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Introduction

On Friday 16 October 1998, General Augusto Pinochet Ugarte, Chilean senator and ex-president, was arrested in London at a private clinic where he was recuperating from surgery. The provisional warrant for his arrest, signed by metropolitan magistrate Nicholas Evans on behalf of Spanish judge Baltasar Garzón, requested his extradition to Spain under Section 8(1)b of the 1989 Extradition Act, alleging the murder of Spanish nationals in Chile between 11 September 1973 and 31 December 1983. A second warrant issued on 22 October accused Pinochet of torture, hostage-taking and conspiracy to commit such crimes at various times between January 1976 and December 1992. His arrest marked the start of a remarkable case which was fought out for 17 months in the UK courts and which raised myriad issues, both legal and political, of international significance. The case involved several hearings in the High Court and three lords' rulings. The last of these, in deciding that Pinochet could be extradited to Spain to answer charges for alleged crimes committed after 8 December 1988, set a precedent of critical importance for the future development of international human rights law. In the event, however, Home Secretary Jack Straw chose to exercise his substantial powers of discretion in applying extradition law and freed Pinochet on the grounds that he was unfit to stand trial. On 3 March 2000 Pinochet left the rented house in Surrey where he had remained on bail and under police guard since December 1998 and was flown back to Santiago in a Chilean military jet. Hopes expressed by his family and supporters that the matter would end there were frustrated, however. Criminal charges filed against him in Chile before, during and after his detention in the UK (numbering over 170 at the time of writing) are being investigated. On 23 May 2000 the Santiago Court of Appeal voted in favour of a petition to strip Pinochet of the immunity from criminal prosecution afforded him by his self-appointed status as senator for life, and on 8 August this decision was upheld by the Chilean Supreme Court.

Worldwide interest in the progress of the Pinochet case was intense and news coverage extensive. It was immediately clear that the case had enormous potential significance for the development and practice of international law. The House of Lords' rulings of November 1998 and March 1999 were greeted by human rights campaigners as a groundbreaking acknowledgment of the principle of universal jurisdiction for crimes against humanity, and already the 'Pinochet effect' has led to the issue of a number of international arrest warrants for other former heads of state or suspected war criminals, including the former dictator of Chad, Hissene Habre, and Rwandan war crimes suspect, Tharcisse Muvunyi. The fallout from the Pinochet case has greatly increased pressure for the establishment of an international

criminal court to investigate and hear such cases, albeit in the context of continuing uncertainty about precisely what the jurisdictional remit of such a court might be. The involvement in the case of judicial actors from a number of different countries, and the very active role of the Spanish judiciary in particular, has heightened debate over a phenomenon known as the 'judicialisation' of politics, with national as well as international manifestations.

In addition to its potentially far-reaching implications for the theory and practice of international law the case raises issues of critical significance for a number of Latin American countries apart from Chile. While the proceedings against Pinochet in the UK courts since late 1998 attracted worldwide media interest, it is much less well known (at least in the English-speaking world) that these proceedings have been only one part of a much broader investigative process. Begun in Spain in 1996, this first concerned the death, torture and disappearance of Spanish and non-Spanish nationals under the 1970s military dictatorships of Argentina and Chile, but during the course of the Pinochet affair it has expanded to encompass allegations and charges against former military rulers and personnel in Bolivia, Paraguay and Guatemala. Investigations have been assisted by the increased availability of documentary evidence concerning human rights abuses in the Southern Cone since the discovery of the so-called 'Terror Archive' in Asunción, Paraguay, in 1992, as well as by new revelations concerning the United States' involvement as the CIA opens its files (this a direct result of the Spanish investigation). Widespread military impunity, largely accepted as a condition of the re-establishment of civilian rule and formally democratic institutions in many Latin American countries in recent years, is thus being challenged in a new context, and this in turn must renew debate about the nature of, and requirements for, the consolidation and legitimisation of recently-established democratic regimes.

Scholarly treatments of the issues at play in the Pinochet affair are only beginning to emerge, and — given the significance of the issues — there is clearly a need for sustained and rigorous research. The present paper is intended to provide a synthesis of events so far and some tentative pointers for further work. In form it is divided into two parts. The first is an essay which attempts both to explain the origins and progress of the Pinochet case and then to offer an initial, and brief, review of some of the issues raised and their potential implications. The second part is in the form of a detailed chronology of the case since Pinochet's arrest, compiled primarily from press sources, but also drawing on scholarly research. This is intended to provide both the factual detail and chronological narrative absent from the essay.

Part One: The case

Origins and context in Spain

The Spanish criminal process against Pinochet was first set in motion on 4 July 1996, more than two years before his arrest, when charges of genocide

and terrorism were filed in a Valencia court against him and three other members of the military junta which ruled Chile after the overthrow of socialist President Salvador Allende in 1973.¹ The accusation was presented by Miguel Miravet Hombrados, head prosecutor of the Superior Court of Valencia and president of the Progressive Union of Prosecutors of Spain (Union Progresista de Fiscales; UPF). It was one result of a collaboration between human rights activists, lawyers and victims of Chilean and Argentine military repression which had begun some months previously and which took as its example earlier attempts by Italian prosecutors to bring Argentine repressors to justice abroad.² Charges of genocide and terrorism had already been filed in March 1996 by the UPF against a number of Argentine military leaders and officers.³ On 10 June 1996 Judge Baltasar Garzón Real of the Fifth Central Instructing Court of Madrid's Audiencia Nacional (National Court) took on the Argentine case, and on 28 June he ruled that the court had jurisdiction to investigate the charges and prosecute those responsible. The following month Judge Manuel García Castellón, of the Sixth Central Instructing Court, accepted the Chilean case. The two cases thus began separately, although they were later to be linked together.

The proceedings were facilitated by some particular features of the post-Franco legal system. After the UPF's actions had begun the criminal proceedings, lawyers for the victims involved took over the private prosecutions using a device called 'acción popular', which allows any Spanish citizen, whether an injured party or not, to file charges in the public interest without cost and without (during the investigative stage) the support of the public prosecutor.⁴ Chilean victims were further assisted by a 1958 Spanish-Chilean convention on dual citizenship that allows any Chilean national to file charges in a Spanish court with the same rights as a Spanish national. The prosecutions were also facilitated by the special character of the Audiencia Nacional, a Madrid court set up in 1977 and vested under Spanish law with jurisdiction over a num-

¹ Tito Drago, 'Chile: Pinochet Accused of Genocide before a Spanish Court' (Inter Press Service, 4 July 1996). The three other junta members named in the accusation were Gustavo Leigh Guzmán, Cesar Mendoza Durán and José Toribio Merino Castro. The most comprehensive overview of the Spanish prosecutions to date is Richard Wilson, 'Prosecuting Pinochet: International Crimes in Spanish Domestic Law', *Human Rights Quarterly*, vol. 21 (1999). See also B. Paz Rojas et al., *Tarda pero llega. Pinochet ante la justicia española* (1998, Santiago).

² Criminal procedures against Argentine military leaders accused of the murder or disappearance of Italian citizens had been initiated in Italy in 1983, were put on hold when Argentina began to prosecute its own military leaders and re-started after amnesty laws were passed in Argentina. (Margarita Lacabe, 'The Criminal Procedures Against Chilean and Argentine Repressors in Spain: A Short Summary', revision one, 11 November 1998, available along with much other useful documentation on the proceedings in Spain at <http://www.derechos.net/marga/papers/spain.html>).

³ Including Generals Jorge Rafael Videla, Roberto Viola, Admiral Emilio Massera, Generals Leopoldo Galtieri and Reynaldo Bignone.

⁴ For further information on the status of 'acción popular' in Spanish law see Wilson, 'Prosecuting Pinochet', p. 935, note 14.

ber of international crimes.⁵ It is these provisions within Spanish law which have allowed the lawyers and others involved to pursue the cases so determinedly despite the opposition (though this was not manifested immediately) of the Spanish public prosecutor.

a) Rationale for Spanish jurisdiction

An essential issue in the investigations has been whether Spain has jurisdiction over crimes committed abroad by foreign military personnel against non-Spanish as well as Spanish nationals. Originally the charges in both Argentine and Chilean complaints related only to victims of Spanish nationality, but these were subsequently expanded to include a much larger number of non-Spanish citizens so that the issue of universal jurisdiction became central. During the course of the proceedings Garzón claimed such jurisdiction in a series of rulings, but it was not until after Pinochet's arrest upon the judge's orders that the arguments were fully tested in Spain's Audiencia Nacional, in response to a challenge launched by the public prosecutor on 22 October 1998. Spanish jurisdiction was upheld by the Audiencia Nacional in two unappealable decisions, issued on 4 and 5 November 1998, relating to the Argentine and Chilean prosecutions respectively. The basis on which the Audiencia Nacional upheld Spanish jurisdiction was slightly different from that upon which Garzón had originally claimed it.⁶ However, key to both was the finding that Spanish domestic law grants its courts universal jurisdiction over offences 'committed by Spanish or foreign persons outside national territory and capable of being proven under Spanish law', including, amongst others, genocide, terrorism and 'any other [crime] which under international treaties or conventions, should be pursued in Spain'.⁷

Garzón and the Audiencia Nacional also had to consider whether the crimes alleged against Latin American military personnel fell within the definition of genocide, terrorism and torture as provided by Spanish law. Similar issues were later to be rehearsed repeatedly in the UK court proceedings, with Pinochet's lawyers contesting Garzón's definition of these crimes in the context of Spanish, UK and international law. The Spanish Audiencia Nacional's initial reasoning, however, was clear and straightforward. Since this reasoning will continue to have profound implications as Spain continues to play an active role in investigations and prosecutions of Latin American military personnel, it is worth summarising here.

In respect of the crime of genocide, the public prosecutor argued that the

⁵ Wilson notes that in other European countries and the USA the power to pursue international crimes is usually vested not in courts but in public prosecutors (*Ibid.*, p. 934 note 13 — see also for further explanation of the role of the Audiencia Nacional).

⁶ For a useful comparison of Garzón's rulings and those of the Audiencia Nacional, see Lacabe 'The Criminal Procedures'. For analysis of the Audiencia Nacional's rulings, see Wilson, 'Prosecuting Pinochet'.

⁷ Excerpt from Artículo 23.4 of the Spanish *Ley Orgánica del Poder Judicial* (LOPJ — Organic Law of the Judicial Branch) quoted in Wilson, 'Prosecuting Pinochet', p. 951.

repression which occurred in Argentina and Chile was politically motivated and thus fell outside Spanish law's definition of genocide, which could only be committed against a national, ethnic, racial or religious group. The Audiencia Nacional, however, chose to take a broad interpretation of the concept of 'national group' as 'simply a national human group, a differentiated human group, characterised by something, integrated into a larger collectivity'. It therefore found that since repression was targeted at a group composed of citizens 'who did not correspond to the type pre-judged by the promoters of the repression as necessary for the new order ... citizens who opposed the understanding of the national identity, of the national values, sustained by the new governors',⁸ the acts alleged did constitute genocide. In respect of terrorism, the major objection mounted by the prosecutor was that the crimes alleged in connection with the charge (kidnapping, injuring or murder of people) had not been committed by people 'acting in service or collaborating with armed bands, organisations or groups',⁹ as Spanish law requires, since the state and its armed forces cannot be considered as such. Garzón had disposed of this objection in earlier rulings by pointing out that it was not the state itself, but individuals that were being charged with personal responsibility. For its part, the Audiencia Nacional found that as the crimes alleged were clandestinely committed by persons acting in a way characteristic of armed bands and independently of any institutional functions held by them, the charge of terrorism was applicable.¹⁰ The crime of torture, though included by Garzón in his charges, was subsumed within the crimes of genocide and terrorism and thus did not form a major basis of his claim for jurisdiction, although it was used by García Castellón as one of the grounds for jurisdiction in the Chilean case. The issue is complicated because the crime was only incorporated into Spanish law in 1978, and the Torture Convention was not ratified by Spain until October 1987. However, neither García Castellón nor the Audiencia Nacional sought to establish the effective date from which Spanish jurisdiction over torture could be claimed, and the Audiencia Nacional, in its ruling, simply stated that as torture formed part of the larger crimes of genocide and terrorism, over which jurisdiction had already been established, there was no need to consider it in detail.

The rulings of the Audiencia Nacional also disposed of the prosecutors' objection that the offences alleged could not be tried in Spain because they were already being adjudicated by other courts or had been pardoned. Key here was the court's rejection of domestic amnesties in Chile and Argentina as a bar to prosecution in Spain, made on the

⁸ *Auto de la Sala de lo Penal de la Audiencia Nacional sobre la competencia de la justicia española para perseguir delitos de genocidio en Chile*, Madrid, 5 November 1998, translation by the author, available on <http://www.derechos.org/nizkor/chile/juicio/audi.html>. Note that the Argentine case had been ruled on 4 November and the reasoning followed there was extrapolated to apply to Chile.

⁹ Paraphrase of Spanish law as given by Lacabe, 'The Criminal Procedures'.

