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Chilean Foreign Ministry Accused of Falsifying Passport for Gen. Pinochet

by LADB Staff

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The Corte Suprema has ordered an investigation into charges that the Foreign Ministry falsified information to justify issuing a special diplomatic passport for Gen. Augusto Pinochet for his trip to London last September. After Pinochet's Oct. 16 arrest in London (see NotiSur, 1998-10-23, 1999-03-26), the government requested his release on the grounds that he had diplomatic immunity since he had traveled to Britain as an "ambassador extraordinary and plenipotentiary on a special mission."

In a February ruling, Santiago Judge Carlos Escobar found irregularities in the passport, saying the assertion that Pinochet was on an official mission for the government was "ideologic falsification of a public document." The effective date of the designation by the Foreign Relations Ministry of Pinochet's "special mission" was October 14, two days before his arrest in London and 22 days after he left Chile.

Maria Soledad Cabello, head of accreditations and passports in the Foreign Ministry, said when the passport was first issued [last Aug. 19], it "did not indicate whether the bearer was or was not designated for a special mission." She said, "The only notation on it when I saw it was that of senator of the Republic of Chile."

Although the judge found wrongdoing, he temporarily closed the case, saying he was "unable to determine the individual or individuals responsible." Gladys Marin, Partido Comunista presidential candidate, accused the government of "misleading the public" by claiming that Pinochet traveled on a special diplomatic mission. "This is very serious," said Marin. "Public documents have been manipulated and I think that the responsibility goes as far as the foreign minister."

Meanwhile, after Escobar's decision, leftist and humanitarian organizations called for impeaching the foreign minister, although it would have little chance to succeed given the political composition of Congress. A group of deputies called for a special investigation of the matter. Corte Suprema appoints judge to hear case Lawyer Julia Urquieta said Escobar's ruling confirmed that the "special mission" did not exist when Pinochet left for Europe on Sept. 21 because the documentation was not completed until Oct. 14.

Urquieta appealed to the Corte Suprema, which named Judge Milton Juica, considered one of the most independent and strictest judges of the Santiago Appeals Court, to hear the case against Insulza. Juica has a reputation for perseverance as an investigator and for being immune to both political and military pressures.

The complaint claimed that the passport accredited Pinochet as a special ambassador, although he went to London "for health and for pleasure." On May 17, Insulza accepted responsibility for granting the diplomatic passport. In a lengthy press conference following three days of silence, he said the issuance of the passport was not a criminal act. Insulza said he was told by the army that Pinochet had been invited by Royal Ordnance, a subsidiary of British Aerospace, to visit military projects. For that reason, the army asked that Pinochet be given the passport as ambassador on a special confidential mission.

Royal Ordnance sent the Chilean government a message that said it had invited Pinochet to visit its facilities, but never received a reply from the general.

Lawyer says passport damages Chile's prestige

Urquieta, also a member of Congress, believes that the passport was given to Pinochet solely to protect him from any actions by the Spanish courts, and criticized the use of the document for that end.

A year earlier, when traveling to Spain, former President Patricio Aylwin was given a diplomatic passport to avoid testifying in a case against Pinochet. "That has to be investigated, because a passport is a matter of public faith, and the time will come when no one will trust the passports that Chile issues," said Urquieta. On May 25, however, the Court of Appeals ruled that no crime had taken place in granting Pinochet the special passport, leaving unclear what will happen to the complaint filed by Urquieta.

Regardless, Pinochet's special passport has brought him other problems. Legally, as a lifetime senator, the general cannot carry out special government missions. Articles 55 and 56 of the Constitution state that the duties of a senator and a special diplomatic ambassador are incompatible. Centrist and left-wing deputies plan to use the issuance of the special passport to appeal to the Tribunal Constitucional to strip Pinochet of his status as lifetime senator.

On May 25, lawyer Carmen Hertz filed the first genocide complaint in Chile against Pinochet and other former military officers. The case involves the death of Hertz's husband, Carlos Berger, during the dictatorship. Berger was arrested Sept. 11, 1973, and sentenced to 61 days in prison. But 23 days before completing his sentence, he was taken from the Calama prison and summarily executed, along with 25 other prisoners.

The complaint charges that the prisoners were executed by a special military group headed by Gen. Sergio Arellano Stark. The group, known as the "caravan of death," went around the country carrying out executions. With this complaint, "we intend to introduce a debate in Chile on legal grounds because that has never been done," said Hertz. While many Chileans are far more concerned with the economic recession than with Pinochet, the general still polarizes the political scene.

In his State of the Nation address May 21, President Eduardo Frei said Pinochet's arrest took Chile back to its past "with the heavy burden of divisions, of lack of confidence, of irrationality." "A history that we have not been able to come to terms with has cropped up again with force," he

said. "The insufficiencies of our democracy remain obvious, and the drama of the detained and disappeared, of those whose whereabouts has been unknown for 20 years, remains an open wound on the national soul." [Source: Associated Press, 05/15/99; Notimex, 05/16-18/99; Clarin (Argentina), 05/16/99, 05/21/99; El Nuevo Herald (Miami), 05/19/99, 05/24/99; CHIP (Chile), The Miami Herald, 05/24/99; Spanish news service EFE, 05/15-18/99, 05/20/99, 05/23/99, 05/25/99]

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