

The General in the Labyrinth of Law: The Pinochet Affair

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*"When he laughed, respectable senators burst with laughter,
And when he cried the little children died in the streets."*

(W. H. Auden)

So the old tyrant made his escape. Aided and abetted by the British government in the person of its home secretary [interior minister], Augusto Pinochet Ugarte returned as detective stories tell us the murderer always does, to the scene of the crime.

There is no mystery though as to the means and motive for the confirmed killings of 3 197 people, the torture and 'disappearance' in concentration camps of tens of thousands of others nor as to the identity of the perpetrator-in-chief.

It was a gloomy, drizzly March morning when Pinochet was sneaked on a Chilean Air Force jet for his flight home. The aircraft had been helpfully diverted to a different military base to spare him running the gauntlet of human rights campaigners staking out where it had originally landed. To the last his 'New Labour' hosts had been attentive to his every need.

The General's neighbours in the affluent Surrey suburb where he spent sixteen months under armed guard but otherwise at liberty – less troubled by his presence than the vigil of protesters outside their luxury estate chanting "*a-se-si-no*" – must have been relieved to see him go.

Of course happiest of all were the British and Spanish governments. Their attitude from the start one of chagrin for having to implement their own rules of international law, and reluctance to bring the fugitive to justice – terrified he would expire while in their custody.

Spain's right-wing Popular Party government made little secret of its distaste for its own part in the proceedings conscious not only of the doubling of trade between Chile and itself between 1991 and 1997 (largely to the advantage of its business class), but also of the uncomfortable parallels with its own experience of military dictatorship where justice continues to elude the victims and survivors of Franco.

Pinochet had no reason to believe his visit to Britain in September 1998 for back surgery would be any different from those he had made since the 1997 general election victory of Labour and therefore with its full knowledge. The anglophile was fond of attending arms fairs in Britain and taking tea with his old friend and former prime minister, Margaret Thatcher. On those trips no attempt had been made by the Blair government to deny him entry or to initiate legal action for the torture of two British nationals and one's 'disappearance'.

This revelation was greeted with embarrassment by Labour parliamentarians; many of who came into political consciousness or were in the student movement in the 1970s when revulsion at the overthrow of Salvador Allende's Unidad Popular (Popular Unity) government and the subsequent

atrocities of the military dictatorship was greatest. Even the architect of 'New Labour' and proselytiser for its 'Third Way' ideology, Peter Mandelson, admitted the "idea that such a brutal dictator as General Pinochet should be claiming diplomatic immunity would for most people be pretty gut wrenching stuff."

The cacophony of voices raised against Pinochet's confinement came predictably from the political right in Britain and abroad. Margaret, now Baroness, Thatcher would periodically rise from her grave, looking more ghoulish than ever, to haunt us all. "The senator is old, frail and sick, and on compassionate grounds alone should be allowed to return to Chile", she admonished the baying press pack. In the name of the old, frail and sick in Britain whom her government so mercilessly battered, the Baroness should be returned to Hades.

Pinochet, she reminded her former subjects, had supported Britain in 1982 when it went to war with Argentina over the Falklands/Malvinas islands, estranging itself in the region and from its neighbour. The Labour government were ingrates for not dismissing the Spanish warrant at its issue. She was appalled that the General had been treated so shamefully while on a visit to his favourite European country instead of as an honoured guest. Finally, she raised the precedent created such that other former heads of state and government (including even herself!) might be prone to claims for high crimes while travelling abroad. How horrible!

On one occasion Thatcher paid a private visit to the General's home, accompanied only by a television crew from Rupert Murdoch's Sky News, which exclusively filmed her assuring the General of her support, criticising the Labour government for its persecution of him, and urging his early release and immediate return to Chile.

A galaxy of former Conservative Party cabinet ministers, unmissed, unloved and half-forgotten, joined their former leader's chorus. Most prominent among them was one-time chancellor of the exchequer, Norman Lamont. He rapidly became the public face and British spokesman for Pinochet's right to impunity. Lord Lamont's familiarity with Chilean politics and history had been unknown to others before Pinochet's detention and he seemed scarcely better informed of it even afterwards.

The same tired and increasingly threadbare lines were recited. That Pinochet's extradition to Spain would undo years of reconciliation and harmony. That the Spanish authorities proposed and the British government were colluding in an infringement of Chilean sovereignty. That if Pinochet was to be tried anywhere it ought to be in his own country, by his own people, and according to Chilean rules rather than that of a foreign tribunal. This last assertion became the tack taken by the campaign for Pinochet's release.

