

# British Home Secretary considers fresh charges against General Pinochet

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Home Secretary Jack Straw this week began hearing arguments for and against the extradition of the former Chilean dictator Augusto Pinochet to Spain on charges of murder, torture and other crimes.

Straw has until April 15 to decide whether to uphold his December decision to allow the extradition to proceed. This follows the 6-1 verdict by the Law Lords on March 25 that Pinochet did not have blanket sovereign immunity from prosecution as a former head of state. The Law Lords ruled that he was, however, immune from extradition for any crimes committed before December 8, 1988, when the International Torture Convention entered into British law. This legal technicality significantly weakened the case against Pinochet. Although Spain has charged the general with murder, torture and hostage-taking affecting over 3,000 left-wing and socialist opponents during his 1973 coup, only 32 specimen charges were contained in the original extradition warrant. The latest Law Lords ruling has since reduced these charges to just two, and strongly recommended that Straw review his original decision in light of this. The Home Secretary pledged, in turn, to reconsider the case and hear submissions "with a blank sheet of paper".

Since then Baltasar Garzon, the Spanish judge seeking Pinochet's extradition, has expanded his existing warrant against the former dictator. He has lodged details of 43 new cases of torture and conspiracy to torture dating from after 1988 with the Crown Prosecution Service in London. Garzon had immediately added a further 32 cases of alleged torture committed after 1988 following the recent Law Lords ruling, and a further 11 have been appended this week. The new cases, of which no further details are yet available, are to be studied by British lawyers to see if additional draft charges can be levelled against

Pinochet.

The New York-based Human Rights Watch reported that it had also written to Straw listing 111 cases of torture carried out in the 18-month period from October 1988 to March 1990. Of these, 41 people were given electric shocks, while 12 died after torture. At least 42 of the torture victims were arrested for political reasons, the group said. HRW advocacy director Reed Broody said in a statement, "By 1988, it was much less necessary for general Pinochet to use torture to maintain political control in Chile. But the repressive apparatus he set up was still intact, and torture was still used when they felt they needed to use it."

Human Rights Watch, which was authorised by the House of Lords to take part in the extradition case, has also told Straw that Britain is obliged to either extradite Pinochet or prosecute him in Britain. The key aim of the torture convention was to deny a "safe haven" to those accused of crimes against humanity, the group said in a letter to Straw.

Lawyers acting for the prosecution have said that, should Straw refuse to authorise a fresh extradition process against Pinochet, the case would automatically be referred to the Crown Prosecution Service to decide whether he should be prosecuted for human rights abuses in Britain. The CPS have said that this decision would be based on the amount of evidence against the former dictator and whether it was in the public interest to prosecute him. However, any CPS decision would have to be agreed by the Attorney-General John Morris, appointed by the Labour government. Last year he had already ruled out a private prosecution of Pinochet over the 1975 disappearance of a British businessman in Chile.

The Chilean government, in its submission to Straw, has urged the Home Secretary to return Pinochet home.

It claims that it is possible for the general to stand trial in Chile for human rights abuses due to a recently uncovered "loophole" in the country's amnesty law--the amnesty law is said to only cover the period between 1973 and 1978. However, significant sections of the Chilean establishment, particularly the military, have made clear their complete hostility to any action against the former dictator.

Even if the Home Secretary upholds the extradition warrant, a long legal battle remains ahead. Pinochet's lawyers have already been granted the power to challenge Straw's decision.



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