

The absurd defence of General Augusto Pinochet by Peter Phelps MLC

Statement by Telmo Languiller MP, Derrimut



On the 11th of September 2013, Dr Peter Phelps MLC made an embarrassing and absurd defence of the former Chilean dictator General Augusto Pinochet in the Parliament of New South Wales. In this statement Dr Phelps, who holds the position of government whip in the Legislative Council of New South Wales, has demonstrated a callous disregard for the atrocities suffered by the Chilean people under a cruel and undemocratic regime.

The 11th of September 2013 marked the fortieth anniversary of the military coup led by General Pinochet that violently deposed the democratically elected President Salvador Allende. General Pinochet acted as the Chilean Head of State until 1991, and during his rule he presided over the execution of over 3000 individuals for political purposes and the torture of over 30 000 others. The regime led by Pinochet was unquestionably brutal and repressive, and the international community has broadly condemned the violence of his government.

In his speech to the Parliament of New South Wales, Dr Phelps repeatedly describes General Pinochet as a “morally courageous man” who championed against the forces of Communism to introduce prosperity to the nation of Chile through his support of the Chicago school of economics. Dr Phelps characterises the rule of Pinochet as a benign dictatorship, who acted in the best interests of the Chilean people when he sanctioned political violence, torture and executions. In his speech, Dr Phelps states “we have to accept that sometimes it is necessary to do bad things to prevent terrible things from happening”.

The Valech Report released by the National Commission on Political Imprisonment and Torture in 2004 found that there were over 38 000 documented political prisoners during the rule of General Pinochet. Of these prisoners, over 94 per cent were found to have been subject to torture. The report found that methods of torture sanctioned and promoted by the Pinochet regime included waterboarding, beatings, electric shocks, rape and sexual abuse – including cases of forced incest, running of electric currents through genitals, and forced miscarriages.

Other scholars have estimated that the number of tortured persons was substantially higher, noting that for cases to be recognised by the Commission the victim had to be detained for a period of at least five days. Many persons were held for shorter periods but were still subjected to torture and abuse. Similarly, the Valech Report failed to recognise many incidents of torture that occurred outside the designated detention or torture facilities.

It is utterly bizarre that such egregious breaches of human rights would be dismissed by a democratically elected representative of the New South Wales parliament as merely a “bad thing” that was justified within the context of the broader Cold War. Dr Phelps conceded in parliament that:

“Yes, Pinochet killed people. According to the 2011 commission, the regime killed some 3,065 people over 17 years and that is a terrible number. But the Marxist Sandinistas in Nicaragua killed just as many in the first few years of their regime.”

It is clear that Dr Phelps fails to realise that two wrongs do not make a right, and that the sanctity of human life is universal and not something that is diminished by an individual's political affiliations. There is nothing “morally courageous” about torture, and there is nothing “morally courageous” in the taking of a human life. In his speech to the New South Wales parliament, Dr Phelps belittles those of us who reject the notion that the state should not engage in human rights abuses stating, “such principles are foolish and self-defeating in the real world”.

It is highly concerning that a senior political figure in our country has shown such callousness towards the value of a human life. Dr Phelps compares the rate in which individuals were killed by brutal regimes, conceding that the taking of a human life was justified because somewhere in the world another regime was committing worse atrocities. In his speech, Dr Phelps fails to even consider the torture and other abuses of the Pinochet regime as cause for condemnation.

Dr Phelps appears to be similarly ignorant of the historical context during which General Pinochet ascended to power, arguing that President Allende was so extreme in his promotion of socialist policies that military intervention was necessary to preserve the democratic nature of the Chilean state.

In a somewhat bizarre and offensive comparison, Dr Phelps stated that "Allende was elected with only one-third of the vote for his party, roughly the same as Hitler was." Not only is this comment highly inappropriate, it is fundamentally misleading. During the Presidential elections of 1970 over 64 per cent of the Chilean public supported either the Christian Democrat party or Allende's Political Unity party: both parties were committed to socialist principles, and both parties supported the nationalisation of resources but the redistribution of land in an equitable manner.

Dr Phelps also demonstrates a fundamental misunderstanding of the functions of a democracy, stating "yes, Pinochet killed people. If anyone knows of any other way to overthrow a government than by military force, then let me hear about it". Dr Phelps fails to acknowledge that at the time of Salvador Allende's presidency, Chile remained a functioning democracy that held regular Presidential elections.

These atrocities committed by the Pinochet regime have been broadly condemned. In 1998, the notably conservative British House of Lords found that the doctrine of immunity was not applicable to the crimes of Augusto Pinochet and that Pinochet was to be held responsible for his egregious breaches of the Convention Against All forms of Torture. In *Re Pinochet*, the House of Lords found that there was sufficient evidence to suggest that General Pinochet had committed crimes under the Convention Against All Forms of Torture to warrant his extradition to Spain. The decision in *Re Pinochet* to deny prosecutorial immunity for former heads of state was heralded as a significant move forward in the progression of international human rights law.

Similarly, Amnesty International, Human Rights Watch and the Chilean parliament have all condemned the systemic oppression and human rights violations during Pinochet's rule. The international community has also broadly condemned the regime of General Pinochet, including an extensive list of European states that actively supported the case for his extradition to Spain in late 1990s.

It should be noted that the timing of Dr Phelps' comments to the New South Wales Parliament was particularly insensitive. For many Chileans, September 11th is a day of national mourning and remembrance for those who suffered or perished under the cruel regime of Augusto Pinochet.

These careless, offensive and ridiculous remarks by Dr Phelps have received widespread condemnation by the Chilean community in Australia. Adriana Navarro, a Chilean Australian living in New South Wales, wrote an open letter to Premier Barry O'Farrell calling for the immediate removal of Dr Phelps from his position. Adriana Navarro notes that the crude and ignorant defence of General Pinochet in the NSW parliament had forced many of the "the thousands of Chileans in NSW who carry the scars of those horrifying times" to "relive those horrible days".

The Member for Derrimut joins these Australians in calling for Dr Phelps to give an unreserved apology to those who suffered under the cruelties of the Pinochet regime, their families and the Australian public. The Member for Derrimut calls for the NSW Premier to condemn these remarks and to reassure the Australian public that his government is not only repulsed by this crude defence of the violent dictator, but also repudiates Dr Phelps' statement entirely.

Over the next few months there will be an ongoing and relentless campaign within Australian parliaments to condemn those atrocious remarks made by Peter Phelps MLC. The Member for Derrimut is confident that Australians who value human rights and democracy will not stand for the use of our parliaments to justify horrific acts of torture and violence.