

House of Lords upholds Pinochet's extradition

Chris Marsden
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Britain's House of Lords has ruled that as a former head of state, the ex-Chilean dictator Augusto Pinochet does not have 'sovereign immunity' from prosecution on charges of murder, torture and genocide.

After six days of deliberation, the 3-2 judgement by a panel of Law Lords overturned the October 28 High Court ruling that the dictator was 'entitled to immunity as a former sovereign from the criminal and civil process of the English courts.' Lord Slynn and Lord Lloyd ruled in favour of Pinochet, but Lords Nicholls, Steyn and Hoffman endorsed the appeal by the Crown Prosecution Service on behalf of the Spanish authorities seeking his extradition.

Outside Parliament and the exclusive clinic where Pinochet and his family are ensconced, the news was greeted with elation by demonstrators, many either themselves victims or relatives of the disappeared.

Leticia Sabimana told reporters from the *World Socialist Web Site* how three of her work mates had disappeared during Pinochet's rule, and how her father and cousin were tortured. 'It is a victory. All I can think about is what the families of Pinochet's victims must be feeling. This is not just a victory for Chile, but for all humanity.'

Ana Maria Perez said, 'The result was just. It is the beginning of the struggle against all crimes against humanity. There will be problems in Chile. The right wing will not accept this position and they will move against those who are celebrating. Chilean people in the past did not dare do anything, but now they have been strengthened.'

Marcela Blaza said, 'I am overjoyed for all the people who have died and suffered. At least this is a little bit of justice. Pinochet is the head, but there are still a lot of torturers in Chile to be dealt with.'

Mabelle Borgha from Peru explained, 'The decision gives us all hope that these people all over the world who are committing tortures and crimes will not be

received as VIPs. It will give confidence to people in other Latin American countries to fight against assaults on human rights. Now we know the way, we will go after the others.'

In the Chilean capital of Santiago and in Spain there were similar scenes of jubilation. In contrast, right-wingers in Chile physically attacked domestic and foreign reporters, denouncing them as 'sons of whores!' Pinochet's supporters will now mount a political campaign against extradition to Spain, whose warrant takes precedence over similar requests from Switzerland, France and Belgium.

It remains uncertain, however, whether any prosecution will go ahead. The final decision is in the hands of Britain's Home Secretary Jack Straw, who has the right to decide whether or not to accept Spain's extradition warrant and issue an Authority to Proceed under the Extradition Act of 1989. If he decides not to proceed, Straw will have to cancel the arrest warrant and order Pinochet's release from custody. A Bow Street magistrates' court earlier charged that Straw's decision must be made by December 2, the day Pinochet is scheduled to appear at a preliminary court hearing.

The Chilean government immediately said that it rejected the House of Lords verdict and pledged to do everything possible to secure Pinochet's release. It is sending its foreign minister to London and Madrid. But the Labour government in Britain and the right-wing Popular Party government in Spain both initially refused to make any comment. This reflects the explosive character of the political issues raised by Pinochet's arrest and possible trial.

Pinochet's bloody 1973 coup was conducted under the direction of the American CIA and actively supported by Britain and Spain. During both the High Court hearing and the House of Lords appeal, Pinochet's lawyers repeatedly raised the implications

his arrest had for other heads of state. They concentrated on the possibility that others, such as former British Prime Minister Margaret Thatcher, could face arrest in hostile Latin American countries, but also noted the long history of friendly relations between Chile and Britain throughout Pinochet's rule.

What remained unstated at that time was the fact that Pinochet was not acting alone. If a prosecution were to proceed, both defence and prosecution lawyers could raise the central role played by the US government in the repression in Chile, including figures such as then-National Security Adviser Henry Kissinger.

Pressure will grow for the US to release its secret files on the 1973 coup and the murder campaign against leftists throughout Latin America known as 'Operation Condor'. Calls have already been made for the mass of American documents that remain classified or have been released only in a censored form to be published. For this reason, a prosecution mounted against Pinochet could become transformed into a trial of the major imperialist governments *in-absentia*.

Margaret Thatcher expressed this best, when, in the midst of an entreaty for 'compassion' for the 'old, frail and sick' senator-for-life, she added, 'the national interests of both Chile and Britain would be best served by releasing him.'

Pinochet has never been prosecuted in Chile because of the amnesty provisions included in the country's so called 'transition to democracy'. A pretence of constitutional legality was pasted over a society characterised by extremes of wealth and poverty, in which a ruthless police-military apparatus still retains extraordinary power. None of those responsible for fascist terror against the Chilean people has been brought to justice.

If Chile's 'transition to democracy' were placed in question, it would have repercussions for many other Latin American countries where similar transitions were made, such as in Argentina. Moreover, Spain provided the model for this type of transition itself. A new constitution was drafted in 1978, backed up with a 1977 amnesty law, that protected the cohorts of the fascist dictator Franco--many of whom still play a leading role in the government, the state apparatus and big business.

An answer to Pinochet's defenders
[17 November 1998]

Interview with the general secretary of the Association of the Relatives of the Arrested & Disappeared in Chile:

'The principle of justice and human rights has to be rescued'

[12 November 1998]

Political lessons of the Chilean coup

[Statement issued by the Fourth International on September 18, 1973]



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