¹⁰ Summary of part of the argument outlined in *Auto de la Sala de lo Penal de la Audiencia Nacional*, 5 Nov. 1998, supra note 8.

grounds that those amnesties violated international human rights treaties and norms, and 'de-penalised' the conduct complained of.¹¹ In respect of Chile, the court noted that in the cases that the prosecutor claimed had already been dealt with by the Chilean courts, the 1978 amnesty law had been applied, and therefore these cases could not be considered to have been adjudicated in Chile.

b) Organisation and scope of the investigations

Since the initiation of the cases in 1996 an enormous body of evidence and testimony has been amassed and a large number of individuals and organisations have been involved. The most important of the latter are the Salvador Allende Foundation, directed by Joan Garcés, a Madrid lawyer and former Allende aide, which coordinates the Chilean action, and the Human Rights Secretariat of the Spanish left wing political party Izquierda Unida (IU — United Left), coordinator of the Argentine litigation. Additionally a number of human rights NGOs in various countries have provided assistance, including inter alia the Spanish Section of Amnesty International (AI), Servicio de Paz y Justicia (SERPAJ — Peace and Justice Service) which operates in both Chile and Argentina, and the Chilean Corporación de Promoción y Defensa de Derechos del Pueblo (CODEPU — Corporation for the Promotion and Defence of People's Rights). The very high media profile that the Spanish litigation has enjoyed in Latin America and Spain helped to publicise and broaden the investigations and encouraged witnesses to come forward.¹² Hundreds of people, including survivors of the repression, relatives of victims, politicians and ex-military have testified before Garzón's and García Castellón's courts, and a very large volume of documentation, some of it previously filed with Argentine courts, has been transferred to Garzón's. In scope and scale, the Spanish investigation is the most comprehensive to have taken place to date into the human rights abuses of the Southern Cone military regimes.

There is no room here to detail the evidence on which the charges against Pinochet and others are based, but it is perhaps useful to give a brief indication of its nature and extent. In both the Argentine and Chilean prosecutions, extensive use was made by the Spanish lawyers of the findings of those two countries' truth commissions. In Chile, the Comisión Nacional de Verdad y Reconciliación (National Commission for Truth and Reconciliation) and its successor the Corporación Nacional de Reparación y Reconciliación (National Commission for Reparation and Reconciliation) had documented the deaths of 3,197 individuals during

¹¹ The Inter-American Commission on Human Rights had already judged the Argentine and Chilean amnesties to be incompatible with international human rights norms and treaties, and in 1997 the United Nations Committee Against Torture considered the issue of Spanish jurisdiction over torture in Chile and Argentina and found that such jurisdiction did exist. See Wilson, 'Prosecuting Pinochet', p. 956 and note 107.

¹² For example *El País* alone published several hundred articles on the issue from mid 1996 up until the time of Pinochet's arrest.

the Pinochet dictatorship.¹³ In Argentina the report of the Comisión Nacional sobre la Desaparición de Personas (National Commission on the Disappearance of Persons — CONADEP), entitled *Nunca Más* (Never Again), investigated and confirmed the disappearance of almost 9,000 people during the period of military rule.¹⁴ Many of these cases were taken up or amplified by the Spanish investigations. The Spanish judges also heard a large volume of new or additional testimony. Particularly significant were the statements given by ex-military personnel themselves, such as that of retired Argentine Navy Captain Adolfo Scilingo, who gave evidence before Garzón in late 1997,¹⁵ of retired Chilean General Joaquín Lagos Osorio, who offered earlier testimony given in Chile to the Spanish inquiry,¹⁶ and of retired Chilean General Sergio Poblete Garcés, who came forward to testify in the Spanish proceedings in early 1998.¹⁷ The defection of senior military personnel from the conspiracy of silence surrounding human rights crimes, and their incrimination of superiors, including Pinochet, made an important contribution to the evidence, corroborating that already offered by victims and other witnesses.

Particularly critical to the case against Pinochet was evidence amassed by Garzón in relation to a number of murders committed in the 1970s outside Chile but believed to have been organised by the Chilean Dirección de Inteligencia Nacional (DINA, Directorate of National Intelligence) in its capacity as coordinator of 'Operación Condor'. Although Garzón was originally investigating the Argentine case, his interest in Operation Condor had the effect of broadening his remit considerably, and was the reason why it was he, rather than García Castellón, who issued the October 1998 arrest warrants for the Chilean ex-dictator. Operation Condor was an intelligence-sharing operation organised by the DINA as a way for the military regimes of Argentina, Chile, Uruguay, Paraguay and, to a lesser extent, Brazil, Bolivia and Peru, to collect and

¹³ *Informe de la Comisión Nacional de Verdad y Reconciliación* (Santiago, 1991), and English translation by P. Berryman (Indiana, 1993). The report of the commission is popularly known as the Rettig Report, after its chair Raúl Rettig. Delivered in 1991, it was limited to investigating those cases of torture or disappearance which resulted in death, and it did not name the perpetrators, nor have any power to force them to confront or admit their crimes. For a summary of the findings of the report see Lucy Taylor, *Human Rights in the Process of Redemocratisation; Chile's Rettig Report* (University of Glasgow Occasional Paper, no 55, 1993). Its work was taken up in 1992 by the successor organisation mentioned.

¹⁴ It is estimated, however, that many more people — maybe as many as 30,000 — died or disappeared.

¹⁵ Scilingo had earlier, in 1995, detailed his own involvement in crimes of the Argentine Dirty War, including his participation in the notorious 'death flights', in which regime opponents would be thrown, alive, from aircraft into open water. Scilingo was arrested in 1997 on the orders of Garzón and in 1999 was awaiting trial in Madrid.

¹⁶ Lagos Osorio gave testimony implicating General Sergio Arellano Stark, who was working as a delegate of Pinochet, in the 1973 executions of some 53 people in the northern Chilean province of Antofagasta, of which Lagos was commander at the time.

¹⁷ Poblete Garcés had himself been tortured shortly after the 1973 coup because of his refusal to participate in acts of repression.

exchange information on suspected subversives or leftists. It also involved cooperation and mutual aid in the execution of repression — fugitives from one country could be captured in another, and either handed back or tortured, killed or ‘disappeared’ where they were, while special task forces could be despatched to countries party to the agreement to eliminate opposition politicians or suspected subversives. The discovery in Asunción, Paraguay, in 1992 of the ‘Terror Archive’ — some two tonnes of documents relating to the detention and treatment of political prisoners and including intelligence memoranda and reports on multi-lateral ‘security conferences’ — has greatly assisted attempts to prove the existence of Operation Condor and investigate its crimes.¹⁸ Garzón’s investigation of Operation Condor led him to visit the archive in early 1998 and also eventually to take over the investigation of the Chilean case from García Castellón on 20 October 1998.

One atrocity in particular was vital in turning up evidence linking Pinochet directly to Operation Condor. This was the murder of former Chilean ambassador Orlando Letelier and his US associate Ronni Moffitt in a 1976 car bombing in Washington. The case had already been tried in Chile, a special exception to the 1978 amnesty law having been granted under US pressure, and had resulted in the imprisonment of Manuel Contreras, former head of the DINA, for his part in ordering the assassinations. In 1997, seeking his release from prison, Contreras testified to the Chilean Supreme Court that he had only retained his position as DINA chief by direct delegation from Pinochet himself and furthermore that he had always taken orders directly from Pinochet, who had full knowledge of the DINA’s operations. A summary of this testimony was included by Garzón in his criminal indictment of Pinochet and forms a crucial plank of the evidence implicating him personally in the crimes of which he is accused. Contreras’s assertions were also corroborated by testimony given before Garzón by Lawrence Barcella, former federal prosecutor of the District of Columbia. Increasingly, testimony and documentation from the United States has formed a valuable evidentiary element in the proceedings against Pinochet and others, and its increased availability is itself a result of the Spanish investigations. García Castellón travelled to the United States to hear evidence and the Spanish judges also submitted requests to the US government which have resulted in the declassification of a large number of CIA and State Department documents. Some 7,500 documents have been released so far, confirming much of what was already suspected about the extent of CIA and US involvement in the preparation and execution of the coup which ousted Allende, in assisting the DINA in setting up interrogation and torture centres during the dictatorship and in the planning and execution of

¹⁸ The archive is described in Andrew Nickson, ‘Paraguay’s Archivo del Terror’, *Latin American Research Review*, vol. 125 (1995), and Keith Slack, ‘Operation Condor and Human Rights: A Report from Paraguay’s Archive of Terror’, *Human Rights Quarterly*, vol. 18 (1996).

other crimes, including some associated with Operation Condor.¹⁹

The above gives only a very selective account of the scope and range of the Spanish investigations, included here in order to place in a broader context the specific allegations upon the basis of which Pinochet was arrested and charged. It must be emphasised that the evidence collected during the course of the Spanish proceedings provides ample grounds for charges to be made not only against Pinochet but against hundreds of other people (mainly, but not exclusively, ex-military personnel) involved in human rights violations committed on the orders of the military regimes of the Southern Cone. Some of the wider regional implications of the investigations will be discussed later in this paper.

c) The arrest warrants against Pinochet

It will be evident from the foregoing that the case outlined in the Spanish order for Pinochet's arrest in London had been painstakingly compiled and was not opportunistically or hastily put together. However, Pinochet's visit to London provided an opportunity to act which had to be seized quickly. Izquierda Unida, coordinator of the popular action litigation in the Argentine case, upon learning of Pinochet's presence in London, requested that Garzón's court submit a request for his interrogation in relation to his role in Operation Condor and in connection with the kidnapping and disappearance of named individuals. Simultaneously, the *Agrupación de Familiares de Detenidos y Desaparecidos de Chile* (Association of Families of the Detained and Disappeared of Chile) asked that Pinochet and named associates be charged with genocide, terrorism and torture. Garzón accepted the requests, and on 16 October 1998 Pinochet was arrested on a provisional warrant signed by a London magistrate on behalf of Garzón. This initial warrant seems to have been compiled in haste, possibly to secure Pinochet's detention while fuller charges could be prepared, and alleged the murders only of Spanish nationals in Chile between 1973 and 1983. It was later ruled bad in law by the UK High Court, on the grounds that the murder of Spanish nationals abroad was not an 'extradition crime' under UK law. A second and much fuller warrant issued by Garzón on 18 October expanded the charges to encompass allegations of genocide, terrorism and torture of 94 people, including individuals of Argentine, US and British nationality. All the 94 people named in the second warrant had died or disappeared as a result of the activities of Operation Condor or the DINA. In support of his order Garzón cited a number of international legal norms, including, *inter alia*: the 1943 Moscow Declaration concerning crimes against humanity; the

¹⁹ The Clinton government was at first reluctant to accede to the Spanish requests for assistance, but finally ordered the release of documents in February 1999. On this subject see Peter Kornbluh, 'Prisoner Pinochet and the Quest for Justice', *Nation*, New York, December 21, 1998. More recently the administration has committed itself to ensuring the fullest possible disclosure. One of the most significant revelations of recent months has been the CIA's claim that Manuel Contreras was a paid CIA informant from 1974–77. Many of the documents so far released are now available on the internet: see <http://www.seas.gwu.edu/nsarchive>.

1945 Statute of the Nuremberg Tribunal; the 1948 UN Convention Against Genocide; the 1984 UN Torture Convention; and the 1992 Declaration of the UN General Assembly on the forced disappearance of persons.

The case in the UK

The Spanish investigations into Chilean and Argentine military repression had been reported in the Chilean press long before Pinochet travelled to London in September 1998. Nevertheless, neither Pinochet nor the Chilean government appear seriously to have countenanced the possibility that he could be arrested during his trip.²⁰ Travelling on a diplomatic passport, he was accorded a diplomatic welcome upon his arrival at Heathrow, and though forced by illness to curtail somewhat his usual London activities, he still found time to visit his favourite museums and shops and to take tea with Margaret Thatcher. On 25 September he was photographed for *The New Yorker* at the Park Lane hotel where he was staying. Some two weeks later he underwent surgery at a private clinic, and it was while he was recuperating that he was placed under arrest.

Responses to his arrest were dramatic. Pro- and anti-Pinochet demonstrators made their feelings known in both London and Santiago, human rights groups worldwide were vociferous in calling for his trial, politicians of the British and Chilean right equally so in demanding his swift release. France and Switzerland followed up the Spanish action by issuing extradition warrants of their own. The Chilean centre-left Concertación government under Christian Democrat President Eduardo Frei immediately requested that Pinochet be freed, claiming that his passport afforded him diplomatic immunity.²¹ This argument was quickly disposed of by the Foreign Office, which pointed out that since Pinochet was neither a serving head of state nor an accredited diplomat he had no automatic immunity from arrest. With the Labour government insisting that the matter was purely judicial, not political, it became clear that there would be no quick political solution and that the issues would have to be tested in court. Pinochet engaged lawyers from the London firm Kingsley Napley to act on his behalf and was moved to the Grovelands Priory Hospital in North London where he was granted bail while he awaited the first hearing in the case. He could hardly have expected at this point that his detention would last 17 months.

²⁰ Sebastian Brett suggests that the Chilean authorities believed that the Spanish judges had exceeded their jurisdiction, 'When Tyrants Tremble: the Pinochet Case', *Human Rights Watch Report*, vol. 11, no. 1, 1999. Pinochet himself was reported in *El País* (10 Aug. 1998) to have dismissed the charges against him as motivated by revenge.

²¹ Despite this swift action and the maintenance throughout the affair of a consistent public position, the arrest and government policy toward it did in fact strain the unity of the Concertación coalition. See Brett, 'When Tyrants Tremble', p. 31.

a) Progress of the case: a summary of events

The tortuous progress of the case through the UK courts demonstrated the complex interplay in English extradition law between judicial and executive power. It falls to the Home Secretary to take the initial decision to begin extradition proceedings in the courts and, at the end of the court proceedings, to take the final decision on whether or not to extradite. In taking these decisions the Home Secretary may consider grounds for compassionate action, and at both stages his decision may be challenged by way of judicial review. Legal rulings at every stage are, of course, appealable, and the Pinochet case went to the highest court, the Appellate Committee of the House of Lords, three times. However, the eventual decision to free Pinochet resulted from the exercise of Jack Straw's discretionary powers and was clearly influenced by political, as well as legal, considerations.

