

UK High Court rules in favour of Pinochet

Our correspondent
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Britain's High Court in London upheld former Chilean dictator General Augusto Pinochet's claim to enjoy diplomatic immunity. Lord Bingham, the Lord Chief Justice, said that, 'The applicant is entitled to immunity as a former head of state from the criminal and civil process of the English courts'.

The ruling does not mean he will be freed immediately. Bingham said that Pinochet should remain in detention 'pending the termination of any appeal against this decision'. It is expected that an appeal will go to the House of Lords, which functions as Britain's most senior court.

Pinochet faces extradition at the request of Spanish judge Baltasar Garzon, who is investigating allegations of murder, torture and kidnapping relating to more than 4,000 political killings during his 1973-1990 rule. During the High Court hearing, Pinochet's lawyer, Clive Nicholls, QC, argued that arrest of a former head of state was not legally justified and both the original warrant and a second warrant from Spain were 'fatally flawed'. He further argued that a United Nations court would be the proper forum to take action against Pinochet, as a British court had no power to intervene in internal matters regarding Chile.

An extradition request from Switzerland has also been received and one from Sweden is expected. Chilean exile groups have also called for Pinochet to face charges in Britain after several victims of the military dictatorship made an appeal to Attorney-General John Morris under the Criminal Justice Act 1988. This allows for prosecutions of those charged with torture and hostage-taking, irrespective of where the acts took place. Nevertheless, the decision reflects the desire of wide layers of the British establishment to see Pinochet allowed home.

While the High Court hearing was underway, Foreign Secretary Robin Cook told parliament that politicians must not be seen to be influencing the law regarding

Pinochet's arrest. With utmost piety, Cook declared that, the 'due process of law must be carried out and not warped to fit anyone's political agenda... One of the very important founding stones of democracy is the rule of law and the clear principle that politicians should not decide who is arrested and who is not arrested. It is that principal we are upholding in Britain.'

A parliamentary motion supporting Pinochet's arrest and backed by 75 MPs was refused a hearing on the grounds that the issue was subjudice and that, 'the judiciary and the courts remain and are seen to be free from political pressure.'

Behind this smokescreen of parliamentary impartiality and the 'rule of law', the Labour government is desperate to wash its hands of Pinochet. Just weeks ago, Britain endorsed the US bombing of the sovereign state of the Sudan, while Labour has repeatedly called for the summary arrest of Serbian leaders Milosevic and Karadjic for war crimes, irrespective of their claims to immunity. What concerns them are the repercussions a trial of Pinochet would have. Such a court case would inevitably raise questions regarding the support for Pinochet's coup by Britain and its main ally, the United States. Moreover, the issue has already proved damaging to powerful commercial interests, most notably the armaments industry, with the suspension of a £60 million contract to supply warships to Chile.

See Also:

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