The odious Lamont appeared wilfully ignorant that under the terms of the transition to civilian rule in 1988, Pinochet secured immunity from prosecution for human rights violations during the dictatorship for leading members of the regime including himself. This was in addition to the 1978 law which provides a blanket amnesty for abuses committed between 1973 and 1978 and a similar provision in the 1980 Constitution. Further in 1998 when he finally relinquished his control of the armed forces, the General elected himself Senator-for-Life which also guarantees immunity from prosecution.

It is true that the Concertación coalition which has governed Chile since 1989 created a Truth and Reconciliation Commission (better known as the Rettig Commission) to investigate acts of violence during the dictatorship. This body has performed the important duty of documenting the names of

those murdered or 'disappeared' by Pinochet's secret service, the DINA. However it never had the power, and nor is there the political will in the coalition, to punish those responsible for those acts.

"Impunity remains virtually total in Chile", according to Amnesty International. Between 1973 and 1998, "approximately 5,000 judicial complaints of human rights violations have been presented in Chile, yet only twelve cases have led to prosecution. Despite statements to the effect that Augusto Pinochet should be tried in Chile, the Chilean government has shown no intention of removing obstacles that make such trial currently impossible ..." The Chilean Supreme Court has consistently failed to offer judicial redress for state violations of human rights, often throwing out cases.

This is the reason why human rights defenders in Chile were unconditionally enthusiastic about foreign forums for Pinochet's prosecution and pinned their hopes on international law. It is necessary to grasp the bleakness of this admission and the desperation it underscores before forming a judgement on their recourse to foreign jurisdictions and the vagaries of international law.

Norman Lamont and other Conservatives also cited Pinochet's free market credentials and Chile's reputation as Latin America's 'jaguar' economy. The human rights costs weighed against the economic benefits. Chile's double-digit growth figures, single-digit rates of inflation, inward foreign direct investment and export-orientation are asserted as Pinochet's legacy to his nation.

Yet the inheritance most Chileans are familiar with are the widening inequalities of wealth and income, widespread casualisation of employment, and the privatisation of social welfare. Thirty per cent of Chileans live below the poverty line, double that in 1970; the richest twenty per cent have increased their share of consumption from forty-five per cent in 1969 to sixty per cent in 1989 while the poorest twenty per cent subsist on just four and a half per cent of the national income.

The grandees of the Conservative Party were echoed by their parliamentary colleagues, who clasped the dictator to their collective breast, berating Labour for its vengeance and inhumanity. At its annual party conference last year, the Conservatives sunk the cult of Pinochet to new depths of depravity with a leadership backed rally in his support. There was a satellite link to the General in his lair and to *Pinochetistas* in Santiago. In addition to the Tory faithful, Chilean rightists were in attendance waving national flags and contributing to the neo-fascist fervour of the meeting.

From soon after Pinochet's arrest in London, his supporters in Chile were anxious to influence the political debate in Britain and to counter the activities of human rights campaigners. The Pinochet Foundation in Santiago subsidised trips of his cheerleaders to London. Well-heeled women waving posters of their hero, wearing badges with his name, and screaming abuse at Chilean exiles, were brought in by the plane-load whenever the case reached a critical point.

They would picket Parliament in between shopping excursions to Harrods and the pilgrimage to Kensington Palace, last home of Diana, Princess of Wales. Far removed from the women of the *poblaciones* who never allowed Chile to forget its 'disappeared', who resisted the dictatorship through community initiatives, and who continue to struggle for their livelihoods against neo-liberal capitalism.

Britain's most distinguished Marxist joined the Dalai Lama and the Pope in appealing for Pinochet's liberation and return to Chile. In a sorrowful letter to *The Guardian* Eric Hobsbawm invoked in his support the strains on 'national reconciliation', the fragility of the 'transition to democracy' and his 'Chilean friends'. Always assured and authoritative in his historical scholarship, Hobsbawm couldn't have been more mistaken on a question in the century and period of his own political engagement.

None of the predicted cataclysms took place: the streets of Santiago were not engulfed in violence;

the Constitution was not suspended; the Armed Forces did not coup d'état; and the sky has not fallen on the head of Obelix the Gaul.