The second arrest warrant issued by London Magistrate Bartle on 22 October alleged torture, hostage-taking and conspiracy to commit such crimes. The main issue considered by the High Court in making the first ruling on the case, on 28 October 1998, was whether Pinochet was entitled to claim sovereign immunity from prosecution or arrest for the crimes alleged. After a two-day hearing the court ruled that Pinochet had immunity from prosecution and arrest on the grounds that the Spanish charges related to acts performed in the exercise of his function as head of state. Lord Bingham's judgement dismissed the arguments of the Crown Prosecution Service (CPS, acting for Spain) that such heinous crimes could not be considered a proper function of a head of state, going so far as to assert that there was nothing in international law which could invalidate the principle that 'one sovereign state will not impugn another in relation to its sovereign acts'. The 16 October warrant was quashed, but the order to quash the second warrant was stayed pending appeal to the law lords, in recognition of the importance of the case. During the time which elapsed between this and the subsequent hearing, Garzón submitted his formal extradition order, which in over 300 pages substantiated his allegations of genocide, terrorism and torture and attributed to Pinochet responsibility for an international criminal organisation which caused the deaths or disappearance of over 3,000 individuals.

The five law lords (Steyn, Lloyd, Slynn, Nicholls and Hoffman) who heard the appeal between 4 and 12 November 1998 took a different view on the issue of immunity than had the High Court. On 25 November, Pinochet's 83rd birthday, they ruled by a 3:2 majority that he was not immune from prosecution because international law does not recognise immunity for crimes such as torture and genocide, whether committed as head of state or otherwise.²² However, the lords' ruling was challenged by Pinochet's lawyers on the grounds that one of the lords who had heard the appeal, Lord Hoffman, had links with Amnesty In-

²² The verdict was delivered somewhat in the manner of a penalty shoot-out, being relayed live to the press in the form of short summaries by each of the Lords.

ternational, which had intervened in the appeal. A new panel of five law lords was convened to hear the petition from Pinochet's lawyers, which, in an unprecedented move, unanimously set aside the original lords ruling. The lords judged that Hoffman's position as an unpaid director of Amnesty International Charity Ltd was an automatic disqualification to his sitting on the appeal panel.

The overturning of the 25 November lords' judgement resulted in the appeal having to be reheard, this time before a larger panel of seven law lords. Chile and human rights organisations were allowed to participate in the 12-day hearing in January 1999. In a complex ruling delivered on 24 March, a six to one majority allowed the appeal, judging that Pinochet could be extradited to Spain, but only in relation to crimes of torture and conspiracy to torture committed after 8 December 1988, the date by which all three countries concerned, Spain, Chile and the UK, had ratified the Convention Against Torture in their domestic law. This judgement reduced the number of extraditable offences from 31 to three — one of torture and two of conspiracy to torture. Nevertheless, Jack Straw issued a second authority to proceed with extradition, and over the summer a preliminary hearing set 27 September as the date for the start of extradition committal hearings.

In this space of time Judge Garzón added some 33 further charges to his original extradition request, all concerning offences committed after 8 December 1988. When the formal committal hearing began lawyers for Pinochet argued that these should not be considered, however Ronald Bartle, the Bow Street magistrate in charge of the committal proceedings, judged the extra charges admissible and in his ruling of 8 October committed Pinochet to await Straw's final decision on extradition. The following week the Chilean government issued a formal request, accompanied by medical reports, to the British authorities for Pinochet's release on humanitarian grounds. In fact, the Chileans had decided some time before that their best hope of securing Pinochet's release was on compassionate grounds. During the summer of 1999 a series of private meetings took place between the Chilean, Spanish and British foreign ministers, Juan Gabriel Valdés, Abel Matutes and Robin Cook, respectively. Although the Spanish and UK governments continued to insist that the judicial process would be allowed to run its course, it is difficult to resist the conclusion that these diplomatic contacts had a considerable impact on the way the case was handled subsequently, setting the scene for the eventual freeing of Pinochet on compassionate grounds.

A few weeks after Valdés had met both Matutes and Cook (separately) during a summit in Rio de Janeiro in late June 1999, Chile proposed to Spain that the case be resolved by some form of bilateral arbitration and at the same time sent to the UK government medical reports which claimed that Pinochet's health was declining. Garzón and the Spanish left reacted angrily to the agreement by José María Aznar's centre-right Partido Popular government to consider the arbitration route and it was ultimately rejected as unviable.

However, this was not the first or the last time that the Spanish government, despite its public protestations of neutrality in the affair, sought to frustrate Garzón's investigation.²³ A few days before the 8 October ruling by magistrate Bartle, two Spanish diplomats visited an official of the British CPS (which acted for Spain in the legal proceedings). They told the CPS that Spain had not yet decided whether or not to mount an appeal should the decision go against Pinochet, thus appearing to countermand the instruction to appeal already given by Garzón. A request for clarification from the CPS brought the affair out into the open and resulted in the Spanish government issuing an unconvincing denial of any intention to sabotage the judicial process.

Almost as soon as Bartle's ruling had been delivered, Valdés announced to the Chilean press that henceforth he would concentrate on pressing the humanitarian case for Pinochet's release (though informally such pressure had been mounting for some months), and swiftly followed this up with his formal request of 14 October. No doubt hoping for a favourable response, Pinochet's lawyers delayed their decision to appeal against Bartle's ruling as long as possible, while for its part the Spanish government let it be known that it would not seek to appeal should Straw eventually decide to release Pinochet on compassionate grounds (thus reigniting a row over judicial versus political responsibilities in Spain). Straw responded to the Chilean petition by requesting on 5 November that Pinochet undergo independent medical tests to determine whether his health was good enough to allow him to stand trial, offering the ex-dictator (it emerged later) a promise that the findings of the examinations would remain confidential. The tests were carried out on 5 January by a team of five doctors appointed by Straw, and six days later, a few weeks before the second round of Chilean presidential elections, Straw issued a statement saying that he was 'minded' to halt the extradition proceedings on the grounds that Pinochet was unfit to stand trial following deterioration in his health. He did, however, grant interested parties (principally human rights organisations and the Spanish government) seven days in which to make representations before taking a final decision.

Straw's decision to exercise discretionary power narrowed the options for those who wished to see the ex-dictator extradited. Under UK law any final decision to refuse extradition is subject to challenge by way of judicial review, which requires the appellant to demonstrate that the Home Secretary has acted improperly or unfairly. Representations from human rights organisations and Garzón (the latter reluctantly passed on by the Spanish government) therefore argued that by refusing to disclose the medical report to interested parties Straw was flouting natural justice and demanded that fresh medical tests be carried out. Garzón also argued that it ought to have been

²³ For careful monitoring of the Spanish government's opposition to the proceedings see the excellent reporting by Ernesto Ekaizer in *El País* throughout the course of the case, and with reference to this episode in particular, his articles of 20 Oct. 1999, 'Segunda interferencia, sin coartadas', and 21 Oct., 'Matutes admite un posible conflicto con Garzón si Pinochet es liberado'.

left to the courts to decide on the issue of Pinochet's fitness to stand trial. However, given that the Spanish government continued to insist that it would not seek judicial review of Straw's final decision it began to look increasingly likely that Pinochet would be freed without further legal challenge.

In the event, a challenge was mounted from an unlikely source, Belgium, which had hitherto taken no part in the case. Before Straw could announce his final decision, Belgium and a coalition of six human rights organisations lodged two applications for judicial review. Judge Maurice Kay refused the applications, describing arguments to the effect that Straw should disclose the medical report as 'utterly without merit'. Belgium and the human rights groups lodged an immediate appeal, which was heard by a panel of three High Court judges on 7–9 February. In a unanimous ruling, the judges ordered Straw to release the medical report to the four countries who had lodged extradition requests (France, Spain, Belgium and Switzerland), under conditions of strict confidentiality. No sooner had the report been forwarded than it was leaked, extracts appearing in the Spanish press. The report disclosed the doctors' conclusion that Pinochet was 'sufficiently mentally incapacitated to be unable to take part in a trial and understand what is happening'. In support of this conclusion they cited memory loss; a limited capacity to understand complex phrases and questions and incapacity to process verbal information adequately; a weakening of his ability to express himself; and episodes of fatigue. The four countries were given seven days to make further representations. All four raised objections to the medical report, with Belgium, Spain and France demanding the right to carry out independent medical tests and Switzerland arguing that Pinochet's condition was no bar to his extradition under international law.

On 1 March, Straw gave notice that he would deliver his final decision the following morning at 8:00 a.m. As expected, he refused extradition on the grounds that Pinochet was unfit to stand trial. Although last minute appeals had not been ruled out by Switzerland and Belgium, in the event both accepted the Home Secretary's decision. For his part, Garzón sent a nine-page fax to the CPS giving grounds for appeal, but since the Spanish government refused to endorse it, the document was ignored. Shortly after Straw's decision was issued, the director of public prosecutions, to whom the case had been referred under the provisions of the Convention on Torture in order that the basis for a domestic prosecution could be examined, issued a statement to the effect that given the medical reports, there was no realistic prospect of Pinochet being tried in any UK court. His bail conditions lifted, Pinochet was free to leave the house in Virginia Water, Surrey, where he had remained on bail since 1 December 1998, and did so at around 9:45 a.m. in a carefully choreographed police operation which managed to evade confrontations with protestors by having the motorcade leave the private Wentworth estate via a back exit. Journalists and demonstrators were also wrongfooted by the decision to fly out not from RAF Brize Nor-

ton where a Chilean jet had been on standby, but from RAF Waddington in Lincolnshire. However, Pinochet's departure was not without some drama. Halfway down the runway, his plane was halted to facilitate the delivery of a gift from his staunch ally Margaret Thatcher — an engraved silver 'armada plate' commemorating his 'rebuff to Spanish colonialism'.

b) Key issues in the final lords' ruling

During the course of the case in the UK, numerous issues of interest and significance were raised. The case focused worldwide attention on the practices and procedures of the UK judiciary and in particular of its highest court, the Appellate Committee of the House of Lords. The Hoffman episode embarrassingly highlighted a lack of adequate safeguard against the appearance (and possibly the existence) of bias, and led to calls for the introduction of tighter procedures to prevent conflicts of interest and for stricter control of appointments to lords panels. The tightest such controls, however, could not prevent (though they might camouflage) what one legal analyst has called the 'sheer chanciness of appellate decision-making'.²⁴ The differences, in both the legal reasoning followed and the conclusions reached, between the lords rulings of November 1998 and of March 1999 demonstrated not only that the result of any lords appeal may be in large measure dependent upon the constitution of the panel, but also the depth of the uncertainty surrounding the status of international legal norms in UK domestic law, and by implication in the domestic law of other states.

A majority of the panel in the first lords appeal (Nicholls, Slynn and Hoffman) accepted that the UK had an obligation under the 1984 Convention Against Torture either to extradite Pinochet or to prosecute him. They held that the crimes alleged against him were of such seriousness that they could not be regarded as functions of a head of state and thus immunity could not be claimed on that basis. Nor did the State Immunity Act of 1978 protect Pinochet, since it did not extend to criminal proceedings. The lords therefore ruled that the issue of the second warrant was a valid decision which should be reinstated. The March 1999 ruling was based upon a rather different, and much narrower, interpretation of international and domestic law. None of the seven lords involved had sat on the first appeal panel. Lord Browne-Wilkinson gave the leading judgement, allowing the appeal in relation to torture and conspiracy to torture after 8 December 1988. This drastic reduction of the charges hinged upon a debatable interpretation of a provision in the 1989 Extradition Act. The Act requires that the conduct complained of must constitute a crime under the law of both the extraditing state and the state requesting extradition (the double criminality rule). Browne-Wilkinson reasoned that since the Convention Against

²⁴ David Robertson, 'The House of Lords as a Political and Constitutional Court: Lessons from the Pinochet Case', in D. Woodhouse (ed.), *The Pinochet Case; A Legal and Constitutional Analysis* (Oxford, 2000), p. 17.

Torture only came into force in the UK on 29 September 1988, the key question to be addressed was whether the definition of an extradition crime required the conduct to be criminal under UK law at the date of commission or only at the date of extradition. He concluded the former. This meant that crimes of torture or conspiracy to torture committed before 29 September 1988 could not be extraditable offences, as they were not crimes under UK law. Charges of murder and conspiracy to murder were dismissed on the basis that no-one had advanced any reason as to why ordinary rules of immunity should not apply, whilst charges of hostage-taking were dismissed as bad in law because they did not fit the definition of hostage-taking as defined in the Taking of Hostages Act 1982.

The precise requirements of the double criminality rule was an issue which had not even been considered by the first panel, a fact which was used by the third panel as justification for its dramatically different conclusion. Although a majority of the third panel assented to Browne-Wilkinson's reasoning on the effective date from which jurisdiction could be claimed, there were, in fact, a number of different positions. Lord Goff, at one extreme, would have dismissed the appeal on the basis that former heads of state continue to enjoy immunity even after leaving office for acts done when they were in power, and the Torture Convention does not provide for this immunity to be waived. Lord Millett, at the other extreme, judged that the systematic use of torture had joined piracy, war crimes and crimes against peace as an international crime of universal jurisdiction well before 1984, indeed by 1973. He would, therefore, have held that UK courts already possessed extra-territorial jurisdiction before the ratification of the Torture Convention and did not require the authority of statute to exercise it. He noted also that Chile had the primary right to prosecute, but if it did not seek extradition, then the UK was obliged to extradite to another requesting state or to prosecute.

