

Political tensions mount as Pinochet hearing opens in Chile

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Santiago Appeals Court is today due to begin deciding whether to strip Chile's former dictator, Augusto Pinochet of his parliamentary immunity. The hearing, expected to take some weeks, comes after months of twists and turns within the Chilean political, military and judicial establishment. These machinations centre on how to dampen down widespread opposition to the ongoing protection of the military.

Since January 1998 more than 80 lawsuits have been filed against Pinochet, who seized power in a bloody 1973 military coup that toppled the Popular Unity government of Salvador Allende. Pinochet is accused of masterminding the murder and disappearance of thousands of people during his 17-year rule.

Judge Juan Guzman Tapia, who is investigating the 80 lawsuits, petitioned the Appeals Court earlier this year to end the senatorial immunity that would otherwise protect Pinochet from prosecution. The judges will hear the depositions of eight human rights lawyers, representing the families of the junta's victims, but only one case, known as the "Caravan of Death", will be presented. It concerns a military squad that executed 72 political prisoners in the month following the coup. The case directly implicates Pinochet, who is accused of instigating the expedition.

Seven officers, including a general and a brigadier who led the Caravan of Death, have been in military confinement since last June. They were jailed on a legal technicality, sidestepping an amnesty that protects the military from murder prosecutions. They were charged with "kidnapping"—a crime not covered by the amnesty—because 16 of their victims' bodies have not been located. On April 20 the Appeals Court ruled that the seven officers will be investigated for homicide, opening the door to having the amnesty annulled altogether.

The previous day the Appeals Court unanimously agreed to request that Pinochet undergo medical

examinations "only once the trial of the case is initiated". If Pinochet is diagnosed as "mad" or "demented" the judges will close the case. If he is considered mentally competent, he may be stripped of immunity and the case may continue. A previous Appeals Court plenary session on April 7 voted by the narrowest margin—11 votes to 10—against a petition by Pinochet's lawyers to quash the proceedings before they even commenced.

Like the British government, the defence lawyers argued that Pinochet had suffered from "irreversible brain damage," making him unfit to stand trial. They based their assessment on two medical examinations that the Appeals Court had requested in March. Media reports speculated that the judges were going to use these reports to close the case. This provoked mixed responses within the ruling Concertacion coalition.

Socialist Party (PS) Congressman Jaime Naranjo threatened the judges with a lawsuit, warning that if they ruled in Pinochet's favour "they would not only be interfering in the legal proceedings, (they) could also face a constitutional accusation on grounds that they have abandoned their duty to execute and observe the law".

The PS leadership quickly distanced itself from Naranjo. Party president Ricardo Nunez and Interior Minister Jose Miguel Insulza declared they would not support the parliamentarian. "The government will respect the decision of the court," Insulza said, adding it "will do everything in its power to ensure that the judges' decision is made with no interference or pressure of any kind".

Naranjo soon dropped his legal action. He was himself threatened with a lawsuit by the rightwing party, National Renovation, which accused him of "intimidating a public authority".

Naranjo's initial knee-jerk reaction, however, was prompted by real concerns as to how the court's decision was going to be perceived among workers and youth.

Their expectations are that Pinochet and the junta will be punished for their crimes in Chilean courts. This was the one of the central claims put forward by the both government and the parliamentary opposition in their efforts to have Pinochet released from detention in Britain.

These expectations have been evident in rallies supporting Ricardo Lagos, the first PS president since Allende. Despite his appeals for a rapprochement with the military, he has been inundated with demands to “put Pinochet on trial”.

Cristobal Orrego, a law professor at Los Andes University, summed up the tensions facing the government. “It would seem unwise,” he commented, “to ignore (Pinochet's) guilt in a country where the desire for vengeance has been channeled into judicial institutions, precisely so as to avoid private revenge and public violence.”

The Concertacion's policy of seeking to quell popular opposition through a series of legal diversions was first advanced by the Stalinist Communist Party (PC). Recognising the political sensitivity of Spanish magistrate Baltasar Garzon's investigations against Pinochet, leading Chilean Stalinists went to Spain to give evidence against Pinochet. Simultaneously the PC initiated the Caravan of Death lawsuit.

The PC does not have broad-based support in Chile but it does have an influence among human rights organisations, which called large demonstrations during 1999 and this year. Through these protests the Stalinists have sought to maintain the illusion that popular pressure would force the Concertacion government to change its policies and mete out justice to Pinochet and the military top brass. Having assisted Concertacion by deflecting anti-government sentiment, the PC is now seeking a place in the ruling coalition.

As the daily *El Mercurio* reported on April 4: “The majority of the party including the most orthodox Communists have assumed the thesis of rapprochement (with the Concertacion) and support for their changes and proposals in health, education, housing”. PC leader “Gladys Marin affirmed that the Communists have an open posture towards the Lagos government...”

The Stalinists have been effusive in their claims that the Lagos government will act against Pinochet. According to the March/April issue of *El Siglo*: “An important base in the Concertacion has openly expressed its demand for a trial against Pinochet, repeatedly and importantly, making clear that for these adherents of Laguismo (Ricardo

Lagos) this issue is crucial.”

On another occasion the Stalinists hailed the fact that Socialist Party MPs had overwhelmingly opposed extending Pinochet's immunity. Most PS parliamentarians unexpectedly voted against the extension—after supporting the legislation when it was first tabled in January. The PC covered up the fact that Lagos had already indicated he would not veto the immunity extension, which was safely ratified in a joint congressional session on March 25—by 111 votes for, 27 against, and three abstentions.

The legislation is supposed to give all former presidents the possibility of retiring, while providing them with privileges and benefits that parliamentarians enjoy. They would receive \$6,000 per month like senators, as well as other perks such as a travel allowance. This would allow Pinochet to retire from his lifetime senatorial position without losing anything, most importantly his immunity from prosecution.

Interior Minister Insulza was quoted as telling the pro-Pinochet and far-right Independent Democratic Union: “The purpose of the reform is to establish an exit mechanism so Pinochet can leave his post in parliament. The central issue was never immunity—because Pinochet today has it—but the possibility of his resignation. In effect the reform does not grant him new privileges, but only maintains one that he presently has.”

La Tercera added: “The government, the army, Pinochet's family and the (parliamentary) opposition have sought to influence Pinochet to disappear from public life, live his last days in silence and stop projecting a shadow on the political world.”

In other words, the government and the entire ruling elite hope to remove Pinochet from the public focus. The medical examinations that Pinochet had undergone were initially to be used as the means for doing so, and the new law would guarantee him extended immunity. The intense judicial and parliamentary manoeuvres, however, show that the government is having considerable difficulty in disposing of Pinochet's long “political shadow”.



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