

The Crime of Sedition in Chile

Sedition is regulated both as a common and a military crime. As a common crime it is established in article 126 of the Chilean Penal Code, right after the regulation of the more serious crime of rebellion (art. 121).

Art. 126, Chilean Penal Code: Those who publicly rise with the purpose of, preventing the enactment or execution of the laws or the free holding of a popular election, limiting the exercise of the attributions of any of the Constitutional Powers, forcing decisions through coercion, or exercising acts of hatred or revenge in the person or property of any authority or their agents, or in public property or in the property of any public corporation, will be punished with minor reclusion, minor confinement or estrangement.

As a military crime it is established in article 272 of the Military Justice Code.

Art. 272, Chilean Military Justice Code. The military who, in a group of four or more, refuse to obey the orders of their superiors, make complaints, or demands in a disrespectful or tumultuous way, or who resist to comply with their military duties, will be punished as responsible for sedition or mutiny.

The penalty depends on rank and context. It is one of the few crimes in Chile where the death penalty can still be applied when the crime is committed in times of war, in front of an enemy and has a deadly result.

It is important to note, that there are a series of offenses that are directly connected to sedition and rebellion, which are established in articles 4 and 5 of the Law for the Internal Security of the State (Law 12.927). This is considered a highly illegitimate law. It was first established in the late 50's to repress the expression of certain political ideologies or agendas, in particular, communism, and was later expanded in 1975 by Pinochet's dictatorship as a tool to repress political opponents. Consequently, it has not often been used since the end of Pinochet's dictatorship. However, it has been applied in some cases related to the "Chilean Social Unrest" of 2019 (Chilean Estallido) and in the so called "Mapuche Conflict."

(via Rocio Lorca Ferreccio, Sept 2023)