Schweitzer, owns the legal firm which represents *El Mercurio*. Many of the editors of *El Mercurio* helped draw up the economic and political model imposed by the military regime. One of the most prominent is Carlos Cáceres, Pinochet’s last Minister of the Interior, member of *El Mercurio*’s editorial board and close adviser to the owner of the newspaper, Agustín Edwards. Cáceres is on the board of several companies as well as that of the Pinochet Foundation, which brings together the general’s most fanatical supporters. Another of Edwards’ closest confidants is former Air Force general Enrique Montero, who also served as Minister of the Interior under Pinochet in the early years of his regime, at the height of the repression against political opponents.
63. It is worth noting that towards the end of Pinochet’s administration, *El Mercurio* accumulated a multi-million dollar debt with the State Bank, which was transferred to international bodies before the new democratic government took office. The governor of the State Bank at the time, Álvaro Bardón, currently has an opinion column in *El Mercurio*. It is true, however, that there is no simple one-to-one equation between the ownership of a particular medium and its content. There are examples of foreign media whose content does not correspond exactly to the political line of the owner.
64. In addition to the two channels with the biggest audience, since the end of military rule there has also been a private network called *Megavisión*, owned by Ricardo Claro, a traditional pro-Pinochet businessman with fundamentalist Catholic views on moral and sexual matters and with very close relations to the armed forces. Claro also visited Pinochet in London and is alleged to have contributed to funding Pinochet’s costly defence. Claro owns a maritime transport company called Sudamericana de Vapores. It is from ships owned by the company that the bodies of the disappeared are said to have been thrown into the sea in the first few months of the dictatorship.
65. Thus the predominant influence of conservative sectors within institutions such as the judiciary, the church and parliament, as observed by the regional director of Human Rights Watch, can also be seen in the construction of discourses, the manipulation of media messages and the weaving of an invisible thread which informs public opinion and creates socially constructed truths.
66. Why is it that there are no media reflecting the views of the now ruling centre-left majority? The answer is very complex. Paradoxically, it can be said that the anti-Pinochet media (predominantly print media) existed during the dictatorship, when they played a crucial role. But the transition meant keeping silent on certain social issues, including human rights. This silence was threatened by the media. And so, with the direct complicity of the Concertación governments, these media – four magazines and two newspapers – gradually began to disappear, going under as a result of financial problems and political pressure not to receive funding offered by foreign governments.

67. There were other more direct or obvious influences on coverage which can be considered a “normal” aspect of a journalist’s relationship with his or her sources. *“Everyone tried to influence journalists with their point of view, but I think that those who managed it most successfully in London were NGOs such as Amnesty International or Human Rights Watch. Their spokespersons were very well prepared, mostly Spanish-speaking lawyers and human rights specialists. They were an essential source of information because they explained legal points very clearly and they were friendly and accessible”*, says Rodrigo Cerda.
68. Boris Bezama gives this view of the opposing camp: *“A lot of media work was done by Pinochet’s team and his spokesperson Fernando Barros, who was very important for the Chilean media. He would plan and organize his activities as part of a strategy”*. Chilean parliamentarians on both sides who travelled to London tried more than anything to boost their media profile, particularly those on the right who failed in their attempt to influence the British authorities: *“They told stories which were false. But there was no further pressure”*, says Cerda.

WHAT CONCLUSIONS CAN BE DRAWN REGARDING THE MAIN QUESTIONS ABOVE?

To what extent are new trends affecting the quality of the media presentation of human rights issues?

