

British court rules Pinochet extradition to Spain can proceed

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A British court has once again ruled that former Chilean dictator General Augusto Pinochet can be extradited to Spain to stand trial on charges of torture and other human rights abuses.

Last week Deputy Chief Stipendiary Magistrate Ronald Bartle heard four days of legal arguments for and against the proposed extradition. Yesterday morning he told London's Bow Street Magistrates Court he was satisfied that "all the conditions are in place which oblige me under the terms of the Extradition Act 1989 to commit Senator Pinochet to await the decision of the Secretary of State". This means that he can now be extradited to Spain to answer 34 charges of torture and one of conspiracy to torture. His lawyers now have 15 days in which to appeal.

The ruling follows a year-long legal battle since the general's arrest while undergoing medical treatment in London last October. His detention was upheld last March by the House of Lords, which functions as Britain's highest court, but charges against Pinochet were limited to those dated after December 1988, when Britain signed an international torture convention. In response, Spanish judge Baltasar Garzon added more post-1988 charges to the two contained in the original warrant.

Judge Bartle rejected the argument of Pinochet's lawyers that only the two original charges could be considered. He also dismissed their claim that some of the charges do not meet the international definition of torture, that Spain does not have jurisdiction on events in Chile, and that the general was not personally responsible for crimes committed by his regime.

Under English law, torture by a public official, committed anywhere in the world, is an offence contrary to section 134 of the Criminal Justice Act 1988, enacted pursuant to the Convention against

Torture of 1984.

Pinochet was excused from attending the hearing on grounds of ill health. Instead, his barrister Clive Nicholls QC read a statement proclaiming his innocence and saying that the decision was "politically motivated and being pursued clearly for political reasons".

At least 5,000 were killed by Pinochet's police and military forces in the 1973 coup that brought him to power. More than 3,000 people are admitted to have been killed or disappeared in the course of his 17-year rule, before he handed over power to a civilian government in 1990.

The limiting of charges against him to the final 14 months of his rule could not conceal the nature of Pinochet's regime. Even after the introduction of the 1988 cut-off, the charges against him included torture with electric shocks, beatings, burnings, suffocating, sexual abuse and threats of rape. Five of those tortured died as a result.

Pinochet does not face immediate extradition. He will remain under house arrest in Surrey, while his lawyers consider an appeal to the High Court. Following this, they could also take the matter back to the House of Lords. The final decision would then be made by Home Secretary Jack Straw and could take a further two years.

There are widespread rumours that Straw has given a secret undertaking to the Chilean government that, should Pinochet abandon his right of appeal, he would be freed on grounds of ill health and allowed home.

Whatever the eventual fate of Pinochet, the case has brought vital historical and political questions into sharp relief. It is well known that Pinochet came to power with the military and political backing of US imperialism and the CIA, and with the tacit support of

many of the European powers. No one within the ruling circles on both sides of the Atlantic was happy with the possibility of these facts being brought to public account in a trial of Pinochet.

The British Labour government was forced to detain him following the issuing of the Spanish extradition warrant, but he was visiting the country as an honoured guest in order to discuss arms contracts. His coup in 1973 was supported by the then-Conservative government, while the 1974-79 Labour government maintained relations with his regime.

In Spain there have been legal attempts to nullify Judge Garzon's warrant, while the government has repeatedly tried to reach an accommodation with Chile that would prevent a trial on Spanish soil. For its part, the United States supported Chile's contention that it alone should be allowed to determine Pinochet's fate.

Any plan to release him, however, would have proved seriously embarrassing for the governments concerned. His arrest coincided with the preparations for military intervention against Serbia, justified as a "moral crusade" against human rights violations by the Milosevic regime. Previously, similar humanitarian rhetoric was utilised to sanction war against Iraq.

In the Balkan War, moreover, the United Nations tribunal in the Hague was brought into play to indict Milosevic and thereby reinforce the propaganda campaign in support of the US-NATO attack. Both the war itself and the war crimes indictments against Serb leaders were justified on the grounds that the so-called "international community" can override claims of national sovereignty in order to stop "ethnic cleansing" and other human rights violations.

"Defence of human rights" has, in fact, become the preferred slogan for legitimising intervention by the imperialist powers all over the world. That is why neither the American nor European governments could be seen to openly excuse the atrocities carried out by Pinochet, or to accept his contention that national sovereignty precluded his being extradited and tried outside Chile.



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