While hugely out-resourced by the *Pinochetistas* and unlike them without the services of a public relations firm, the Chile Committee for Justice, a coalition of Chilean refugees and British leftists, politically and generationally broader than the old Chile Solidarity Campaign, led a sophisticated and media-savvy campaign. Members and supporters of the Committee would turn out in force outside the Courts of Justice whenever hearings were being held, and outside Parliament during discussions of the case or when Jack Straw was deliberating upon the case. Using e-mail and fax, the Home Office was never left in doubt of the strength of feeling and public support for Pinochet's extradition to Spain or in the alternative his prosecution in Britain.

The Labour left-wing MP and long-standing solidarity activist, Jeremy Corbyn, was a prominent advocate for the Committee. However this was also a campaign where Chileans were always visible and their voices always heard. From among the refugees and exiles in Britain, Vicente Alegria became a familiar face on news bulletins, and from Chile, the late Sola Sierra of the Association of Families of the Disappeared and Detained and Senator Isabel Allende (daughter of Salvador and cousin of her namesake the writer) among others participated in pickets, meetings and public events.

It was this activism, these interventions and actions which changed the climate of public opinion in Britain from indifference and ignorance to at least recognition of Pinochet's guilt. The mass media's presentation of the legal and political manoeuvrings was also transformed by the campaign. Upon arrest Pinochet had been deferentially addressed as "former President" or "Senator" but this soon changed and the media soon began referring to "the Chilean dictator". This shift was not unimportant in placing pressure on the Labour government to respond to the concerns of human rights defenders. It would be mistaken to believe that campaigners were paralysed into awaiting the decisions of the Courts and the twists in the formal political process, even if these did regulate the rhythm and routine of activism.

On October 16 1998 Spanish investigating judge Baltasar Garzón issued a warrant for the General's arrest and extradition to Spain, to face charges of torture and murder of Spanish nationals in Chile while he was head of state between 11 September 1973 and 11 March 1990.

It was a little over a month from the twenty-fifth anniversary of the foul coup which drowned in blood a noble and heroic wager on a constitutionally sanctioned transition to socialism.

Salvador Allende, Marxist and Freemason, who lived by the 'rule of law' and died in armed defence of that chameleon, must somewhere have been dancing a cueca chiding the young Régis Debray: "the laws of the ruling class can be used by the people against the ruling class". Sometimes.

The British government had no alternative but to entertain this request and the slow wheels of the legal system began to turn. First, it had to be established that the crimes in the warrant were extraditable crimes and that Britain had jurisdiction over the alleged offences. Second, that Pinochet as a former head of state, did not enjoy immunity from criminal prosecution for acts committed by his government. The international law doctrine of sovereign state immunity has traditionally been interpreted as conferring absolute immunity on public officials for acts performed in the course of official duties.

The High Court, while finding that some of the charges constituted extraditable claims, upheld the

traditionalist view in the present case and quashed the writs for extradition. "History shows that it has indeed on occasion been state policy to exterminate or to oppress particular groups." Therefore Pinochet enjoyed state immunity in lieu of those acts being acts of state.

On appeal the case came before the Judicial Committee of the House of Lords. The point of law before them was as to the "proper interpretation and scope of the immunity enjoyed by a former Head of State for arrest and extradition proceedings in the UK in respect of acts committed while he was Head of State."

On November 25, the House of Lords by a margin of three to two reversed the High Court ruling, finding that a former head of state had no immunity in respect of acts of torture or of acts of hostage taking.

A minority among the Law Lords agreed with the High Court that sovereign immunity was absolute and did not depend on the criminality or morality of the act in question as long as these were committed in a governmental capacity. In other words, if Pinochet could prove that he was head of state of Chile and used the apparatus of state for torture then he was free of prosecution for it!

Their justification for this legal-conservative or orthodox interpretation of the doctrine being that while the crimes of genocide, torture and hostage-taking are recognised by international Conventions as international crimes the British legislation which incorporates these Conventions into domestic law is silent on the culpability of heads and former heads of state suggesting that it wished to preserve absolute immunity for them.

To the relief of international human rights lawyers and activists, a majority in the House of Lords rejected this view and instead took a legal-reformist or liberal stance. Lord Steyn noted that:

"[T]he development of international law since the Second World War justifies the conclusion that by the time of the 1973 coup d'état, and certainly ever since, international law condemned genocide, torture, hostage-taking and crimes against humanity (during an armed conflict or in peace time) as international crimes deserving punishment. Given this state of international law, it seems to me difficult to maintain the commission of such high crimes may amount to acts performed in the exercise of the functions of Head of State."

