

Human rights groups attack decision to keep medical evidence secret

Britain poised to release Chilean ex-dictator Pinochet

Richard Tyler
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A Chilean jet arrived in Bermuda Wednesday, ready to fly to Britain and bring former dictator Augusto Pinochet back to Santiago. This is the third occasion since Pinochet's detainment 15 months ago that a medically-equipped plane has set out from Chile to retrieve the ex-military strongman. This time, however, Pinochet and his supporters are more confident the British government will give the green light for him to return home. Last week, British Home Secretary Jack Straw said he was "minded" to halt extradition proceedings against Pinochet on medical grounds.

Straw had set a deadline of 5 p.m. Tuesday for representations against his intention to quash the extradition process, but declined to make the findings of a four-man medical team that had examined Pinochet available to prosecutors or other interested parties. Chilean groups and human rights organisations supporting Pinochet's extradition to stand trial in Spain on charges of torture and other crimes angrily attacked Straw's decision to keep the medical evidence secret and his evident intention to release the general.

Human Rights Watch (HRW) has urged that the medical evidence upon which Straw will base his decision be made available to the Spanish authorities and others seeking Pinochet's extradition. In a letter to the Home Secretary, Reed Brody, HRW advocacy director, said, "The efforts of four states to prosecute General Pinochet for the most serious international crimes are being halted on the basis of secret evidence." He said this "violates the United Kingdom's legal obligations".

Brody said it was not enough for an accused merely to be sick or suffering from a long-term illness, even a potentially fatal one. "The thousands of people killed or

'disappeared' by General Pinochet's forces would have loved one day to become old and sick," he wrote. He insisted that if the accused had sufficient intellectual capacity to instruct his counsel, understand the evidence and testify, then the proceedings should continue.

HRW also cited the cases of Nazi war criminals Klaus Barbie, Paul Touvier and Maurice Papon in France. All were old men when they were put on trial and eventually sentenced to terms of imprisonment.

In a statement to the press, Pierre Sané, secretary general of Amnesty International, said, "The process set up by the Home Secretary to determine the medical condition of Senator Pinochet is unfair. The secrecy surrounding it makes it impossible for states requesting extradition—or for other parties—to exercise their right to see the medical report, cross-examine the medical panel and decide whether they wish to accept the conclusions of the medical panel, or challenge it and request another medical examination."

Amnesty also raised concerns about the conduct of the medical examination, which Straw said "unanimously and unequivocally" found Pinochet unfit to stand trial. Sané quoted Dr. Robert Howard, a consultant old age psychiatrist at the Institute of Psychiatry and Maudsley Hospital, who said the medical experts "cannot be considered to have established beyond doubt that he is unfit to stand trial or that his situation is irreversible".

Dr. Howard and Nori Graham, president of the International Alzheimer's Society, have written letters to Straw questioning whether the medical tests conducted on Pinochet were sufficient to arrive at a diagnosis of dementia. "To avoid the possibility of

corrupting the tests by drugs, coaching, sleep deprivation and other methods,” tests should be conducted for several weeks outside a hospital environment, Howard and Graham said. Dr. Howard also pointed to the case of ex-Guinness head Ernest Saunders, who was released from prison after doctors said he was suffering from Alzheimer’s, only to make a full recovery later.

In their representations, the Santiago-based Association of the Relatives of the Disappeared Prisoners said Pinochet was “untouchable in Chile”, dismissing claims by the Chilean government that the general might eventually face a trial for his crimes on his return. Viviana Diaz, who heads the association, said, “Pinochet has immunity and the armed forces will not accept that Pinochet be tried in Chile.”

Submissions were also made on behalf of Spanish Judge Baltasar Garzon, whose arrest warrant in October 1998 began the extradition proceedings. The Spanish government has reluctantly passed on a request by Judge Garzon to see the medical report, and that a second examination be conducted. Garzon also reiterated his demand to question Pinochet directly. However, the right-wing government in Madrid has made clear that if Straw halts the extradition, it will not appeal.

Lawyers in France and Belgium, which have outstanding extradition requests, also challenged Straw’s intention to release Pinochet. Switzerland has decided not to request another medical examination, but said it did not consider health grounds a sufficient legal reason to decide against extradition.

A spokesperson for Jack Straw said, “The Home Secretary is considering the representations and will give interested parties advance notice the day before the decision is expected to be made.” Once Straw announces a decision to halt the extradition proceedings, lawyers are expected to rush to the High Court to seek injunctions preventing Pinochet leaving the country while other legal avenues are pursued.

For their part, the Chilean government and its embassy in London are making their own preparations to get the former dictator onto the waiting Boeing 707 and out of British airspace as quickly as possible. The airlift is being supervised by senior military personnel, including General Juan Carlos Salgado, head of Chilean military intelligence.

Both the British and Spanish governments want to get Pinochet home, safely away from any court that might investigate the crimes for which he is responsible during the years of his rule. In Spain, the ruling elite has long feared a Pinochet trial might force too many skeletons out of their own cupboards. The brutal crimes committed in Spain during decades of dictatorial rule under General Francisco Franco might yet return to haunt those in the corridors of power, and in the company boardrooms.

Britain is anxious to restore good relations with Chile, above all in the field of defence contracts, which Pinochet personally supervised for many years. A £500 million deal to supply Santiago with two British frigates and other military hardware was scuppered by Pinochet’s arrest in 1998. With Pinochet returned to Chile, it will, they hope, be back to business as usual.



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