This aggregate ruling was criticised by legal analysts, who pointed out that it rested on a peculiarly narrow, even pedantic, interpretation of the legal instruments concerned.²⁵ It seems somewhat bizarre to suppose, as the ruling implied, that the intention prevailing at the time of the UK's ratification of the Torture Convention could have been that someone accused of a campaign of torture lasting many years should only be subject to extradition for that part of his conduct which occurred after ratification of the Convention itself. Also somewhat odd was the lords' insistence that immunity could not be claimed against charges of torture and yet could be claimed against allegations of murder, on the basis that no sound legal arguments had been advanced to the contrary. The lords' adherence was clearly to the letter, rather than to the spirit, of developing international law and in this sense could hardly be welcomed unconditionally by human

²⁵ See Robertson, 'The House of Lords' and Michael Birnbaum, 'Pinochet: the Legal Intricacies', posted on the Latin American Newsletters website at http://www.latinnews.com/Pinochet/pinochet_eng.html (visited 19 Oct 1999).

rights campaigners. Yet, notwithstanding the different and disputable reasonings given by the judges involved, the drastic reduction of the charges occasioned by the third lords ruling and the eventual circumvention of the legal process by the application of the Home Secretary's discretion, it was nevertheless the case that of the 12 law lords who considered the appeal, nine concluded that Pinochet could be extradited to Spain to face criminal charges for acts committed when he was head of state. As Lord Hutton argued, a single act of torture was basis enough for universal jurisdiction to be claimed. Pinochet's release on compassionate grounds did not, of course, in any way affect the legal standing of the final ruling. If, as seems likely given the scale of worldwide interest in this particular case, this decision were to contribute to the jurisprudence of other nations, the potential implications for international human rights law are considerable.

Part Two: Implications and effects of the Pinochet case: some tentative conclusions

It is far too early to tell what long-term impact the events and judgements occasioned by the Pinochet affair will have. The potential implications of the case have nevertheless understandably been the object of intense speculation and discussion. Human rights lawyers have acclaimed the lords' verdict, in its upholding of universal jurisdiction for torture and its denial of diplomatic and head of state immunity, as the most significant precedent for international human rights law since Nuremberg. The Spanish investigation into human rights violations by the military in Latin America continues to expand and break new ground, with the potential to exert a considerable impact upon the legal and political situation in a number of countries in the region. In respect of Chile, the fact that the case against Pinochet continues there is one indication, among others, of an altered legal and political context. Since this is the most direct and definite immediate result of the Spanish and UK proceedings it will be treated first.

Repercussions and continuation of the case in Chile

Pinochet's arrest placed Chilean democracy in the spotlight. One of the central arguments advanced by those who called for his release, both in Chile and in the UK, was that the prospect of a trial threatened to 'reopen old wounds' and to place Chilean democracy in jeopardy. Certainly at the time of his arrest, and despite the claims by Frei's Concertación government to the contrary, it was unthinkable that Pinochet would ever be called to account in Chile for the thousands of deaths and disappearances which had occurred during his regime. Before relinquishing his presidency to Patricio Aylwin after the 1988 plebiscite in which 55 per cent of Chileans voted 'No' to his continuation in office, Pinochet had implemented a series of measures

designed to constrain the power of the subsequent democratic regime and guarantee impunity for the military.²⁶ These 'amarres' (literally 'mooring lines'), enshrined in the 1980 authoritarian Constitution, included packing the Supreme Court and Constitutional Tribunal, ensuring an over-representation of the right in the electoral system and guaranteeing the presence of nine 'designated senators' (out of 48) in the upper house of Congress. A further critical obstacle to prosecution of the military was the 1978 amnesty law, which covered criminal acts committed by uniformed agents including murder, torture and disappearance from 1973 to 1978 (the period when repression was at its height).

One of Christian Democrat President Aylwin's first acts in office was to set up the Comisión Nacional de Verdad y Reconciliación, which reported in 1991. The report was of critical importance in that it resulted in the establishment of a large body of factual evidence about the repression that had occurred and thus gave recognition to the pain of victims and relatives. However, it only investigated cases of torture and disappearance resulting in death and thus did not give voice to the thousands tortured or imprisoned who survived, and of course, since its remit was truth rather than justice, it did not attribute blame to or pursue the perpetrators. Its aim of reconciliation was only very partially achieved since it had no remit to force the perpetrators of abuses to confront or admit their crimes. Indeed, the military and the *pinochetista* right remained unrepentant and in some instances downright defiant. On one occasion after the discovery of unmarked graves in which bodies were buried two or three together, Pinochet himself commented to the press '¡Qué economía!' (1991).²⁷ In short, impunity was conceded at the time of Chile's transition to civilian rule as the ransom of democracy on the basis that any attempt to pursue justice would threaten democratic stability.

Subsequent attempts by both Concertación governments (Aylwin's and Frei's) to tackle the 'authoritarian enclaves' in the political system tended to founder on the rocks of the authoritarian constitution. Some prosecutions of individual officers for human rights violations were undertaken, the most important of which resulted in the imprisonment of Manuel Contreras, former DINA chief, and his deputy Pedro Espinoza for the 1976 Letelier-Moffit murders. A number of other charges, some naming Pinochet himself, were filed with lawyers by victims and relatives with little chance, or expectation, however, that they would ever result in trials.²⁸ Most such cases were stymied, halted or simply thrown out,

²⁶ For the background in Chile, see amongst other sources Jenny Pearce, 'Impunity and Democracy: the Case of Chile', in R. Sieder (ed.), *Impunity in Latin America* (London, 1995), and for a review of prosecutions up until and during Pinochet's detention, Brett, 'When Tyrants Tremble'. For broader discussions of impunity in the context of democratic transition, see other essays in the Sieder volume and Francisco Panizza, 'Human Rights in the Processes of Transition and Consolidation in Latin America', *Political Studies* (1995), vol. 43, Special Issue on Politics and Human Rights.

²⁷ Quoted in Pearce, 'Impunity and Democracy'.

²⁸ The first such charge was filed in January 1998 by Gladys Marin Millie, secretary gen-

usually as a result of the application of the 1978 amnesty law.²⁹

Pinochet's arrest was a very powerful catalyst, perhaps the most powerful possible, for Chile's past to be brought once more into the open. The effect which might have been expected by observers who took seriously the warnings of many of those who lobbied for Pinochet's release — large-scale polarisation and violence — failed to materialise. Although there were clashes between supporters and opponents of the ex-dictator, sometimes involving violence and, on one occasion (11 September 1999, the 26th anniversary of the coup), the deaths of two people, such incidents were the exception rather than the rule. The fact that the arrest had happened abroad undoubtedly conditioned Chilean reactions. The case was not the result of a Chilean initiative and was to a great extent out of Chile's hands, thus although it did polarise public feeling, it did so at one remove. With presidential elections looming, politicians of all sides were concerned to downplay the issue and it does not appear to have had a significant impact upon the campaigns of the two candidates, Joaquín Lavín (of the right-wing Unión Demócrata Independiente though he sought to downplay his party connections) and the eventual winner Ricardo Lagos (for the governing Concertación, but himself a member of the Partido Socialista) or upon the result.³⁰ The polarisation of public opinion on the case (a December 1998 poll showed 45 per cent of Chileans thought Pinochet's detention in the UK a bad thing, 44 per cent a good thing and 57 per cent were in favour of a trial in Chile) did not significantly affect the normal course of democratic political competition, still less raise any challenge to the legitimacy of democracy. In particular, the success of Lavín in distancing himself and his party from associations with the dictatorship and with the case confirms the emergence of a political right firmly committed to democratic rules and values. Even the military, despite some posturing, largely showed restraint.

The minimal impact of the affair upon the conduct of the elections should not be taken to indicate that it has had no repercussions in Chile. The symbolic and expressive significance of the case has been tremendous, not least because the enormous world interest has enabled victims to tell their stories on a world stage and moreover in a context which is about pursuing not only truth but retribution and justice — hitherto largely impossible in Chile itself.³¹

eral of the Chilean Communist Party.

²⁹ As Brett notes in 'When Tyrants Tremble', p. 6, the amnesty law had been condemned by both the UN Human Rights Committee and the Inter-American Commission on Human Rights as incompatible with international law.

³⁰ The first round of the elections took place on 12 December 1999. Lagos won 47.9% to Lavín's 47.6%. A second round held on 16 January 2000 resulted in a narrow victory for Lagos, who won 51.7% to Lavín's 48.3%.

³¹ For a very useful analysis of the 'expressive' aspects of Chile's transition up until the time of Pinochet's arrest, see Alex Wilde, 'Eruptions of Memory: Expressive Politics in Chile's Transition to Democracy', *Journal of Latin American Studies*, vol. 31, part 2, May 1999. Wilde characterises the arrest as one such 'eruption' and mounts a persuasive case for scholars of transition to pay greater attention to the symbolic and expressive aspects of transition and consolidation processes.

This is a significant development in itself and has certainly been one of the motivations for pursuing the case for some at least of the lawyers and victims' associations involved. In more concrete terms also the case has had important effects, particularly in stimulating the action of the courts.

During the period of Pinochet's detention in the UK the pace of judicial reform and of prosecutions of human rights violations increased greatly. Critical to this was an increasingly used new interpretation of the 1978 amnesty law, which interprets unsolved disappearances as 'aggravated kidnappings', where the crime extends beyond the expiry of the period covered by the amnesty law, and therefore is not covered by it. Ingenious interpretations of the law had been offered before, but it was this July 1999 Supreme Court judgement in the case of five senior military officers accused of participating in the so-called Caravan of Death murders which turned the tide and which has far-reaching implications for hundreds of other cases where the remains of victims have never been found.³² This new interpretation also has a further implication — that the location of remains or disclosure about victims' fates is necessary before those accused of the crimes can benefit from immunity. It thereby adds a new dimension to pressure on the military to disclose such information. On a related point, the period of Pinochet's detention also saw the opening up for the first time of a dialogue (so-called Mesa de Diálogo) between military representatives and human rights lawyers. Although its legitimacy was somewhat reduced by the refusal of relatives' organisations to participate, the establishment of the Mesa de Diálogo was nevertheless an important milestone in the struggle to gain an admission from the military that egregious crimes did, in fact, take place, as well as to gain information about the fate of victims.³³

The pace of judicial proceedings continued to quicken after Pinochet returned to Chile. Lagos's government moved quickly to show that it has the political will to tackle the many and serious obstacles to ending military impunity. Angered by the defiant posturing of the military in according a full ceremonial welcome for Pinochet upon his return, socialist Concertación politicians condemned the display as a disgrace and Lagos retaliated by making it clear that Pinochet would not be welcome at his inauguration as president. At the inauguration itself (on 11 March 2000) Lagos pledged to complete Chile's transition to democracy³⁴ and to be a president associated with 'truth, transparency and justice', while the staging of his entry into the La Moneda Palace (he is the first socialist president since Allende) showed a

³² The Caravan of Death (*Caravana de la Muerte*) refers to an episode in October 1973 during which scores of political prisoners were summarily executed, tortured or disappeared by a special squad of military officers allegedly acting on direct orders from Pinochet.

³³ Recently, evidence has emerged to suggest the existence of a specialised group charged during the dictatorship with the removal of remains of the disappeared from their original places of burial, in order to destroy them. See *El País*, 1 May 2000, 'El juez Guzmán denuncia le exhumación de los cuerpos de desaparecidos en Chile'.

³⁴ This is in itself noteworthy since Frei had considered it completed. See Brett, 'When Tyrants Tremble', p. 33.

keen awareness of the symbolic and expressive significance of the event. In April 2000 Lagos proposed the initiation of a process of constitutional reform, asking Senate President Andrés Zaldívar to convene an all-party working group and promising that all issues would be tabled, including: the abolition of designated senatorships and senatorship-for-life; the features and composition of the National Security Council and of the Constitutional Tribunal; the possibility that the president should be able to appoint armed forces chiefs; and the binominal electoral system. In March 2000, the public prosecutor (*Consejo de Defensa del Estado* [Council for Defence of the State]) agreed to become a party in the Caravan of Death case, after having previously refused.