This didn't end the matter. Under the British statute the Home Secretary has quasi-judicial powers and has to make the final determination on extradition applications. Across the country Labour Party members, trade unionists, leftists and human rights activists agonised, fumed and fretted (and held our breath and crossed our fingers too) willing Jack Straw to allow extradition to Spain. It would not be the last occasion when we would do this. At each stage of the legal process he wielded the power to allow the proceedings to continue or end. Never before (nor since) has Straw's political and personal stock been higher within his own Party than when two weeks later on December 10 1998 he authorised the extradition.

However intervening events had already rendered that decision redundant.

While Pinochet's legal team prepared to appeal against the House of Lords decision, it emerged in the right-wing press in November that one of the Law Lords of the majority was a trustee of a charitable foundation associated with Amnesty International. While Lord Hoffman had not delivered a separate judgement, his undisclosed relationship with a human rights organisation which had intervened in the case was sufficiently close to attract accusations of bias and demands for a re-trial.

On December 17 1998, another panel of the House of Lords having reviewed the application for re-trial set aside its earlier judgement, holding that the case should be reheard. In January 1999 a newly assembled and expanded bench of seven Law Lords was convened to deliberate upon the legal issues once more.

On March 24 1999 this group of judges held by a more authoritative margin of six to one that a former Head of State had no immunity in respect of acts of torture or conspiracy to commit such acts. (He was however entitled to immunity from the charges of murder and conspiracy to murder which unlike torture are not presently for former heads of state an extraditable crime under international law.)

Lord Browne-Wilkinson explained,

How can it be for international law purposes an official function to do something which international law itself prohibits and criminalises? Yet, if the former head of state has immunity, the man most responsible will escape liability while his inferiors (the chiefs of police, junior army officers) who carried out his orders will be liable ..."

However the Law Lords then proceeded to undermine their own decision by finding that the General could only be extradited from Britain for acts committed in Chile after December 8 1988 when the British legislature ratified the UN Convention Against Torture 1984 and at which point Spain and Chile had acceded to the Convention too. Invoking the principle of double-criminality, their Lordships decided that an extraditable act must not only be a crime in both Spain and Britain now, but must have been a crime in Britain when it took place in Chile.

This controversial reading of the extradition law caused dismay among human rights lawyers. Once more the British judiciary revealed itself to be insulated from international human rights norms and resistant to its extension and assimilation in the domestic legal arena.

The application before them was not to try Pinochet in Britain but to extradite him to Spain. Leave to extradite him was not a presumption of guilt but rather a procedural hurdle to be surmounted. Instead of treating it as a technical aspect and allowing Pinochet to answer for all the charges of torture, which in any case has been unlawful at least since the 1948 Universal Declaration of Human Rights, the House of Lords was fettering the Spanish judicial authorities in striking out some charges.

The Law Lords also recommended that Jack Straw review his decision to permit Pinochet's extradition in light of the reduced number of counts.

The immediate effect of the ruling was to reduce the charges from thirty-one to just three. Baltasar Garzón who had by now achieved folk hero status in some quarters promptly added fifty-three further cases of torture committed after 1988 to the charge-sheet.

The presumption following the Lord decision was that Jack Straw was obliged once more to allow extradition unless there were compelling compassionate grounds against a trial. In the summer of 1999 in meetings between the British Foreign Secretary, Robin Cook, and his Chilean and Spanish counterparts this was identified as the face-saving solution for all sides which would enable Straw to rid himself of Pinochet without delivering him into the hands of the Spanish judicial authorities.

In October 1999 the Chilean embassy in London formally requested that the General's medical condition be examined and the following month the Home Office appointed a panel of physicians to conduct medical and psychological tests on him.

In January 2000 the Home Office released a briefing on the medical report according to which, the General “would not at the present be mentally capable of meaningful participation in a trial.” The Home Office’s interpretation of this report was that Pinochet would not be capable of understanding the charges against him implying that a trial would not be appropriate. Jack Straw announced that based upon this report he was “minded” to halt extradition. Pinochet would be free to return to Chile.

The medical evidence was presented and considered in secret. It was not shared with anyone other than Pinochet and therefore not open to scrutiny by other medical experts. Human rights organisations felt that fitness to stand trial was something which could be established once legal hearings had begun.

It was also revealed that a Chilean psychologist had been staying with Pinochet for several months in the run-up to the medical examination suggesting the General had been coached to fail the tests.

Certainly the British authorities were right in surmising that Pinochet could not understand the nature and gravity of the charges against him but for another reason.

It is not the General’s medical condition but rather that he does not feel himself to guilty of any crime. In fact he never doubted who had been wronged, who had suffered injustice, who had been victimised.

