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Chile will Modify Pinochet's Constitution: Blow to Sebastián Piñera

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It will be the first time in world history that a Constitution is drawn up equally between men and women.

Undoubtedly, the popular protests that began a year ago against the government of Sebastián Piñera made it possible to carry out the three times suspended national constitutional referendum, in which the people, for the first time since 1973, openly expressed their rejection of dictator Augusto Pinochet and his followers, when deciding to modify the Constitution drawn up by the shrewd leader in 1980.

Likewise, the people chose which body should draft the document, if a purely constitutional one or a mixed one, choosing the first option, which will be made up of legislators who are elected in future elections, and not by those already established, which have no moral value.

After accounting for 97.11% of the polling stations -with irreversible results- 78.27% of voters approved the annulment of Pinochet's Constitution and only 21.73% supported its continuation, while 79.05% preferred the integration of a consultative convention and 20.95% chose the mixed one to prepare the document.

After the unquestionable win of democracy in Bolivia - unthinkable and difficult -, Chile constituted a new advance on the right path, although now we will have to see how the Magna Carta project is developed, taking into account that Piñera and the ruling class will try to keep the bonuses neoliberalism gives them, distorting the wishes of those who want the rights of all Chileans to be respected.

Anyways, the will of a people that needs to get more united was stronger, to break the myth of invincibility of the neoliberal power enthroned in the South American country by the heirs of Pinochet, who disrespect fundamental human rights, such as health, education, and life.

The Piñerista regime continued to use the new tactic of infiltrating the demonstrations with police officers ready to stir violent scenarios and facilitate the repression exercised by the police, while "justice" has kept in prison dozens of people for a year, and acquitted almost all police officers who caused dozens of deaths and disappearances, as

well as hundreds of wounded, many of whom were permanently left blind by the impact of tear gas.

So, I reiterate, we must remain vigilant so that the right people are chosen to draft the new Constitution, free from the influence still exerted by the regime imposed by the Empire.

In this regard, Piñera is trying with a delegitimized congress and political parties to approve a similar law, apart from the Magna Carta, to maintain the repression of those who oppose the neoliberal system, and all under the false pretext of fighting a terrorism that only his governance exercises, also guilty of the negligence that has placed Chile on the list of nations most stricken by COVID-19.

## **ANTI-TERRORIST LAW**

Of all bad things inherited from Pinochet dictatorship, guilty of the extreme economic breach existing due to neoliberalism - the first in Latin America and the Caribbean, the antiterrorist law stands out.

Approved and promulgated by the Military Board in 1984 to persecute the armed resistance of groups like the Manuel Rodríguez Patriotic Front (FPMR) or the Movimiento de Izquierda Revolucionaria (MIR), it has been the target of criticism and objections from various international organizations, such as the Inter-American Court of Human Rights (IACHR) or the UN Human Rights Committee.

The norm hardens the sentences for crimes already established in the Penal Code (arson, homicide or kidnapping), even going so far as to double the sentences passed for them; it restricts access to precautionary measures and extends the periods of preventive detention that, in most cases, end in acquittals or reclassified sentences for petty crimes.

According to figures from the Judicial Power, between 2010-2016 there were 91 formalizations for crimes of "terrorist" nature, but only five of them met a conviction, which represents 5.5% of the total.

The text has never been renewed by any of the governments in the last 30 years, and recently it has been directed against the Mapuche communities in resistance, describing the acts of violence that occur in the area as terrorists.

"There's an effort by the State to govern for landowners and the wealthy, who are the usurpers of the Mapuche territory. At present what they advertise is more criminal populism to challenge the conflict between the Mapuche state and people with more punishment, but it has been proven throughout the world that political problems are not resolved in this way," criticizes lawyer Rodrigo Román.

Those who oppose the law and its reform proposals assure that the story of terrorism is built with the objective of destroying the indigenous struggle and the territorial recovery of the Mapuche people, who in the late 19th century witnessed how the Chilean State snatched away their lands to give them to European whites in the so-called "Pacification of La Araucanía."

"The presentation of this announcement was made in a region where there's a conflict between the Mapuche people and the Chilean State a fact that gave a direct connotation to the Mapuche people," says the Christian Democrat senator and former governor of the region, Francisco Huenchumilla.

Among the most questioned points contemplated in the Executive's proposal are the use of undercover agents, protected witnesses, and the definition that terrorist crimes can also be committed individually and not only by organized groups.