Shortly after Pinochet returned to Chile, Judge Guzmán made an application to the courts to have Pinochet stripped of the immunity from prosecution afforded him by his self-appointed life-senatorship, and on 26 April 2000 the 22 judges of the Santiago Court of Appeal began to hear the case. Among other charges, Pinochet has been accused of ultimate responsibility for the Caravan of Death murders, in connection with which Guzmán submitted over 3,000 pages of evidence to the court. As the hearing proceeded there were clear signs that some of Pinochet's own subordinates in the military regime are increasingly prepared to implicate him directly in crimes. Prosecuting lawyers cited the testimony of retired General Gonzalo Urrejola, who claimed to have received a direct telephone order from Pinochet to execute German Castro, an Allende associate. Manuel Contreras, Pedro Espinoza and Sergio Arredondo are also among those ex-associates on whose loyalty Pinochet can no longer rely. The present military leadership, by contrast, supported Pinochet through the hearing, but with Lagos making his intolerance of veiled threats abundantly clear, this support took the form of public displays of solidarity rather than anything more genuinely menacing.³⁵

On 23 May 2000 the Appeal Court voted by 13:9 in favour of Guzmán's petition, and the decision was confirmed officially on 5 June. Pinochet's defence immediately lodged an appeal to the Supreme Court. The following week the Mesa de Diálogo talks culminated with the release of an accord which Lagos welcomed as an historic step toward the completion of Chile's transition. The accord marks the first time that the armed forces have admitted the existence of a campaign of disappearance of opponents of the military regime. Though it denies that the military hold definite information on the whereabouts of the disappeared, it does commit them to pass on to the president any information they have which will assist in the investigations (with the proviso that sources are protected). Together with the continuing disclosures by US intelligence sources, the accord is part of an avalanche of information fi-

³⁵ This is not to say that there is no danger from Pinochet's supporters. Lawyers involved in his prosecution have received death threats, and on 12 July 2000 Pinochet's appeal hearing was postponed after a suspicious hit and run road accident left the wife of Communist Party lawyer Eduardo Contreras seriously injured.

nally exposing the long-buried truths of the Pinochet era. In August 2000 a further, and critical, step was taken toward the prospect of a trial for Pinochet himself when the Supreme Court voted to uphold the Appeal Court's decision to strip him of his immunity from prosecution. At the time of this writing, Pinochet's age and state of health appears the most likely factor that may allow him to evade a trial. Chilean law, however, is stricter on this point than the UK law which facilitated his return to Chile, requiring a defendant to be seriously mentally incapacitated before trial can be evaded. In both recent hearings Pinochet's defence team repeatedly requested that the courts allow new medical evidence to be admitted before a decision on immunity was taken (the requests were refused). However, since the Supreme Court ruling Pinochet appears to have changed tack in his defence strategy, mounting a more belligerent and public defence of the record of his regime and insisting that he will not submit to psychiatric tests ordered by Guzmán on 25 September.

It is too early to say with certainty what the long term effects of the Pinochet affair will be for Chile. Significant political and constitutional obstacles to successful prosecutions still exist and, as Lagos admits, Chile's transition to democracy remains incomplete. Yet the fact that Chile's legal and political institutions have proved themselves capable of opening the way for a trial of Pinochet himself is a sure indication that the process of democratic consolidation in Chile has been greatly advanced as a result of the proceedings begun in Spain.

Developments in Latin America

As has been emphasised earlier, the Pinochet case has formed only one part, albeit a critical one, of a much wider investigation. Before his arrest, Spanish judges had already named a number of other senior ex-military personnel in connection with the Argentine and Chilean enquiries. These included military leaders such as former members of the Argentine junta, Generals Videla, Viola and Massera, and their successors Galtieri and Bignone, but also less high profile practitioners of repression — intelligence operatives, gaolers, informants and even doctors responsible for monitoring the application of torture.³⁶ Investigations have proceeded and expanded throughout the course of the Pinochet affair, with already some notable results. In Argentina particularly, where the process of trying and convicting repressors had, in any case, advanced much further than in Chile since the end of the dictatorships, much progress has occurred, at least partly as a result of the Spanish action. Generals Videla and Massera were arrested in Buenos Aires in late 1998 to answer charges relating to the kidnap and sale of children born to victims of military repression, and in

³⁶ For the Argentine actions see M. Feitlowitz, *A Lexicon of Terror: Argentina and the Legacies of Torture* (New York, Oxford, 1998), and Naomi Roht-Arriaza (ed.), *Impunity and Human Rights in International Law and Practice* (New York, Oxford, 1995), also Wilson, 'Prosecuting Pinochet', pp. 936–7.

November 1999 were named along with 96 other Argentine ex-military and police in an indictment and arrest warrant issued by Garzón. In 1999 the Argentine amnesty law was repealed in response to increased pressure for an end to military impunity. In this changing context, Argentine lawyers have pursued their own investigations with renewed vigour. One particularly high profile case is that concerning the assassination of Chilean Carlos Prats and his wife Sofía Cuthbert in Buenos Aires in 1974, which has a significance extending beyond Argentina because of its suspected connection with Operation Condor. The investigating judge, María Servini de Cubria, has requested that she be allowed to question Pinochet in connection with the case.

One of the most notable features of the investigations from the start has been the extent of international coordination between the various lawyers, human rights and victims' groups involved. Many countries other than Spain (including Germany, Switzerland, Belgium, Israel, the United States, Sweden, Denmark and New Zealand) have opened or reopened their own investigations, issuing their own warrants or in some cases mounting trials in absentia. Italy, originator of the first investigations of this kind, has continued to pursue prosecutions against Argentine and Chilean military leaders, and has a request pending for the extradition of Manuel Contreras for the 1975 Rome assassination of former Chilean vice president Bernardo Leighton and his wife. Contreras is also one of a number of former officers to be questioned by officials from the US Justice Department in connection with the Letelier murders. Given the extent of the USA's own implication in the activities of Operation Condor, this last seems somewhat ironic, but is nevertheless indicative of a new, and very generalised, international mood to allow the clandestine crimes of the Southern Cone dictatorships to be at last exposed. The increased availability of documentary evidence, a result of continuing work in cataloguing the Terror Archive, has encouraged Paraguay to investigate the crimes of its own ex-dictator Alfredo Stroessner and the Bolivian press to look anew into the activities of Hugo Banzer, serving as constitutional president from 1997 having held power as a dictator from 1971 to 1978.

The impetus to investigate the past has also recently extended beyond Latin America's Southern Cone. In March 2000 Spanish Judge Guillermo Ruiz Polanco of the Audiencia Nacional opened an investigation into allegations of torture, state terror and genocide against eight senior Guatemalan politicians and police, including three former heads of state, Efraín Ríos Montt, Fernando Lucas García and Oscar Mejía Victores.³⁷ Based on allegations by Nobel Peace Prize winner Rigoberta Menchú, this investigation deals with some of the most severe and extensive repression ever to have occurred under military rule in Latin

³⁷ The number of cases now being brought before the Audiencia Nacional has occasioned some discussion in Spain. See in particular Andrés Ortega, 'Audiencia Supernacional', *El País*, 3 April 2000. Ortega raises the possibility that the court runs the risk of being converted into a kind of international criminal tribunal by default.

America. Guatemala's own truth commission, which reported in 1999, estimated that the military were responsible for some 200,000 deaths and disappearances. An interesting feature of the Guatemalan investigation is that one of those named, former defence minister Donaldo Alvarez Ruiz, now lives in the United States. Were a warrant to be issued for his arrest, a process similar to that which involved Pinochet could unfold, with the USA rather than the UK in the position of having to decide upon the legality of extradition.³⁸

The 'Pinochet effect' in international law

Despite the fact that the Spanish investigations in process against Pinochet and others had been fairly widely publicised in the Spanish, the Latin American and in parts of the wider European press since they began in 1996, the arrest itself was a great surprise even to many of those who had long worked towards it. Nobody, it seems, was sure whether the provisions of international law were capable of securing the detention, let alone the trial, of a former head of state whose own country had proved unable to bring him to justice for violations of human rights committed under his command. The Spanish lawyers had taken great pains to situate the crimes of which they accused Pinochet and others within international law in such a way that a clear case could be made for universal jurisdiction over them, yet few people were confident that such jurisdiction would ever be successfully applied. At the time of this writing it remains unclear whether the Pinochet case will cause a lasting alteration to this uncertain situation. What is clear is that the principle of universal jurisdiction and the issue of whether and when to apply it is one which courts, both national and international, will increasingly find themselves called upon to address.

One of the incidental effects of the Pinochet case in this context is that, along with other developments, it has provided those in favour of the speedy institution of a permanent International Criminal Court (ICC) with some sound arguments. The huge cost of the lengthy affair, both in financial terms (legal costs of the proceedings in the UK, estimated at over half a million pounds, will be borne principally by the taxpayer) and in terms of diplomatic, political and judicial time, could, it may be argued, have been much reduced were there a proper international legal body within whose remit such cases automatically fell. One hundred and twenty-one countries signed up to the Rome Treaty in July 1998 proposing the establishment of the ICC. However, the court cannot be instituted until ratification of the Treaty has been made by 60 states, while the refusal of the USA to endorse it is a further obstacle. Additionally, it is not at all clear whether such a court, had it existed at the time, would have been able to avoid the drawn-out proceedings of the Pino-

³⁸ Mexico is the latest country to be put in this position, after a request was submitted on 12 September 2000 by Garzón for the extradition of exiled Argentine businessman Miguel Angel Cavallo, suspected of crimes committed during the Argentine 'Dirty War'.

chet affair. The ICC, once instituted, will not have retrospective jurisdiction, and since its statute cedes primacy to national courts, it is not at all clear what the status of its judgements might be. Some legal commentators have pointed out that while the proliferation of international adjudicative bodies since the Second World War has been in many senses a progressive development, it has resulted in an international judicial system whose organs vary greatly in their powers and may overlap in their functions.³⁹

Such caveats aside, it may still be argued that in the course of the Pinochet case, a shift may be detected toward a more favourable climate for the enforcement of international human rights norms. The 'Pinochet effect' has already been seen in action more than once. The arrest in Senegal early this year of the Chadian former dictator, Hissène Habré, upon charges of torture and murder had very obvious parallels with the Pinochet case, as did the arrest in London in February 2000 of Rwandan war crimes suspect Tharcisse Muvunyi. Marc Weller has argued that the Pinochet affair has illustrated the state of development of the international legal system in respect of a possible transition toward the establishment of an international constitution in relation to international crimes.⁴⁰ He suggests that the implication of a number of related developments within international law, when taken together as in the Pinochet case, indicates a decisive shift toward 'to a very advanced international legal order — a legal order which is quite removed from the classical paradigm of international law as a means of coordinating the wills of free and sovereign states'.⁴¹ Should such a legal order come into being, Pinochet may yet bestow a legacy which could outlast the pain of his victims.

October 2000

³⁹ This observation was made by Dr Phillippe Sands at a lecture delivered in late 1999 at the Institute of Advanced Legal Studies, London, on the relationship between international and national courts.

⁴⁰ Marc Weller, 'On the Hazards of Foreign Travel for Dictators and Other International Criminals', *International Affairs*, vol. 75, no. 3 (1999).

⁴¹ *Ibid.*, p. 616.

CHRONOLOGY

The Pinochet Case: A Chronology of Events*

Monday, 21 September 1998

- * Pinochet flies first class to Britain and is accorded a diplomatic welcome at Heathrow.

Monday, 5 October 1998

- * Pinochet visits Baroness Thatcher at her Chester Square home.

Friday, 9 October 1998

- * Pinochet undergoes surgery at the London Clinic.

Wednesday, 14 October 1998

- * Fifth Central Instructing Court of Madrid contacts Metropolitan Police via Interpol. *The Guardian* reports that Pinochet could be questioned about his role in atrocities and acts of genocide. Investigating Judge Baltasar Garzón says a petition has been submitted to his court by the Spanish left-wing party Izquierda Unida to request a 'commission rogatory' (written questions formulated by court in one country can be answered by witness in another) about the disappearance of Spanish citizens in Chile under Pinochet, but dismisses the possibility of extradition. Judge Manuel García Castellón of the Sixth Central Instructing Court is also investigating murders, torture and disappearances under Pinochet.

Thursday, 15 October 1998

- * Press reports that Scotland Yard has been asked by Interpol to find and detain Pinochet, at the request of Spanish judges who want to question him under the European Convention on Terrorism which requires countries to provide mutual assistance.
- * Amnesty International (AI) urges the government to allow Spanish judges to question Pinochet.

Friday, 16 October 1998

- * Pinochet is arrested shortly before midnight at the private London Clinic, near Harley Street, on a provisional warrant signed by Metropolitan Magistrate Nicholas Evans on behalf of Judge Baltasar Garzón, requesting his extradition to Spain under Section 8(1)(b) of the Extra-

* Press sources: UK: *Financial Times*, *Times*, *Daily Telegraph*, *Guardian*, *Observer*, *Independent*; Spain: *El País*; Chile: *La Tercera*; (internet) BBC Worldwide Monitoring.

Every attempt has been made to ensure the accuracy of the information detailed here. In most instances facts and dates stated have been checked against several sources. However, some errors of fact may remain and corrections are welcome.

dition Act 1989. The warrant alleges the murder of Spanish nationals in Chile between 11 September 1973 and 31 December 1983.

Saturday, 17 October 1998

- * Chilean government formally asks for Pinochet's release, claiming he has diplomatic immunity.
- * Anti-Pinochet Chilean exiles gather to protest outside the clinic.

Sunday, 18 October 1998

- * British government defends the arrest and denies that Pinochet's passport gives him diplomatic immunity, because he is neither a serving head of state nor an accredited diplomat. Peter Mandelson MP says the idea of such a 'brutal dictator' claiming immunity is 'pretty gut-wrenching stuff'. The Foreign Office insists that the detention is a purely judicial matter and not the result of any British initiative.
- * Demonstrations for and against Pinochet in London and Santiago. In Santiago 200 pro-Pinochet demonstrators protest outside the British Embassy.
- * Garzón expands the charges to encompass allegations of genocide, torture and terrorism of 94 people, including Argentine, US and British citizens, and issues a second order for Pinochet's arrest.