“I have been the target of a political, judicial plot, cunning and cowardly, which has no moral value”, he declared in an open letter to the Chilean nation. “While [in Europe] and specifically in the countries which now condemn me through spurious trials, Communism has killed many millions of human beings this century, I am pursued for having defeated it in Chile, saving the country from a virtual civil war.” He neglected to add that the “civil war” had been engineered by the US Central Intelligence Agency using right-wing militias and with the active participation of the military hierarchy.

As sociologists Ricardo Trumper and Lynne Phillips have observed, the dictatorship would use the metaphor of a diseased body in need of cure for Chile. “Violence, terror, torture and neoliberal economics were explained by resorting to the image of a human body that needed medicine, strong medicine, to get rid of the sicknesses of marxism and the lack of discipline and economic growth.”

In February Jack Straw was ordered by the High Court in London to release copies of the medical report to Spain, Belgium, France and Switzerland, all of which had warrants for Pinochet’s arrest. This information was immediately leaked to the Spanish and Chilean press by the Spanish government which calculated that its disclosure would torpedo any possibility of the General’s extradition to Spain.

On March 3, Pinochet returned to Chile where he was greeted by the Commander-in-Chief of the Armed Forces. His supporters drove around Santiago in cavalcades, honking horns and holding aloft his picture. The General himself, revived by the air and sun in his homeland, seemed to have made a near miraculous recovery. He was positively jaunty as he stepped off the plane, looking mentally and physically restored, to greet the other gorillas on the tarmac.

The Pinochet case has fuelled on-going debates on the nature and future of international law. The philosophical foundations of the judgements in the House of Lords date from the late nineteenth century. In that era of crumbling empires and newly emerging European nation-states, the function of international law was thought to be the maintenance of an international order of juridically equal

states which exercised absolute sovereignty over their own inhabitants and their own affairs; except where each state individually and voluntarily decided to pool sovereignty in international institutions. This state-centred international system which jealously guards sovereignty and preaches (but not always practises) non-interference in each other's affairs is the legal-conservative's *weltanschauung*.

Through the twentieth century it has come under two challenges. Global capital striving to escape the constraints of national boundaries and demanding that international law protect its interests and not only that of states has secured the lifting of state immunity for commercial transactions. It is therefore now possible for states to be sued by trans-national corporations; and not claim as they have previously, sovereign immunity from prosecution. It is also possible for trans-national investments to be legally protected from expropriation and even nationalisation with compensation which undermines state sovereignty over foreign investment and its natural resources.

The second challenge has come from the human rights movement which emerged out of the ashes of the Second World War. This current has long been skeptical of states, which the prevailing regime of international law entrusts with the protection of human rights, but which also happen to be the primary agent for the violation of human rights. Where national laws are seen as retrograde or backward and national legal institutions as impotent or craven, international legal norms and international legal institutions are regarded as universal and undifferentiated in application, radical in content and catalysts for progressive change.

As Hugh O'Shaughnessy, author of *Pinochet: The Politics of Torture* commented of the case, "People round the world cheered when it seemed that international lawyers might be made to do something more useful for humanity than protecting the profitable copyright for Mickey Mouse in Bangladesh, nurturing tax-evaders in Bermuda and ensuring that defenceless patients in sub-Saharan Africa had to pay over the odds for western pharmaceuticals."

One conclusion which human rights activists seek to draw after the frustration of the British legal process is that the international system must be expanded to include non-state actors other than giant corporations and multi-lateral international organisations and that trans-national legal institutions must be developed to compensate for the weakness and unevenness of national ones.

Hence their enthusiasm for an International Criminal Court (ICC).

In June 1998 members of the United Nations met in Rome to establish a permanent tribunal to adjudicate on 'core crimes' of international humanitarian law such as genocide, crimes against humanity and war crimes.

The jurisdiction of the ICC will include individuals and not be restricted to states but its competence only extends to cases which cannot be heard in the state where the crimes were committed or the state of nationality of the alleged offender and where the jurisdiction of the Court is accepted. The Court remains a long way short of the minimum number of sixty ratification's needed before it becomes operational and is opposed by the US among other countries.

The sentiment of human rights internationalism is an honourable one. However a discordant note must be sounded.

Even trans-national institutions and a trans-national legal order exist among states. States may be granted legal equality but certainly do not possess political and economic equality. The asymmetries of power which exist between states – that is, the reality of an imperialist world order – cannot be prevented from reproducing itself within these brave new institutions anymore than they are absent from the old ones. International law does not stand above states and classes but rather is imbricated

in its relations. Neither is it independent of a world economy which everywhere imposes the rule of capital.

