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Extradition Hearing for Chilean Gen. Augusto Pinochet Set for September 27

by LADB Staff

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Former Chilean dictator Gen. Augusto Pinochet (1973-1990) has suffered another setback in his fight to block extradition from Britain to Spain to face charges of genocide. The British High Court turned down the request by Pinochet's lawyers for a judicial review of the decision by Home Secretary Jack Straw to allow the extradition proceedings to continue. The court set Sept. 27 as the date for the hearing to begin. Pinochet was arrested in London last Oct. 16. Since his arrest, his case has moved slowly through the British legal system (see NotiSur, 1998-10-23, 1999-03-26).

Straw ruled in March to allow the extradition proceedings to continue after the Law Lords reduced the charges that can be brought against Pinochet. They said Pinochet could only face charges of torture and conspiracy to torture committed after December 1988, when Britain ratified the International Convention Against Torture.

Straw ruled that the remaining charges were serious enough to allow the process to proceed. Pinochet's lawyers returned to the High Court, arguing that Straw was wrong to allow extradition proceedings to go ahead. "It is not a case where he can pass his duties over to anybody else," Clive Nicholls, a lawyer for Pinochet, said. "He cannot say, 'Well, it looks good enough to me, and they can always sort it out in the courts later on.'"

Jonathan Sumption, a lawyer for Straw, charged that Pinochet's lawyers only wanted to delay the case, practicing the courtroom equivalent of "trench warfare." High Court Judge Harry Ognall ruled on May 27 that finding in favor of the appeal would "needlessly disrupt" and postpone the extradition process.

"It is in everyone's interest, not least that of the applicant, that a final determination of this extradition process is made as soon as properly ordered circumstances allow," Ognall said. On June 4, Judge Graham Parkinson set Sept. 27 as the date for the extradition hearing to begin. It is expected to last about a week, and a decision could come by the end of October.

Lawyer Julian Knowles asked that the evidence in the case be limited to documentation turned over May 24 by Spanish Judge Baltasar Garzon, who has since added 50 other torture allegations committed after Dec. 8, 1988. But the judge gave the Spanish lawyers until Aug. 31 to present the outline of their case, along with corresponding documentation, and he set Sept. 14 as the deadline for the defense to respond with written arguments.

Lawyers prepare for any contingency

The Chilean government is continuing its efforts to reach a political agreement with the governments of Spain and England to release the 83-year-old Pinochet on humanitarian grounds.

On June 6, lawyers for Pinochet said they will not appeal the latest High Court decision. Although the general's Chilean and British lawyers will spare no effort to keep him from being extradited, they have also begun to prepare a defense for the Spanish courts, should the extradition be approved.

Sen. Marco Cariola and lawyers Hernan Felipe Errazuriz, Miguel Alex Schweitzer, and Jose Maria Eyzaguirre met in Madrid with Michael Caplan of Pinochet's British defense team and lawyers from a Spanish firm to discuss defense strategy. Efforts for justice continue in Chile On June 4, about 1,000 Chileans gathered in the National Stadium in a program calling for "justice nothing more, but nothing less." They are demanding to know the whereabouts of those detained and disappeared during the Pinochet dictatorship.

At the event closing the 17th International Week of the Detained and Disappeared, Sola Sierra, president of the Agrupacion de Familiares de Detenidos Desaparecidos (AFDD), denounced efforts to impose on Chile "pacts that seal the impunity" of those responsible for violating human rights. "Chile will have true democracy only when there is truth and justice, when the effects of the amnesty law have been annulled, when due civil process has been carried out against those accused of violating human rights, when the authority of military justice has been limited, and when those responsible are punished," said Sierra. On June 7, Chilean human rights lawyers asked the Chilean courts to try Pinochet for genocide, kidnapping resulting in death, and illegal exhumation.

The petition also includes members of the "death caravan," the military group headed by retired Gen. Sergio Arellano Stark, which traveled around northern Chile following the coup and executed political prisoners. The petition was drawn up by Pamela Pereira, the lawyer representing Carmen Hertz, widow of journalist Carlos Berger, who was killed by the death caravan in 1973 (see NotiSur, 1999-05-28).

The following day, Chilean Judge Juan Guzman, who is hearing 18 lawsuits against Pinochet, indicted five members of the death caravan, including Arellano, in connection with the executions of 72 dissidents in 1973. Also indicted were retired Cols. Marcelo Moren Brito and Sergio Arredondo, Capt. Patricio Diaz, and Brig. Pedro Espinoza. Espinoza is in prison for his role in the deaths of former Chilean foreign minister Orlando Letelier and his assistant Ronni Karpen Moffitt in Washington, DC, in 1976.

While human rights lawyers praised the indictments, some analysts saw them as a maneuver to further the cause for Pinochet's release by demonstrating that Chilean courts have the ability to try those accused of human rights violations. "The message is that the courts are working," said Raul Sohr, a Chilean political analyst. "But there is no guarantee these charges will result in punishment." [Sources: BBC, The Miami Herald, 05/27/99; Clarin (Argentina), 05/28/99; Notimex, 06/04/99; El Nuevo Herald (Miami), 06/05/99, 06/06/99; Spanish news service EFE, 05/27/99, 06/02/99, 06/07/99; CNN, 05/27/99, 06/04/99, 06/07/99; Associated Press, 06/08/99, Reuters, 06/08/99, 06/09/99]

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