Monday, 19 October 1998

- * Speculation in UK press that Spanish judges filed the original extradition request hurriedly after learning that Pinochet was planning to fly home while their request to question him was being considered by the British authorities.
- * Chief state prosecutor at Spain's Audiencia Nacional files an appeal against Garzón's move, claiming an 'absolute lack of jurisdiction' in relation to both Chilean and Argentine proceedings.
- * Chilean President Eduardo Frei cancels a planned visit to Madrid. Chilean ambassador to London Mario Artaza claims Pinochet had full diplomatic immunity.
- * Chilean Socialist Party and Party for Democracy welcome the arrest, Frei's Christian Democrat Party backs the immunity claim. Rival demonstrators clash with police in Santiago.
- * A delegation of centre-right Chilean politicians arrives in London to demand an end to the extradition process.
- * AI claims strong grounds for prosecuting Pinochet under Section 134 of the 1988 Criminal Justice Act, which incorporates the 1984 Convention Against Torture. Relatives of William Beausire (a British

citizen who disappeared in Chile in 1975) are reported to be considering private prosecution, as is the Chilean human rights group Chile Democrático, which urges investigation into the torture and murder of British citizens. Dr Sheila Cassidy (a British citizen arrested and tortured in Chile in 1975) says she would be willing to testify in any case against the general.

Tuesday, 20 October 1998

- * Blair emphasises that the arrest is a judicial, not political matter.
- * Spanish President José María Aznar remains silent, amid speculation that Spain's Audiencia Nacional will overrule Garzón.
- * Judge Castellón drops his parallel case against Pinochet to give all his evidence to Garzón.
- * Group of Labour MPs call for British prosecution of Pinochet.
- * Michael Howard, Shadow Foreign Secretary, criticises 'confusion' over the affair and calls for Commons statement.
- * In Chile, pro-Pinochet senators threaten to boycott Upper House sessions, endangering passage of legislation.
- * France and Germany express support for Pinochet's arrest, US remains cautious, Kofi Annan, UN secretary general, says the arrest indicates the increasing momentum of international human rights law.

Wednesday, 21 October 1998

- * Chilean delegation visits Foreign Office and Home Office to protest against British interference in Chilean affairs.
- * Artaza and Santiago Benadava, a Chilean lawyer and international relations specialist, meet Foreign Office officials to argue for the general's immunity.

Thursday, 22 October 1998

- * Fresh warrant issued by Bow Street chief magistrate Ronald Bartle accuses Pinochet of torture, conspiracy and hostage taking in addition to the murder of Spanish citizens alleged in the earlier warrant. The warrant relates more closely to crimes under UK law and includes offences after 1988.
- * Eduardo Fungairino, Spain's chief prosecutor in the Audiencia Nacional, submits a list of 17 reasons why he believes Garzón is exceeding his jurisdiction by seeking extradition.
- * Thatcher letter to *The Times* calls for Pinochet's release. She claims he saved British lives during the Falklands War, contrasting his arrest with the welcome to be accorded to Argentine

President Carlos Menem on his upcoming visit: 'it would be disgraceful to preach reconciliation with one, while maintaining under arrest someone who, during that same conflict, did so much to save so many British lives'. Her comments threaten to cast a diplomatic cloud over Menem's visit, the first by an Argentine president since the Falklands War, and cause consternation amongst Tories.

- * Chilean delegation claim they were snubbed by Home Office officials while seeking a meeting. Home Office deny any meeting had been formally arranged.
- * Artaza and Benadava claim Pinochet was in Britain on a special mission. Supporters of the general release a letter sent to him by Royal Ordnance arms manufacturer inviting him to visit them.
- * Home Secretary Jack Straw announces in written Commons statement that he will take into account 'compassionate circumstances' in considering Spain's extradition request.
- * It emerges that Pinochet had visited the UK five times in the last five years.
- * Argentine President Menem urges Pinochet's release.
- * High Court judges adjourn an emergency habeas corpus application hearing to allow both sides time to prepare their case.

Friday, 23 October 1998

- * Poll shows 54.3 per cent of Spaniards are in favour of Pinochet's extradition.
- * Chilean Foreign Minister José Miguel Insulza says Pinochet would not return to public life if released on compassionate grounds.

Saturday, 24 October 1998

- * Straw accused of a cover up by Tories after it emerges that Pinochet visited London in October 1997 to broker arms deals. Straw earlier failed to list this visit in his written parliamentary answer.
- * Ministry of Defence (MOD) denies having known of Pinochet's plans to visit UK arms manufacturers.

Sunday, 25 October 1998

- * Chilean air force jet flies into RAF Brize Norton in Oxfordshire.
- * Six Chilean senators arrive to lobby for release.
- * Blair and Aznar emphasise the judicial, not political, nature of the affair. Robin Cook tells Chile's deputy foreign minister, Mariano Fernández, that it is 'neither proper, nor possible' for

the UK government to intervene in the extradition process.

Monday, 26 October 1998

- * High Court hearing begins. Pinochet's lawyers argue for writ of habeas corpus and judicial review of the Home Secretary's decision to arrest him and claim that other heads of state are put at risk abroad by the precedent. Crown Prosecution Service (CPS) lawyers argue that immunity cannot apply to acts such as systematic torture and murder, which cannot be considered functions of a head of state and claim Pinochet was implicated in deaths of at least 4,000 people.
- * Swiss file an extradition request over the disappearance of Swiss-Chilean student Alexis Jaccard in Buenos Aires in 1977.
- * A French human rights groups files suit with a Paris court demanding extradition to France over an alleged French victim.

Tuesday, 27 October 1998

- * Lawyers acting for British-based Chilean exiles file request for Pinochet to be tried for torture offences in a British court.
- * Reports that Sweden and France are considering further extradition requests.
- * Foreign Office advises UK citizens against non-essential travel to Chile.
- * High Court hearing ends, with judgement reserved.

Wednesday 28 October 1998

- * High Court rules that Pinochet has immunity. Lord Bingham's judgement asserts that nothing can invalidate the principle that 'one sovereign state will not impugn another in relation to its sovereign acts'. First provisional arrest warrant (16 October) is quashed, judged bad in law because the murder of Spanish citizens in Chile is not an extraditable crime under UK law. The order to quash the second (22 October) is stayed pending appeal to the law lords. Jack Straw is cleared of improper conduct in not cancelling the first warrant because it did not disclose an extraditable offence.
- * Pinochet awarded legal costs of around £35,000 from public funds.
- * Pinochet to remain under arrest until lords' appeal is heard.
- * Indications that Spanish courts are likely to uphold Garzón's request for extradition.
- * Attorney General, John Morris QC, refuses consent to applications for Pinochet to be tried for torture offences in Britain on the basis that there is insufficient admissible evidence.

- * AI and human rights groups claim the ruling is an erroneous interpretation of international law, which does not recognise immunity for crimes against humanity.

Thursday, 29 October 1998

- * Spanish Audiencia Nacional judges meet to decide whether or not to approve the extradition request.
- * Pinochet moved to the private Grovelands Priory psychiatric hospital in Southgate, North London.

Friday, 30 October 1998

- * Pinochet granted bail provided he remains under guard in hospital. Hearing takes place in High Court without his presence.
- * Spain's Audiencia Nacional upholds Garzón's view that Spanish law allows investigation of crimes against humanity wherever committed, whether or not they involve Spanish nationals.
- * Victims of Pinochet's regime and human rights groups win the right to be represented at the lords' appeal hearing, in a highly unusual move.
- * French state prosecutor opens a judicial investigation into Pinochet's involvement in the kidnap and torture of Franco-Chilean families after they file suits with Paris courts demanding extradition.

Saturday, 31 October 1998

- * Pinochet's wife, Lucía Hiriart, makes a brief press statement to appeal for her husband's release.
- * Pinochet's lawyers plan to fly him home immediately if the lords rule in his favour, before the Spanish government can formally request extradition.
- * MOD admits Pinochet was in London as part of an official arms-procurement delegation, but denies that it knew he was to be the head of the delegation. It emerges that, shortly before the visit, the Chilean military attaché in London had sought assurances from the MOD and Foreign Office that Pinochet would not be detained. Defence manufacturers claim orders from Chile have been lost due to the arrest.

Monday, 2 November 1998

- * French judge investigating the disappearance of French nationals in Chile in early 1970s issues an international warrant for Pinochet's arrest and extradition.
- * CPS formally file appeal.

- * Isabel Allende, Juan Letelier and others arrive in Britain to add their weight to the case. Allende is the most prominent of many witnesses at a hearing in Westminster hosted by Jeremy Corbyn MP.

Tuesday, 3 November 1998

- * Garzón files his formal extradition request in Madrid, subject to approval by the Spanish cabinet. In 366 pages, it accuses Pinochet of genocide, terrorism and torture between 1973 and 1990 and responsibility for an international criminal organisation which carried out systematic kidnapping and torture leading to the disappearance of at least 3,178 people. Garzón claims the principle of sovereign immunity does not exist in Spanish law and is not supported by international law.
- * Spanish prosecutors file a formal appeal against Garzón's warrant, claiming Spain does not have jurisdiction.

Wednesday, 4 November 1998

- * Lords' appeal begins before five law lords Steyn, Lloyd, Slynn, Nicholls and Hoffman, who agree to hear new evidence and rule on its admissibility later. AI and torture victims give evidence. Alun Jones QC, for CPS, claims torture, hostage-taking and conspiracy to murder are not within the functions of a head of state. He also argues that some crimes committed before Pinochet was officially in power cannot attract immunity defence.
- * Insulza, speaking at UN Conference in Santiago, says Pinochet should have retired in 1989, should leave politics and offer a gesture of reconciliation.

Thursday, 5 November 1998

- * Appeal hearing continues. CPS alleges that Chile's 1925 Constitution, which remained in force until 1980, prohibits a wide range of Pinochet's crimes and proves that Chilean law does not recognise such acts as functions of a head of state. Argues that there is a 'universal jurisdiction' in respect of crimes against humanity.
- * Spain's Audiencia Nacional rules that Spain does have jurisdiction to try crimes of genocide in Chile.
- * Cuban exiles initiate private criminal proceedings against Fidel Castro in a Spanish court.

Friday, 6 November 1998

- * Spanish Cabinet approves the extradition request, despite reluctance. Prosecutors say they will not appeal.
- * Chile recalls its ambassador, Sergio Pizarro, from Spain.

Saturday, 7 November 1998

- * Pinochet makes first public statement. 'A show trial in a foreign land is not justice. It is certainly not British justice.' Vows to fight extradition 'with all my spirit', and claims 'I am at peace with myself and with the Chilean people'.

Sunday, 8 November 1998

- * Reports that the USA is considering seeking extradition of Pinochet in connection with four killings including that of Orlando Letelier, former Chilean ambassador, if lords uphold Pinochet's immunity.
- * Artaza letter to *Sunday Times* urging respect for Chile's transition to democracy and claiming 'Chile wants justice. But in Chile. In our tribunals.'

Monday, 9 November 1998

- * Appeal hearing continues. Pinochet's lawyers argue Chile's internal stability is at risk and say any trial should take place in Chile.
- * William Hague says Chile's transition should be supported, not undermined.

Wednesday, 11 November 1998

- * Spanish extradition request is delivered to the Home Office.
- * As the appeal hearing continues, lawyers for Pinochet argue he has 'absolute immunity'. Allegations of genocide are disputed on the basis that the legally accepted definition does not cover the killing of political opponents. Also argue that the charge of crimes against humanity is invalid because such crimes are associated with armed conflict, rather than peacetime. In respect of torture, lawyers claim Pinochet cannot be liable because the Criminal Justice Act, incorporating the International Convention on Torture, did not come into effect in English law until September 1988, thus all but one of the torture allegations levelled by Spain must be excluded as extraditable offences.
- * Home Office receives a formal request from Swiss for Pinochet's extradition for the murder of Alexis Jaccard.

Thursday, 12 November 1998

- * Appeal hearing finishes. Judgement is reserved.

Thursday, 19 November 1998

- * UN Committee on Torture calls on UK government to prosecute Pinochet under English law if the lords' appeal fails.

Friday, 20 November 1998

- * Grave containing 19 bodies uncovered in the municipal cemetery in La Serena, Chile.

Wednesday, 25 November 1998

- * On Pinochet's 83rd birthday, lords rule by a 3:2 majority that he is not immune from prosecution, because international law does not recognise immunity for crimes such as torture and genocide, whether committed as head of state or otherwise. Slynn and Lloyd reject the appeal, Steyn, Nicholls and Hoffman allow it. Pinochet as former head of state is judged not immune from prosecution in English courts.
- * Human rights groups acclaim ruling as a ground-breaking acknowledgement of the principle of universal jurisdiction for crimes against humanity and say it strengthens the case for establishing a permanent International Criminal Court.
- * Anger and joy greet news of the ruling in Chile as government and opposition appeal for calm. A BBC crew is attacked by Pinochet supporters. Over 100 arrests are made. Frei says he will send Insulza as special envoy to London to lobby for Pinochet's release and calls a meeting of the National Security Council.
- * Thatcher reiterates her call for Pinochet's release.
- * Jack Straw seeking an extension (request made 20 November before lords' decision) to the 2 December deadline for his decision on whether to allow the extradition to proceed, in order to consider representations. Has discretion to release Pinochet on several grounds, including ill health, but is judged unlikely to do so.
- * French parliament applauds the lords' decision. Aznar gives a muted response. International Commission of Jurists in Switzerland says the decision is a human rights landmark.
- * Pinochet is said to be suffering from stress-related disorder. A psychiatrist is reportedly called in.

Friday, 27 November 1998

- * Robin Cook meets Insulza and assures him that British actions are not politically motivated.
- * Magistrates grant Straw until 11 December for his decision on extradition.
- * British firms claim trade with Chile is being affected by the case.

Sunday, 29 November 1998

- * Home Office rebuffs Chilean attempts to secure Pinochet's release by offering to try him in Chile. Chilean human rights lawyers say the chances of a trial in Chile are next to nil.