The existing war crimes tribunals on Rwanda and former Yugoslavia were established and function because of the backing of the great powers. However can anyone conceive of a tribunal to try Russia for its atrocities in Chechnya or the US for its war crimes in Korea and Indo-China? To ask the question is to answer it.

It is important therefore that the protagonists of human rights internationalism resist the (ab)use of human rights ideology when it is paraded as the Siamese twin of neo-liberal capitalism; when it is wielded hypocritically and selectively as a stick to beat the enemies of the West; when it becomes a cloak to justify aggression and armed intervention in some countries. It is essential that human rights internationalism not be snared by human rights imperialism.

Pinochet has returned to a different country from the one he left in September 1998. Chile and Chileans have changed in ways that it is still too early to fully appreciate. Opinion polls indicate that seventy per cent of the Chilean people want Pinochet to stand trial. The fear that any public discussion of the coup and its aftermath will bring tanks onto the streets is being conquered. On September 11 1999, 20 000 Chileans marched to mourn the anniversary of the coup and to affirm the struggle against impunity.

His arrest in London has allowed, even in a partial way, the past to at last confront the present. The families of the 'disappeared' and their supporters have reclaimed the memory of that long dark night of the dictatorship from the historical revisionism of the Right. They understood with Walter Benjamin the imperative of "seizing hold of a memory as it flashes up at the moment of danger ... that even the dead will not be safe from the enemy if he wins."

Already the facade of a united armed forces is beginning to crack. Retired army officers have publicly spoken of Pinochet's personal responsibility for Operation Condor where cross-border state terrorism was co-ordinated with military dictatorships in Argentina, Bolivia, Brazil, Paraguay and Uruguay to identify and persecute dissidents and exiles. Chilean prosecutor Juan Guzmán Tapia at tremendous personal risk has formulated fifty-nine separate criminal charges against Pinochet and is assiduously pursuing him through the domestic legal system.

The Concertación coalition (grouping the Christian Democrats, the Socialist Party and the Party For Democracy) has been riven by tensions over the Pinochet affair. The Christian Democrats who occupied the presidency during his detention in London assumed the mantle of defenders of Chilean sovereignty and national dignity demanding Pinochet's return. Their Socialist Party partners, eager not to concede patriotic credentials to the Christian Democrats, nor to relinquish its carefully cultivated respectability and trustworthiness before the Chilean bourgeoisie, supported this call, though with less enthusiasm. Nevertheless some of its parliamentary caucus and certainly most of its base are less willing to bury the past along with their dead as their leaders counsel them to.

In January Ricardo Lagos of the Socialist Party won the second round of the Presidential elections, narrowly beating the ultra-rightist Joaquín Lavín. He was visibly uncomfortable when his supporters at a victory rally demanded Pinochet be prosecuted in Chile. The new President has said he will not interfere in the judicial process. Yet as the legal proceedings in Britain reflect and is even more transparent in Chile, it is politics and not law which will determine whether Pinochet enjoys impunity or faces justice.

Lagos has declared that he will govern as the Concertación's third President and not as the Socialist Party's second. In other words, affirming the Socialist Party's strategic choice of unmooring itself from its historical roots and its association with the Popular Unity period and instead anchoring itself within the post-Pinochet political consensus of the Concertación and the economic consensus of neo-liberalism. He will be anxious to preserve the coalition through deflecting appeals for justice that will uncover the relationship between the Christian Democrats and the dictatorship and therefore its culpability in Pinochet's atrocities.

Outside of Chile the General's arrest has been an inspiration to human rights campaigners, survivors of military terror and families of the 'disappeared' all over the world. They have found solace and strength in the prospect that even after twenty-five years it might be possible to hold dictators to account.

Acting on a complaint of genocide including the murder of Spanish nationals, made by indigenous rights activist and Nobel Peace Prize laureate Rigoberta Menchu, Spanish investigators have turned their sights on someone else. In late April it was reported that Guatemala's former military strongman and now president of its Congress, Efraín Ríos Montt, had cancelled a trip to France after having been advised by his lawyer that an international warrant for his arrest is outstanding. Does anyone know Henry Kissinger's itinerary for the next few months?

Justice long-delayed for the victims and survivors of Latin America's military dictatorships has become difficult to deny.

P.S.

* From International Viewpoint (Paris) n° 321, May 2000, pp. 15-18.