

Pinochet extradition verdict expected October 8

Mike Ingram
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A four-day court hearing to decide the immediate fate of former Chilean dictator Augusto Pinochet concluded yesterday morning.

The hearing at London's Bow Street Magistrates Court was the result of an extradition request by a Spanish judge, and the subsequent arrest of Pinochet following a visit to a private health clinic one year ago.

Speaking at the end of the extradition hearing in London, Magistrate Ronald Bartle said he would deliver his judgement October 8 on whether Pinochet could be extradited to Spain. Lawyers acting for the former dictator will almost certainly appeal if the decision goes against him.

In the closing hours of his legal arguments, Pinochet's lawyer, Clive Nicholls, said the court must decide if the charges against Pinochet actually amounted to torture. "Some dreadful things have been described during the course of the hearing ... acts of barbarism which no person could ever approve of," he said. Pinochet's defence rested, however, on the claim that these "acts of barbarism" were not torture.

Another member of Pinochet's defence team, Julian Knowles, had earlier argued that a 17-year-old's death after being given electric shocks was "a simple case of police brutality which continues in Chile 10 years after democracy, in Spain, and to some extent in the United Kingdom."

"Every Western democracy has complaints of brutality against the police," he said.

Alun Jones, the British lawyer representing Spain, countered by pointing out that the man had burns on his entire body and had suffered a severe beating. "One has to only think about it for a moment," he said. To say this was not torture was "just absurd", Jones said, and pointed out that in other cases people had been bent double in tight spaces for several days. "Surely, surely

that is an allegation of torture."

The Bow Street hearing was not charged with determining the guilt or otherwise of Pinochet, but had to decide if there was sufficient evidence against him to uphold the request for extradition to Spain.

Throughout the year-long case, Pinochet has based his defence upon a warning that a similar fate could fall upon other heads of state, and that, in their own interests, if not his, Pinochet's claim to immunity as a head of state should be upheld.

Taking this implicit threat to a new stage, Pinochet's lawyers claimed that the charges he faced could be compared to the European Court of Human Rights' condemnation of methods used in Britain's 1971 "Operation Demetrius" in Ulster.

Operation Demetrius was one of the most noted instances of Britain's oppression of Ireland. In a single morning 342 people were arrested. The oldest was a 78-year-old Belfast man and the youngest was four-year-old Maria Davey from Maghera.

Internees were subjected to a form of interrogation in which brutal beatings were supplemented with sensory deprivation techniques. The victims were denied sleep, food and water, and were forced to stand with their arms and legs outstretched while leaning against a wall. In this position, they were hooded and subjected to prolonged periods of "white noise".

While the European Court condemned these acts as inhuman and degrading treatment, it rejected the argument that they amounted to torture. Pinochet's lawyer Nichols argued that many of the charges Pinochet faced also amounted to "inhuman and degrading treatment", but stopped short of torture.

The defence was assisted in this argument by the fact that the magistrate hearing the case, Ronald Bartle, had in the early 1990s dismissed cases of police malpractice

concerning Irish Republican Army suspects.

If Pinochet is raising comparisons with Ireland in a British courtroom, there is little doubt that, should he be sent to Spain, his lawyers will raise similar arguments over events that occurred under General Franco's 36-year dictatorship.

In the event that Pinochet's extradition is upheld, the Spanish government is taking measures to prevent a trial of the former dictator on Spanish soil. Foreign Minister Abel Matutes has welcomed Chile's announcement that it will take the case to the International Court of Justice in The Hague before the end of the year.

"The whole world agrees that Senator Pinochet must be judged. The tribunal at The Hague ... is the international court that should rightly decide whether the Spanish judiciary has jurisdiction over this case or not," Matutes told reporters. Spanish government sources say Prime Minister José Maria Aznar would welcome any effort to block Pinochet's extradition and prevent further damage to Spain's relations with Chile.



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