Monday, 30 November 1998

- * Rumours circulate that Madeleine Albright is putting pressure on the UK government to allow Pinochet to return home.
- * Government denies that any deal will be done with Chile on the basis of offers to try Pinochet at home.
- * Insulza leaves Britain for Madrid.
- * Doctors declare Pinochet fit to attend court. Priory hospital asks him to leave.

Tuesday, 1 December 1998

- * Pinochet is moved to Everglades, a rented house on the private Wentworth Estate in Virginia Water, Surrey.

Wednesday, 2 December 1998

- * Mori poll of Chileans shows 64 per cent consider Pinochet committed crimes during his rule, 66 per cent do not think his detention endangers Chilean democracy, 71 per cent say it does not affect them and their family at all, 45 per cent think his detention in Britain a bad thing, 44 per cent a good thing, 57 per cent are in favour of a trial if he returns to Chile.

Friday, 4 December 1998

- * Rumours that Pablo Longueira of the right-wing UDI, acting as intermediary for the Chilean government, is attempting to broker a compromise whereby Pinochet will agree to questioning by Garzón.

Saturday, 5 December 1998

- * Lawyers for Pinochet are reported to be seeking to overthrow lords' ruling on the basis that Gillian Sterner, wife of Lord Hoffman, is an administrative assistant with AI.

Sunday, 6 December 1998

- * A group of Chilean public figures, including civil servants and academics, denies that Pinochet could be tried in Chile and urge Straw to give the go ahead for extradition.
- * Lawyers Committee for Human Rights, a group of international jurists, say Britain will breach Convention Against Torture if it refuses to extradite.

Monday, 7 December 1998

- * It emerges that Lord Hoffman is an unpaid director of Amnesty International Charity Ltd (AICL). AI admits the link in response to a request from Kingsley Napley for details, but insists that its charity work is unrelated to the Pinochet case.

Tuesday, 8 December 1998

- * Lord Lamont, former Tory chancellor, calls for the lords' ruling to be reviewed because of Hoffman's links to AI.
- * Straw rejects a request from AI and human rights groups for advance notice if he decides not to authorise the extradition process. Lawyers for the groups prepare for emergency application for a 'stay' on the lifting of the arrest warrant.
- * Garzón submits a request to the USA for access to CIA and FBI files relating to Operation Condor.

Wednesday, 9 December 1998

- * Straw gives his authorisation to proceed with the extradition process, on the eve of the 50th anniversary of the UN Universal Declaration of Human Rights. He sets out his reasons in a written response to a parliamentary question: he considered Britain obliged under European Convention on Extradition to accede to Spain's request, on charges of murder, torture, hostage-taking and conspiracy, though he rejected the Spanish claim of genocide. Rules Pinochet has no immunity and rejects the request that the lords' ruling be nullified because of alleged Hoffman bias. Compassionate circumstances were, he says, considered and rejected.
- * President Frei is 'dismayed and shocked' at the decision. The Chilean ambassador to London is recalled in protest and a meeting of the National Security Council is called. The Chilean army condemns the decision as 'abusive and humiliating'.
- * Thatcher and Hague condemn the decision as a grave mistake endangering Anglo-Chilean relations and setting a dangerous precedent.
- * Muted reaction from the Spanish government.

Thursday, 10 December 1998

- * Garzón presents the Audiencia Nacional with his formal criminal indictment of Pinochet. The 285 page document lists 2,700 victims from Spain, US and most Latin American countries, details crimes committed in connection with Operation Condor and sets out Garzón's reasoning on the charges of genocide and terrorism. Garzón also seeks to have Pinochet's assets frozen worldwide.

- * Pinochet's lawyers give notice of appeal to the House of Lords, asking for the earlier lords' ruling to be set aside on grounds of potential bias of Hoffman. The move is without precedent in English legal history and no procedure exists to deal with it. A preliminary hearing is set for Tuesday, 15 December.
- * AI publish documents seeking to indicate the apolitical nature of the charity's work and showing support for its appeals from Lord Irvine and Lord Bingham amongst others.

Friday, 11 December 1998

- * Five law lords who will hear Pinochet's petition are named as Browne-Wilkinson (liberal), Hutton (conservative), Hope of Craighead (centrist), Goff of Chieveley and Nolan (retired).
- * Pinochet appears in public for the first time since his arrest at Belmarsh high security court in South London before chief metropolitan stipendiary magistrate Graham Parkinson. The purpose of the hearing is to commit Pinochet formally for extradition proceedings and to hear a request from his lawyers to extend the bail conditions to allow him to walk in the grounds of the Wentworth house. At the end of the 27-minute hearing, Pinochet says 'I do not recognise the jurisdiction of any other court, except that of my country, to try me against all the lies of Spain'. Lawyers agree to reconvene the committal hearing on 18 January.
- * In the Santiago headquarters of the Pinochet Foundation, former interior minister, Carlos Cáceres, reads out a 13-page letter from Pinochet to the Chilean people, in which he insists he is 'absolutely innocent of all the crimes and deeds of which they irrationally accuse me'. He claims 'everything I did as a soldier and ruler was done with my thoughts fixed on liberty for the people of Chile, on their welfare and on national unity', and 'I never sought power and never hung on to it, and at the moment when I was asked to give it up, I did so peacefully'.
- * Meeting of Chilean National Security Council takes place.

Sunday, 13 December 1998

- * Pinochet reported to have denounced Straw as a kidnapper and Blair as untrustworthy in an interview with *The Sunday Mirror* through intermediary Sergio de Castro. *The Mirror's* claim is denied by Pinochet camp, but the newspaper stands by the story.
- * Concern is expressed about procedures governing law lords appointments.

Monday, 14 December 1998

- * Pinochet's lawyers confirm that they will seek judicial review of Straw's decision to sign the authority to proceed with extradition.
- * Tories raise questions in the Commons about the handling of the Pinochet affair.

Tuesday, 15 December 1998

- * Lords hearing on whether to set aside 25 November ruling begins. Pinochet's lawyers argue that Hoffman's role as chair of AICL, and his wife's employment by AI, created an appearance of bias, resulting in a flawed decision. They argue Hoffman should have disqualified himself from hearing the case.

Wednesday, 16 December 1998

- * Hearing continues. Lawyers for CPS argue that Pinochet's lawyers are objecting to Hoffman's perceived view on human rights; this could lead to many objections being made on a subjective basis. AI lawyers deny that Hoffman's links with Amnesty are political ones.

Thursday, 17 December 1998

- * Lords set aside 25 November ruling unanimously, on the basis that Hoffman should have stepped down because of his links with AI, a party to the case. First time a lords' ruling has ever been set aside. Detailed reasons are to be given in the New Year. A new panel of law lords is to be convened in January to hear the appeal afresh. Extradition proceedings are to be held in abeyance until the new hearing decides on the question of immunity.
- * Shadow Home Secretary Norman Fowler urges Straw to throw out the extradition case.
- * Lord Chancellor Lord Irvine writes to senior Law Lord Browne-Wilkinson urging action to ensure such a state of affairs cannot be repeated.

Wednesday, 23 December 1998

- * Graham Parkinson at Bow Street Magistrates Court refuses Pinochet permission to leave his house to attend midnight mass on Christmas Eve.
- * Pinochet and his wife Lucía publish a Christmas message in Chilean newspapers offering hopes for peace in Chile and thanking their supporters.

Thursday, 24 December 1998

- * Pinochet celebrates Christmas mass at Wentworth with family

and a military priest flown in from Chile.

Monday, 28 December 1998

- * Lord Chancellor Lord Irvine says on Radio 4's *Today* programme that the Pinochet case is bringing the British legal system into disrepute and urges that new procedures be adopted to prevent undeclared conflicts of interest. Recommends that law lords panels should consider the question of appearance of bias at the start of cases.

1999

Monday, 4 January 1999

- * Chile says it will request permission to take part in the rehearing of the lords' appeal, to argue that Pinochet should be tried in Chile.

Thursday, 7 January 1999

- * US Justice department says it is examining the possibility of trying Pinochet in the US for the 1976 Washington car bombing which killed Orlando Letelier, former Chilean ambassador, and US citizen Ronni Moffitt.

Monday, 11 January 1999

- * It is announced that a panel of seven law lords will rehear the appeal: Lord Browne-Wilkinson (chair), Goff, Hutton, Hope, Saville, Phillips and Millett. Reports that Lord Woolf bowed out of hosting AI fund-raising dinner after being told he might be on the panel.

Wednesday, 13 January 1999

- * Panel of three law lords grants permission for Chile to participate in the rehearing of the appeal. Lords also announces that Lord Woolf removed himself from the panel because of objections by Pinochet's lawyers to his links with AI.
- * A group headed by AI is also granted leave to intervene. Human Rights Watch is given leave to make written submissions.

Friday, 15 January 1999

- * Lords who overturned 25 November ruling release their reasons. Hoffman's AI link is judged to be an 'automatic disqualification' to his sitting, however Hoffman is not found guilty of bias, nor directly criticised.

Sunday, 17 January 1999

- * Pinochet is reported to be resigned to dying in Britain. He invites a group of photographers into his house.

- * Garzón arrives in Britain to be present at the hearing as an observer.

Monday, 18 January 1999

- * Lords hearing begins. The CPS presents evidence of systematic torture and claims that Pinochet's crimes are greater in number and gravity than in any previous extradition case heard by the lords. Argues that torture cannot be considered part of the functions of a head of state.

Tuesday, 19 January 1999

- * Hearing continues. Alun Jones for the CPS argues that only a limited number of functions of a head of state are regarded as attracting immunity under international law: state visits, signing treaties and sending and receiving diplomats. States may choose to give their head of state more functions, but these are not recognised in international law and cannot attract immunity after the head of state retires. Christopher Greenwood for the CPS argues that national courts have increasingly been asserting jurisdiction over crimes such as torture and the 1984 Convention Against Torture makes torture a crime under international law that excludes no one from potential charges.
- * Browne-Wilkinson is to seek clarification from Foreign Office as to the date Britain recognised Pinochet as head of state.
- * Pro-Pinochet pamphlet 'A Tale of Two Chileans; Pinochet and Allende', written by Thatcher aide Robin Harris, and financed by Chilean Supporters Abroad, is launched, arguing that Pinochet's arrest was political betrayal and that Allende's government was guilty of atrocities. The pamphlet is to be sent to 5,000 'opinion formers' in Britain, the US, Chile and Spain.

Thursday, 21 January 1999

- * Hearing continues, with AI lawyer Ian Brownlie arguing that extradition to Spain is the only way Pinochet could be brought to justice, as Chile is unlikely to try him.

Friday, 22 January 1999

- * Foreign Office releases a statement confirming that Britain recognised Chilean junta as a legitimate regime 11 days after Pinochet seized power in 1973.

Monday, 25 January 1999

- * Hearing continues, with Pinochet's lawyers arguing that as head of state he enjoys absolute immunity even for acts such as torture, because where this is committed in the context of military or internal security police it still falls within the definition of sovereign or government function. Clare Montgomery QC argues that torture and

hostage taking are not international crimes, but 'crimes which give rise to international concern, which is not the same thing'.

Thursday, 4 February 1999

- * Twelve-day hearing finishes, with judgement reserved to be given in due course.

Monday, 8 February 1999

- * Lord Chancellor Lord Irvine dismisses speculation that Hoffman may be forced to resign.

Thursday, 18 February 1999

- * Pinochet supporters' claim that the pope had intervened on Pinochet's behalf is confirmed by Foreign Office Minister Baroness Symons, who discloses that the Vatican made representations to Britain about the case in November.

Thursday, 25 February 1999

- * Pinochet supporters claim that much of the funds raised for his defence come from donations from the Chilean working class. The claim is dismissed by Pinochet opponents in Chile.

Wednesday, 17 March 1999

- * Lords confirm that their ruling will be given on 24 March.

Sunday, 21 March 1999

- * Pinochet supporters raise questions in the Sunday press over Straw's visit to Chile in 1966, during which he helped build a youth community centre and afterward published an article in *Tribune* arguing for reforms. Home Office rejects allegations that Straw met Allende or demonstrated against the Pinochet regime.

Monday, 22 March 1999

- * Speculation (*The Times*) that lords will allow the appeal, but only in respect of crimes committed after 1988.

Wednesday, 24 March 1999

- * Lords deliver their ruling on the reheard appeal. A majority of 6:1 rule that Pinochet may be extradited to Spain for crimes of torture and conspiracy to torture committed after 8 December 1988, when section 134 of the Criminal Justice Act, incorporating the Convention Against Torture, was ratified in UK law.
- * Browne-Wilkinson makes the first statement, allowing the appeal in relation to torture and conspiracy to torture after 8 December 1988. Judges that since the Extradition Act 1989

requires that the conduct complained of must constitute a crime under the law of both Spain and the UK (the double criminality rule), and since the Convention Against Torture only came into force in the UK on 29 September 1988, the key question is whether the definition of an extradition crime requires the conduct to be criminal under UK law at the date of commission or only at the date of extradition. Concludes the former. Does not consider torture committed outside the UK before September 1988 as a crime under British law, therefore crimes committed before this date cannot be extraditable offences. On the issue of immunity, judges that torture could not be a state function attracting immunity because it was an international crime even before the Convention of 1984, which established universal jurisdiction over torture crimes. Could not be the intention of the law for former heads of state to enjoy immunity, yet other public officials not, therefore Pinochet cannot claim immunity as a former head of state. On charges of murder and conspiracy to murder, judges that no one has advanced any reason as to why ordinary rules of immunity should not apply, therefore Pinochet has immunity on these charges. Also dismisses charges of hostage-taking as bad in law because not coming under the definition of hostage-taking as defined in the Taking of Hostages Act 1982. Recommends that Straw look again at his decision to allow extradition to proceed in the light of the much reduced charges.

