

Britain's Home Secretary allows extradition case against Pinochet to proceed

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Home Secretary Jack Straw has ruled that former Chilean dictator Augusto Pinochet cannot go free. He gave permission for Spain's extradition request to proceed. The general faces accusations of torture during his last two years in power between 1988 and 1990.

Spain's High Court judge Baltazar Garzon originally sought Pinochet's extradition on charges of genocide, terrorism and torture dating from his 1973 military coup against the government of Salvador Allende. But the House of Lords, Britain's highest court, drastically reduced the number of charges against Pinochet three weeks ago. The Law Lords ruled that UK law did not cover allegations of torture abroad, before it adopted an international torture convention in December 1988, and murder was not an extraditable offence to a second country under British law.

In reaching his decision, Straw said he had considered Britain's national interest, Pinochet's age and health and the impact of a trial on political stability in Chile, but decided there were insufficient reasons to justify rejecting the extradition request. He explained that the Spanish request was well founded as a matter of Spanish law and had been made in good faith.

Reaction amongst Pinochet's right wing defenders was furious. Shadow Conservative Home Secretary Sir Norman Fowler said Straw had missed an opportunity to end this "sorry affair". Former Tory Home Secretary Kenneth Clarke said, "It's bad for the democratic settlement in Chile and it's bad for our relations with Chile, which is a friend of Britain." Neither will the ruling please former US President George Bush, who earlier this week had urged Pinochet's release. In a letter to Lord Norman Lamont, former Chancellor of the Exchequer in the Thatcher government, Bush described the case against Pinochet as a "travesty of justice". The Dalai Lama, the exiled Tibetan leader,

also called for forgiveness for Pinochet while on a visit to the Chilean capital, Santiago.

Pinochet will not be sent immediately to Spain, however. His defence team still has several legal avenues left through which to wage a fight against the extradition. Backed by the millions collected from reactionaries around the world, the case could stretch out for years. The worst the general faces is an unexpected retirement in his luxury residence on the Wentworth estate, Surrey.

The full hearing of the case at Bow Street Magistrates court -- which Straw's decision allows to proceed -- was adjourned until April 30. On that date, Pinochet's legal team will argue that as only two charges of torture and conspiracy to torture remain from the original warrant he should go free.

Straw ruled that Pinochet does not have immunity from extradition in respect of these offences and does not have diplomatic immunity. Subsequently, judge Garzon sought to add 40 additional cases of torture that occurred during the last two years of Pinochet's rule. But Straw did not consider these additional cases in his ruling. Despite this, Garzon expressed "moderate satisfaction," with Straw's decision, "although there still remains a long process to go through".

See also:

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