

# Pinochet can go free, says Britain's Home Secretary

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Britain's Home Secretary Jack Straw has signalled his intention to halt extradition proceedings against ex-Chilean dictator General Augusto Pinochet. The 84-year-old Pinochet will then be free to return to Chile.

Since October 1998 Pinochet has been fighting extradition to Spain on 35 charges of torture and conspiracy to torture brought forward by Spanish Judge Baltasar Garzon. The pretext for halting the proceedings against him by the end of next week was provided by a medical report on Pinochet's health. The four doctors who examined him for six hours on January 5 claimed he was too ill to stand trial in Spain. The Home Office said the "unequivocal and unanimous" conclusion of the doctors was that Pinochet was "at present unfit to stand trial and that no change to that position can be expected".

Straw has given seven days to allow time for representations to be made by the Spanish and Chilean authorities. He need have no fears that there will be any opposition from either quarter to his release of Pinochet. The sigh of relief within the British government that they can now wash their hands of the Pinochet affair was echoed in Madrid and Santiago. The Spanish government was informed of Straw's decision in advance and said last night it would not make any move to force the extradition. The Chilean government said the decision confirmed its long-held view that Pinochet was too ill to stand trial.

Other interested parties can also make representations to Straw, and anti-Pinochet campaigners have called for a judicial review of any decision to halt the extradition proceedings. But Straw has refused to allow anyone to see the medical report, making any effective legal challenge a near impossibility. Juan Garces, a Spanish lawyer who represents families of the disappeared, said, "The medical examinations are closed to us.... We are blind on this point."

The news provoked outrage and dismay amongst those seeking Pinochet's prosecution for the torture and murder

of thousands of workers and socialists during and after the 1973 coup that he led against the government of Salvador Allende. Marsella Pradenas, who was raped and tortured by the Chilean secret police as a teenager, said: "I can't believe this news.... To think this man might go free to die in peace makes me want to vomit."

Pinochet's right-wing supporters in Britain hailed Straw's announcement. Former Conservative Prime Minister Margaret Thatcher, who has led the campaign for his release, said, "I would trust the Home Secretary's judgement. He is a very fair man."

Others could not resist gloating at the Labour government's expense. Former Conservative Home Secretary Michael Howard said, "It is a pity Jack Straw did not ask for these reports months ago and reach the same conclusion months ago." Conservative MP Gerald Howarth said, "It has been a despicable act for a friendly country to have incarcerated their former head of state over this period of time."

Such attacks on the government from supporters of the former dictator are entirely unwarranted. Labour never desired Pinochet's detention. He was in Britain as an honoured guest to discuss arms contracts when the extradition warrant first landed on Straw's desk. The government has sought an excuse to release him ever since.

A trial in Spain could well have raised many awkward and long-suppressed historical questions before an international audience. The transition to civilian rule in Chile in 1990 provided an amnesty for Pinochet and his fellow military criminals. But bigger fish than Pinochet were let off the hook by the failure to bring his former junta to justice.

His regime was brought to power with the active assistance of the American CIA and military intelligence, and \$8 million was provided by the Nixon administration to destabilise Allende's government. Pinochet's police

state was supported by the West as a bulwark against social revolution in Latin America.

The argument advanced by the right wing against trying Pinochet focused on the danger that the so-called reconciliation process in Chile would be undermined and the country destabilised. But the concern went beyond the borders of Chile. If that country's "transition to democracy" were brought into question, it would impact many other Latin American countries as well as post-Franco Spain, where a similar political shift was engineered that left the old repressive apparatus intact.

The US made clear from the start that it wanted Pinochet to go free, and no doubt exerted maximum pressure behind the scenes. The Chilean *Concertacion* Coalition Government and the Socialist Party have defended him. The Spanish government is led by the Popular Party, which originated in Franco's Falangist movement. It did not support Judge Garzon's initiative, considering it an embarrassment.

However, Britain could not easily release Pinochet for two main reasons. First, there was a widespread desire amongst working people to see him brought to justice. Second, to free Pinochet would have undermined a key aspect of British foreign policy.

The main legal argument advanced by Pinochet against his extradition was that he enjoyed sovereign immunity as a former head of state. To accept this would have cut across the justification for Britain's war drive in Kosovo and future plans regarding Iraq and other countries. At the time of Pinochet's arrest, Prime Minister Blair had been arguing aggressively that his new "ethical foreign policy" allowed for the major powers to ignore questions of national sovereignty and directly intervene in the affairs of countries charged with human rights abuses. To let Pinochet go while calling for the overthrow of Saddam Hussein and Slobodan Milosevic for crimes against humanity would have compromised Blair's war propaganda. The British Law Lords rejected Pinochet's sovereign immunity defence.

The pro-Labour *Guardian* newspaper had hailed both the decision to prosecute Pinochet and the subsequent war against Serbia as a "new era in human rights". After the war against Serbia had been fought and won, however, the *Guardian* changed its tune on Pinochet. Last October, senior political columnist Hugo Young wrote an article entitled "Pinochet's Arrest Created a Precedent in International Law. Now Let Him Go". He argued: "The sick old Chilean has served his purpose. The judges did their work, and its consequences will endure.... The

judiciary are the heroes of this story, and their work is done. If the politician [Straw] now made a political decision, he would no longer be undermining it. Just resuming normal service."

Many people naively placed their faith in the British judiciary to bring Pinochet to justice and were encouraged to do so by the Chilean Communist Party and elements within the Socialist Party. The outcome once again exposes the false and ultimately disastrous implications for working people of the politics of Stalinism, which promotes the myth that social justice can be achieved in and through the institutions of the capitalist state.

Despite the legal and political difficulties for capitalist governments in Chile, the US, Britain, Spain and elsewhere arising from the arrest of Pinochet, in the absence of a mass, politically independent movement of the working class, the ruling circles have been given a free hand to fashion a resolution that suits their purposes. The imperialist powers will now seek to selectively use the "defence of human rights" as a pretext to intervene against nations and governments which they consider obstacles to their global ambitions. As in the Kosovo War, they are aided by various liberal organisations which uncritically accept the notion that the great powers and their creations, such as the United Nations, can be entrusted with the defence of democratic rights.

The imminent departure of Pinochet to Chile coincides with presidential elections, contested by the pro-Pinochet Joaquin Lavin and Socialist Party candidate Ricardo Lagos, who endorsed Pinochet's amnesty. In the first-round vote on December 12, the two ran neck and neck, forcing a runoff. Both have avoided any discussion of the issue of Pinochet and the period of military rule.



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