

# Government crisis in Spain over Pinochet arrest

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24 October 1998

The Spanish government has been plunged into a political and judicial crisis following the arrest of Chilean ex-dictator Augusto Pinochet. Prime Minister Aznar expressed the hope that his government would not have to take a decision on Pinochet's extradition to Spain to be prosecuted for genocide and torture of Spanish nationals.

Aznar has distanced himself from the decision of National Court Judge Baltasar Garzon to proceed with the case. The line being put forward in diplomatic circles is that the Spanish executive does not support the judge's actions, but there is little they can do to stop it. However, if Pinochet's extradition is agreed to in Britain, the Spanish government will then have to decide whether to proceed with a prosecution.

News of Pinochet's arrest dropped 'like a bomb' at the seventh Ibero-American Summit taking place in Oporto, Portugal, attended by both Aznar and Chilean President Eduardo Frei. It overshadowed a carefully stage-managed meeting between Aznar and Cuban president Fidel Castro, scheduled to precede the summit as a symbol of the normalisation of relations between Madrid and Havana. Aznar hopes Castro will open up Cuba to Spanish investors.

The summit was attended by the heads of many Latin American governments, themselves the product of so-called peaceful transitions from dictatorships to democracy. In statements made after Pinochet's arrest, Aznar called for caution because Pinochet's 'prosecution could inhibit other dictators from smoothing the road to democracy.' He asked for 'respect', 'prudence' and 'responsibility' towards justice, towards Chilean democracy, and, in particular, towards Frei.

Aznar stated that when settling accounts, it was necessary to find what was 'most efficacious', since 'the

eagerness to bring dictators to justice for abuse of power may put lives at risk in other countries where dictatorships still survive.'

Other heads of state at the summit agreed with Aznar. In what was taken to be a reference to Cuba and Fidel Castro, Perez Balladures, the president of Panama, added, 'Faced with a case like this, some may start wondering if they are the next in line, and stop the processes of democratisation.... We have to find what is best for the majority of people, which means not sending messages to dictators that may worsen the possibility of them giving up power.'

The influential Spanish newspaper *El Pais* wrote on October 21: 'The unfortunately indisputable fact that the perpetrators of genocide and the torturers avoided the courts in post-dictatorial Spain should not be bandied about as an argument to prevent Pinochet [a confessed disciple of Franco] being prosecuted today.'

Prime Minister Aznar himself is a beneficiary of the 'peaceful transition' that took place in Spain after the death of General Franco, and which provided an amnesty to the fascists. Aznar's own government contains descendants of members of the fascist regime, whose record of genocide, torture, murder and disregard for democratic rights even surpassed that of Pinochet. Neither Franco nor any of his henchmen were ever made to pay for their crimes. The Pinochet affair threatens to reopen such 'old wounds'--a prospect which sends a tremor through the Spanish ruling class.

Judge Garzon's case for the extradition of Pinochet will be heard next week in the Spanish courts. The Chief Prosecutor at the National Court, Eduardo Fungairino, has come to the aid of Pinochet. This should come as no surprise, since he vigorously defended the *coup d'état* in Chile. Fungairino said the coup was purely 'the temporary replacement of the

established judicial order' in order to 'rectify the deficiencies of the constitutional order in maintaining public peace.'

Many of Pinochet's juridical measures were incorporated into the 1978 Spanish Constitution, particularly those dealing with states of emergency and the imposition of martial law.



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