

# Pinochet returns to Chile after Britain halts extradition proceedings

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Within hours of the 8 a.m. announcement Thursday morning that Britain was halting extradition proceedings against Augusto Pinochet, the former dictator was onboard a plane heading back to Chile. The rapidity of the indicted torturer's exit stands in marked contrast to the ponderous pace at which the extradition process was conducted since his arrest in October 1998.

Pinochet's supporters in Santiago greeted reports of his impending return with jubilation. Retired General Luis Cortes Via, executive director of the Pinochet Foundation, said, "We're very happy ... justice has been done." The armed forces were making arrangements for a ceremony to welcome back their former commander-in-chief.

Defenders of General Pinochet in the British Conservative Party also voiced their pleasure at his release. Former Conservative Chancellor Norman Lamont, one of Pinochet's most vocal supporters alongside Margaret Thatcher, described the extradition attempt as a "shabby episode".

Groups representing those who had been tortured in Chile and the relatives of the "disappeared" expressed their regret that he was free to go home. Reed Brody, advocacy director of Human Rights Watch, said, "It's a terrible disappointment for Pinochet's thousands of victims that he will not face trial in Spain." In Santiago, 24-year-old student Henrika Harkko said, "We have tried to make the world listen, we wanted justice, we are not getting it."

In January, British Home Secretary Jack Straw said he was "minded" to halt the extradition proceedings against Pinochet on health grounds and invited all interested parties to make representations to him before he took a substantive decision. Doctors appointed by Straw had found that Pinochet was unfit to stand trial.

However, Straw declined to provide the four countries seeking Pinochet's extradition—Spain, France, Belgium and Switzerland—with copies of the medical report on which he had formed his judgement.

Following their appeals for a judicial review to the High Court in London, the Home Secretary was forced to supply the four countries with the report and they were invited to make further submissions.

Announcing his final decision in a parliamentary written answer, Straw rejected criticisms of the medical basis for his finding as "irrelevant", writing, "those who have made them have not examined Senator Pinochet". In the 11-page document, Straw argues that Pinochet's health was such that he could not face "a fair trial in any country", which if it did take place "would violate Article Six of the European Convention on Human Rights".

As the Chilean airforce jet took off, a collective sigh of relief could be heard throughout ruling circles in London, Madrid and Washington. Pinochet's arrest on the extradition warrant of Spanish judge Baltasar Garzon had come as an unwelcome surprise. His trial could have publicly exposed the support given to his brutal coup and years of bloody dictatorship by the American and British governments.

Shadow Home Secretary Anne Widdecombe voiced the concerns that a Pinochet trial had no doubt created for those presently occupying the corridors of power. Telling the BBC she was "relieved" that a decision had finally been reached, she said, "All over the world there are peace processes such as our own in Northern Ireland, there are countries coming out of civil war, countries emerging into democracy from formerly repressive regimes.... It is for them to decide whether they put their past on trial or draw a line under it."

In Spain, where the "transition to democracy" in the

mid-1970s was also accompanied by a general amnesty for Franco's dictatorship, the right-wing government of Jose Maria Aznar has long opposed the possibility of Pinochet facing a trial. Spanish Foreign Minister Abel Matutes again said that the government would not place any last minute obstacles in the way of Pinochet's release.

As well as Spain, none of the other countries with outstanding extradition warrants sought to challenge Straw's final decision, a step they could have taken by seeking a further judicial review. Various human rights organisations that had played an active part in the earlier proceedings also declined to launch any last minute legal objections that might have delayed Pinochet's departure and subjected Straw's ruling to examination in a court.

Human Rights Watch said that despite Straw's decision allowing him to return to Chile, "the arrest of Augusto Pinochet represented a permanent advance in the cause of human rights." In a similar vein, Paul May, a spokesman for the Chile Committee for Justice, said, "We take pride that this country is no longer a safe haven for retired dictators."

Amnesty International said, "the precedent established by the case will remain the most important since the Nuremberg trials. The case has confirmed that the crime of torture can now be prosecuted anywhere in the world, no matter where the torture was committed or by whom."

Pinochet's arrest was forced upon the Labour government by the arrival of a Spanish extradition warrant. Prior to this he was considered a welcome visitor to the UK, whose frequent trips as Chile's chief arms procurer usually resulted in lucrative orders for various British defence manufacturers.

This placed the government in a double bind. First, they were faced with widespread popular demands that the former dictator be brought to justice. Second, the drama unfolded at a time when preparations for NATO's war against Yugoslavia were well advanced. The NATO powers had sought to justify their war aims by claiming to be opponents of Serbian human rights abuses in Kosovo. The summary release of Pinochet, whose responsibility for the crimes committed under his rule are well documented, would have undermined the claims of Britain to be pursuing an ethical foreign policy and its calls to prosecute Serbia's President

Slobodan Milosevic for war crimes.

One final obstacle that could have prevented Pinochet's return home was removed when the British Crown Prosecution Service (CPS) confirmed that it would not seek prosecution in the UK. In a statement that was also agreed by the solicitor general, the CPS said it had advised the Metropolitan Police that "there is no realistic prospect in this jurisdiction of convicting Senator Pinochet of any criminal offence".

The chances of Pinochet facing a trial in Chile, where he already enjoys immunity from prosecution as a Senator for life, are remote. Chile's parliament has passed a constitutional reform that would give permanent immunity to all former heads of state. The new measure is set to take effect this month.



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