Pinochet extradition hearing told of torture and murder

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The long-delayed extradition hearing for former Chilean dictator General Augusto Pinochet got under way at Bow Street Magistrates' Court in London yesterday. The police separated rival demonstrations that assembled outside the court.

The Crown Prosecution Service (CPS), representing Spain, gave details of the electric shocks, beatings, burnings and torture inflicted by the Pinochet regime. The CPS presented a five-page indictment detailing the 35 charges and incidents of torture on named individuals, and a single charge of conspiracy to torture. During Pinochet's 17-year dictatorship following the 1973 coup, thousands were killed or disappeared. The limiting of specific charges to 35 is the result of Britain's Highest Court, the Law Lords, ruling in March that Pinochet could only face charges dating from December 1988, when Britain, Chile and Spain had all ratified the international convention on torture.

The 35 instances of torture were carried out in Pinochet's name as commander in chief of the Chilean army, said Alun Jones, QC. They are “some of the most serious allegations of crime ever to come before the English criminal courts", he added. They included "inflicting severe electric shocks causing the eventual death" of Wilson Fernando Valdebenito Juica on December 15, 1988, and repeatedly beating Dolores Paz Cautivo Ahumada and threatening to rape her sister.

The conspiracy charge accuses Pinochet of arranging, with others, between 1988 and 1990 to target people "you believed or suspected would pose a threat to the lives, safety, occupations, political positions, comforts and beliefs of yourself and other members of the conspiracy". Victims would be abducted, and some killed and tortured so that "pain, suffering, harm and murder would be inflicted by public officials operating in a hierarchy of military or other state authority commanded by you". Torture was intended to "extend to such pain and suffering as—through the accounts of survivors and rumour—would terrify and subdue people who might otherwise be disposed to criticise or oppose you". The disposal of bodies in secret caused "severe mental pain, suffering and demoralisation" to the victims' families.

Jones said, “We are not here to determine whether Pinochet is or is not guilty of these charges and we are not here to determine whether or not there is evidence of his guilt. Your limited function under the European convention on extradition is to determine whether he is accused of these extraditable crimes."

The process leading to the extradition hearing has taken almost a year, since Pinochet was first arrested after Spanish Judge Baltazar Garzon called for him to stand trial in Spain for human rights abuses. Pinochet, who is 83, is under armed police guard at his rented mansion in Surrey. He was arrested on October 16 last year, while recovering from back surgery at a London clinic.

In March, the House of Lords ruled that General Pinochet was not entitled to immunity as a former head of state, but that charges must be restricted to events after 1988.

The Deputy Chief Metropolitan Magistrate, Ronald Bartle, will hear the case over five days, during which time Pinochet will not be in court. He must, however, be present for Bartle's judgement, which is expected to be given later. After this, Home Secretary Jack Straw will be entitled to consider whether Pinochet can still be released on supposedly humanitarian grounds, due to his age and health. The final stage could be an application for judicial review of Straw's decision and

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the process could still take two years. Amnesty International has called on Scotland Yard to make public whether it intends to independently investigate torture allegations against Pinochet so that, if the extradition case fails, he could be prosecuted in Britain.

Pinochet's right-wing supporters in the Conservative Party have made several recent moves to block his extradition. In Britain they have argued strenuously for him to be sent home on health grounds. The Murdoch-owned *Times* newspaper this month alleged that Pinochet had suffered a stroke, which has left him bedridden for more than two weeks. The Home Office was later forced to publicly refute claims by former Conservative Party Chancellor (Lord) Lamont that the Blair government had itself proposed a deal to send the general back to Chile. A story in the *Daily Telegraph* said that Foreign Secretary Robin Cook had told his Chilean counterpart, Juan Gabriel Valdes, at a meeting of the United Nations in New York that if Pinochet's lawyers abandoned their fight against extradition he would be released on health grounds.

In Chile, the government has made several high-profile diplomatic moves. In a speech to the United Nations General Assembly, Valdes denounced “foreign judges” for claiming jurisdiction over matters that should be dealt with by Chilean courts. Around 100 right-wing supporters were dispatched from Chile to make up the pro-Pinochet protest outside Bow Street. Chile also recalled its ambassador to Spain and said it was rethinking relations with the country. This followed the rejection by the Madrid government of Santiago's proposal for international arbitration to decide who has jurisdiction in the Pinochet case.

This was followed by a failed attempt by Madrid prosecutor, Pedro Rubira, to secure Pinochet's freedom. He opposed maintaining the detention order on the dictator, saying Spanish justice is not qualified to judge the case against the former Chilean head of state. But Spanish judges ruled September 24 that Pinochet does not have immunity from prosecution and that judge Garzon did have the right to seek his extradition. Valdes gave an interview to the Spanish newspaper *El Pais* this weekend, in which he claimed that a long extradition battle could have a "fatal outcome" for Pinochet due to his health.

Bartle, the magistrate hearing the case at Bow Street, is a former Tory parliamentary candidate and member of the Royal Society of St. George, whose vice president is Baroness Margaret Thatcher, the former Conservative prime minister, who has led the campaign on behalf of Pinochet. The society is dedicated to "England and Englishness".

Bartle stood for the Conservatives in the Islington North by-election in 1958 and the general election of 1959. During his 1959 election campaign, he campaigned for English people to be given priority over immigrants in public housing. He has written that the police are "doing the work of God". Eight years ago, he was responsible for dismissing criminal charges against three Surrey detectives accused of fabricating notes of interviews with one of four men jailed for life for the IRA's Guildford pub bombings. His ruling was overturned and the officers eventually went on trial, but were acquitted.

The decision to place the case before him is extraordinary, particularly given that the Law Lords set aside an earlier judgement that Pinochet should be extradited, after Lord Hoffmann, one of the five who reached the decision, failed to disclose his close links with Amnesty International. One difficulty is finding a judge who does not have connections with pro-Pinochet political forces. Graham Parkinson, the Chief Stipendiary Magistrate, was to have heard the proceedings, but declined. He was vice-chairman of the Executive Committee of the Society of Conservative Lawyers from 1978 to 1982.

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