69. The main trend observed – the trend towards “infotainment” – affected the treatment of the case. *“The emotive aspects of the Pinochet case were exploited, particularly by focusing on private family matters and on the spectacle of street demonstrations for and against Pinochet in London and Santiago. This was especially true of television given its immediacy and the fact that, for example, the judicial rulings could be broadcast live”*, says Eliana Rozas.
70. Matías Chaparro’s view on this point is particularly interesting: *“Television was keen to report on Pinochet’s state of mind. There were a lot of stories about Pinochet as a person. My impression is that what was considered most important for television was the human angle. The legal aspects of the Pinochet case were only addressed when there was a ruling or an appeal decision, but between rulings the coverage of the case focussed on the human dimension”*. This is due to the fact that editorial policy is also governed by the need for high audience figures and by the commercial considerations which prevail in the media as a profitable industry.
71. On television, drama sells. For all the political and historic significance of the case, competition over ratings was an ever-present factor. Editors reacted to surveys in December 1998 indicating that seventy-one per cent of those interviewed did not consider themselves personally affected by Pinochet’s arrest. Unless the story was presented in an entertaining and emotive way, it was feared that audiences would dwindle. An example of this emotive approach was the use of the split screen, simultaneously broadcasting the reactions of close Pinochet supporters and relatives of the disappeared as judicial decisions were read out. This hooked the viewer into the story, engaging them in the spectacle of one side celebrating as the other suffered.
72. Another widely held view was that the daily newspaper *La Tercera* was guilty of sensationalism and not verifying its information. *“They exploited any angle that sounded interesting, regardless of whether it was true or not,”* said one journalist. Paola Sais rejects the criticism: *“It was not for lack of professionalism, because I covered the whole case. I went to all the hearings and filed reports on the legal issues, but over there they published the articles that they considered most interesting, such as whether Pinochet had a television camera in his bathroom. La Tercera liked this kind of focus, because our audience is middle class. Their line was that Pinochet was just a poor old man and that the government was incapable of doing anything. Even today, whatever (Army Commander) Izurieta says becomes a full-page story in La Tercera”*.

73. The evening newspaper *La Segunda*, whose main selling point is its attention-grabbing front page headlines, also focussed on the emotive or trivial aspects of the case, such as the scuffles between Chileans on the London underground, although its inside pages gave considerable coverage to legal and political aspects as these were debated. The paper's reporter, Boris Bezama, sums it up: "La Segunda *aims to entertain as well as inform.*"

How do other actors – governments, public relations firms, NGOs – influence the presentation of human rights by the media?

74. The actors involved in the Pinochet case had conflicting interests. The aim of human rights organizations in and outside Chile was for Pinochet to remain in London and subsequently to be extradited to Spain. The Chilean government, the military, Pinochet's family and the country's institutions adopted a state policy of seeking the General's return by all appropriate means. First they claimed that he was travelling with a diplomatic passport, a claim denied by the Foreign Office, then they argued that he had sovereign immunity as Head of State and finally they invoked humanitarian grounds. At each and every stage, the press as a whole supported the official line through its reporting on the case. One of the views noted above illustrates this point very well: "*Not one channel dared to argue that Pinochet should remain in Europe to stand trial.*" This applies to the press as a whole. State policy had a clear and decisive influence, although there were limited, subtle differences of nuance.
75. The voice of human rights organizations could be heard and their arguments were given column inches and television time. But they ended up being part of a manipulation, an illusion of objectivity. In the end, the editorial line cuts across and imposes itself, although it only comes out clearly when compared to the approach taken by foreign media covering the case.

To what degree do the media report human rights issues in a way that is accurate and consistent?

76. Only to the extent that the media comes to recognize that human rights are an essential civilized value which transcends politics, religion or race. This is a gradual process about which there is little awareness among Chile's powerful elite, the sector which controls the media. In the eyes of this elite, human rights are identified with left-wing proselytism, precisely because it was people on the left whose human rights were violated here in the context of political struggle.
77. Perhaps because of the region's history, there is greater awareness in Europe of the universality of human rights. There, even newspapers considered right-wing, such as the Madrid-based *ABC*, appreciated the importance of prosecuting Pinochet as a way of making clear that there should be no impunity for torture, genocide and terrorism, a principle which has nothing to do with political positions.