- * Goff is the only judge to dismiss the appeal. Argues former heads of state enjoy immunity even after leaving office for acts done when they were in power. The purpose of the Torture Convention is to ensure that the torturer does not escape punishment by going to another country. The Convention does not address the issue of whether states could waive immunity for their public officials; Goff suggests that express provision for such waivers would have been made in the Convention were this intended. Rules that 'by far the greater part of the charges must be excluded ... in respect of the surviving charges Senator Pinochet is entitled to the benefit of state immunity *ratione materiae* as a former head of state'.
- * Hope agrees with Browne-Wilkinson about the definition of extradition crimes and about the definition of hostage-taking under the 1982 Act. Judges that UK courts cannot try Pinochet for torture committed outside the UK before 29 September 1988, but can try him for torture and conspiracy to torture after that date. Considers a head of state's immunity can be cut down by international convention and judges that Pinochet's immunity ended when Chile ratified the Torture Convention on 30 Octo-

ber 1988. However, content to accept Saville's view that Pinochet continued to have immunity until 8 December 1988.

- * Hutton agrees that clear intent of Torture Convention was that a public official who had committed torture should be prosecuted if present in another state. Acts of torture could not be regarded as functions of head of state under international law when international law expressly prohibited torture and made it an international crime. A single act of torture by a public official constituted a crime against international law — torture did not have to be committed on a large scale to be an international crime. Accordingly, Pinochet not entitled to immunity in respect of acts of, and conspiracy to, torture committed after 29 September 1988. Recommends that Home Secretary reconsider decision under Extradition Act in light of changed circumstances.
- * Saville takes view that Pinochet lost his immunity *ratione materiae* in December 1988 when Britain, Spain and Chile had all signed the Torture Convention. 'So far as these countries at least are concerned it seems to me that from that date these state parties are in agreement with each other that the immunity *ratione materiae* of their former heads of state cannot be claimed in cases of alleged official torture ... If there were states that wished to preserve such immunity ... it is perhaps not surprising that they kept quiet about it.'
- * Millett agrees in all but one respect with Browne-Wilkinson. Judges that the systematic use of torture had joined piracy, war crimes and crimes against peace as an international crime of universal jurisdiction well before 1984, indeed by 1973. Would therefore hold that UK courts already possessed extra-territorial jurisdiction before the ratification of the Torture Convention and did not require the authority of statute to exercise it. Chile had the primary right to prosecute, but if it did not seek extradition, then UK was obliged to extradite to another requesting state or to prosecute itself.
- * Phillips addresses the development of international law, arguing that states since the Second World War have increasingly recognised that some crimes offend against international law and that extra-territorial jurisdiction should exist to prosecute them. 'If Senator Pinochet behaved as Spain alleged, then the entirety of his conduct was a violation of the norms of international law. He can have no immunity against prosecution for any crime that formed part of that campaign.' However, it was only recently, with the ratification of the Torture Convention, that UK courts acquired jurisdiction to prosecute Pinochet. The Convention was clearly incompatible with the applicability of immunity *ratione materiae*, whether this was explicitly agreed or not.

- * Lords' judgement cuts the number of charges from 32 to 3.
- * Both sides claim the judgement gives hope. Human rights groups claim a victory of principle, despite disappointment about the reduced charges. AI say it 'represents a milestone for international human rights law', and heralds 'a new era for human rights'. Pinochet supporters claim the case for extradition must now collapse.
- * Pinochet's lawyers request a judicial review of the Home Secretary's authority to proceed, granted earlier. High Court hearing adjourns till Monday 29 March to allow Straw time to consider the implications of the lords ruling.

Thursday, 25 March 1999

- * Straw takes legal advice as to whether he has the power to reconsider his earlier authority to proceed with extradition.

Friday, 26 March 1999

- * In response to a request from CPS, Garzón seeks to add 33 previously unlisted cases of alleged torture to his extradition request. All concern crimes committed after the December 1988 cut off point. He also argues that under international law 1,198 unsolved disappearances remain open cases, a permanent, live crime which qualifies as torture under the 1992 UN Declaration on the Protection of Disappeared Persons and can therefore also be considered valid grounds for extradition.
- * Thatcher visits Pinochet at his Wentworth house.

Monday, 29 March 1999

- * A panel of three High Court judges (Lord Justice Laws, Mr Justice Latham and Mr Justice Cresswell) grants Pinochet leave to challenge Straw's authority to proceed. The judicial review hearing is adjourned until after 15 April to give the Home Secretary time to consider new representations and to amend or reissue his 9 December decision. Straw has no power to revoke his original authority but can issue a new one. Pinochet must remain under house arrest.

Tuesday, 30 March 1999

- * *The Independent* reports that Garzón will allow the British legal authorities access to all the documents of the case, so that in the event of extradition falling through, a trial can take place in the UK.

Wednesday, 31 March 1999

- * Lord chancellor announces an inquiry over whether the lords decision was leaked to *The Times*.

Monday, 5 April 1999

- * Garzón adds a further 11 cases to the extradition request.

Thursday, 8 April 1999

- * Former US President Bush writes a letter to Lord Lamont calling for Pinochet to be freed.

Thursday, 15 April 1999

- * Straw issues a fresh authority to proceed in the extradition case. In a statement justifying his decision, he insists he had considered the matter 'entirely afresh' and considered that the UK was obliged under the European Convention on Extradition to extradite.
- * Thatcher attacks the decision and accuses Straw of demeaning his office..
- * The case returns to Bow Street Magistrates' Court and is adjourned until 30 April, when a date will be set for committal hearings.
- * Pinochet supporters dispute the new Spanish charges, claiming that several are minor cases of police brutality. Prosecutors and human rights groups insist that all have been independently verified.

Friday, 16 April 1999

- * High Court quashes Straw's original authority to proceed with effect from midnight.
- * Pinochet is re-arrested in order to make lawful his continued detention.

Sunday, 18 April 1999

- * Commander in chief of Chilean armed forces, General Ricardo Izurieta, meets Baroness Thatcher at her London home, and visits Pinochet.
- * Speaking to *The Sunday Telegraph*, Pinochet denounces the legal process as 'a sham' and says he 'will fight against this extradition with every ounce of my strength'.

Tuesday, 27 April 1999

- * Garzón adds a further 12 cases to his extradition request.

Friday, 30 April 1999

- * Bow Street Magistrate Graham Parkinson adjourns the extradition case until 4 June and gives CPS until 24 May to serve new charges on Pinochet's lawyers.
- * Garzón summarises his prior orders and adds a further eight cases to his extradition request.

Wednesday, 5 May 1999

- * Ignacio Pelaez, Spanish public prosecutor, objects to Garzón's additions to the extradition order and calls upon the cabinet to reconsider the entire request, amid Spanish press speculation that the public prosecutor and Pinochet's defence are coordinating their arguments.

Thursday, 6 May 1999

- * Pinochet's lawyers apply for leave to seek judicial review of Straw's 15 April decision.

Wednesday, 19 May 1999

- * Pinochet reportedly taken to hospital in Windsor for tests after stomach pains.

Thursday, 20 May 1999

- * The Chilean embassy sends a diplomatic letter to the Foreign Office accusing Straw of 'erring in law and acting unreasonably' in authorising extradition proceedings and claims Pinochet could be tried in Chile.

Thursday, 27 May 1999

- * High Court judge Mr Justice Ognall refuses Pinochet permission to challenge Straw's April decision. After a three-hour hearing, he rules that the application for judicial review is premature and 'would needlessly disrupt the extradition process and postpone the machinery which will afford General Pinochet every proper opportunity to advance his case and protect his position'.
- * Preliminary hearing is to be on 4 June at Bow Street to set a committal date.

Friday, 4 June 1999

- * Preliminary hearing before Graham Parkinson at Bow Street sets 27 September as the date for the start of the extradition committal hearing. The magistrate requests an outline of case against Pinochet by 31 August and defence queries by 14 September.

Monday, 7 June 1999

- * Pinochet's lawyers announce that they will not appeal against the High Court decision to refuse permission for judicial review of Straw's authority to proceed.

Wednesday, 9 June 1999

- * Judge Juan Guzmán in Chile charges five top-ranking military officers, including Sergio Arellano, alleged leader of 'Caravan of Death' death squads, with kidnap.

Friday, 11 June 1999

- * Reports that Italy may try Pinochet in his absence for the disappearances of eight Italian nationals in Latin America during the 1970s, on the basis of evidence presented to Rome Public Prosecutor Giancarlo Capalda.

Thursday, 17 June 1999

- * Garzón adds 36 further cases of torture to the extradition writ (Spanish radio).

Monday, 28 June 1999

- * Valdés meets Robin Cook in Rio during a summit and discusses the possibility of Pinochet being freed on health grounds. Cook reportedly says that humanitarian considerations can only be taken into account after the legal process is exhausted. Valdés also meets Abel Matutes to discuss the possibility of arbitration. *La Tercera* reports Valdés as optimistic that a 'working relationship' can be established to resolve the case.

Wednesday, 30 June 1999

- * USA releases around 5,300 previously secret documents relating to human rights abuses in Chile, including Department of Defense, CIA, State Department and FBI material. The first batch of documents will cover the years 1973–78, another set, due to be released in October 1999, will cover the Allende government and the coup of 1973.

Tuesday, 6 July 1999

- * In a lords debate organised by Lord Lamont, Thatcher claims that Pinochet's 'inhumane' arrest sullies Britain's reputation.

Thursday, 8 July 1999

- * Law lords rule on the award of costs in the Pinochet case. The CPS is to bear its own costs for all hearings and Pinochet's costs from November appeal and December lords' hearing are to come out of public funds. Unofficial estimates of the total legal expenses so far are around £5 million.

Friday, 9 July 1999

- * In an interview with a Chilean radio station (Radio Agricultura), Pinochet insists he does not want to be released on humanitarian grounds and appears to contradict reports of his failing health.

Wednesday, 14 July 1999

- * Two Madrid lawyers, José María Stampa Braun and Fernando Escardó are appointed to act for Pinochet in the Spanish courts.

Sunday, 18 July 1999

- * Pinochet gives an interview to *The Sunday Telegraph*, in which he describes himself as 'the only political prisoner in England', and claims he was kidnapped. He denies ordering the torture of opponents, and says 'I didn't have time to control what others were doing ... The chief of the army always asks "What are you going to do?" The question of "How am I going to do it?" is a question for the chief of intelligence.'
- * The interview divides opinion and dominates the news in Chile. Foreign Minister Juan Gabriel Valdés had advised against the move, as had Izurieta. Valdés and Insulza (now secretary-general for the presidency) fear Pinochet's political statements will not inspire compassion, while the Chilean right redoubles calls for the government to act to secure his release.

Tuesday, 20 July 1999

- * Chile's supreme court rules out amnesties for five former officers of the Chilean armed forces. Retired General Sergio Arellano Stark, Pedro Espinoza, a former brigadier, and Colonels Sergio Arrendondo, Marcelo Morén and Patricio Díaz were committed for trial for their alleged involvement in the kidnapping and disappearance of 72 political prisoners in September and October 1973. The court rules that many of the political prisoners named in the charges were victims of aggravated kidnapping, which remains a permanent crime since the victims have never been found or identified and thus is not covered by amnesty laws.

Saturday, 24 July 1999

- * In Spain, Foreign Minister Abel Matutes confirms he has received a letter from the Chilean government. The contents of the letter are not made public, but Spanish radio reports indicate a proposal to solve the Pinochet case by some form of international arbitration under Article 30 of the 1984 Torture Convention.

Friday, 30 July 1999

- * Legal costs to CPS in the Pinochet case estimated at £543,500 thus far.

Sunday, 1 August 1999

- * Speculation in the Spanish and British press that Spain is preparing to do a deal with Chile to secure Pinochet's release and avoid extradition. Valdés is reported to have written to Matutes proposing that Pinochet should face bilateral arbitration, possibly involving the International Court of Justice in the Hague. Matutes is apparently considering whether to ask Spain's State

Council (which issues non-binding, but influential verdicts on controversial matters) whether parliament would have to approve a new law to transfer the case from the Spanish justice system to an arbitration tribunal.

Monday, 2 August 1999

- * UK Home Office confirms that Pinochet would be allowed to leave immediately if Spain drops its extradition request.
- * Spanish Socialist Party spokesmen confirm they were consulted about the proposed deal but refused to endorse it.
- * Human rights campaigners and lawyers demand assurances from Spain that the judicial process will be followed.
- * Spanish foreign ministry deny any secret dealings and insist the administration will respect the judicial process, but spokesman Joaquín Pérez Villanueva says: 'We are prepared to consider all the reasons that our Chilean friends may have to defend their arguments, given the importance we attach to our bilateral relations'. Valdés's plan apparently would involve passing the case over to a three judge panel (one each to be appointed by Spain and Chile and a third agreed by both). The 1984 Torture Convention makes provision for such a procedure but the move would require special legislation or parliamentary motion in Spain.
- * Valdés also hoping for Pinochet's return on compassionate grounds, in the light of a new medical report sent to the British and Spanish authorities, which claims Pinochet is in poor health.

Tuesday, 3 August 1999

- * In a letter to Matutes, Garzón warns that talks between Chile and the Spanish government threaten to undermine the principle of independent justice, and demands details of the negotiations.
- * Human rights lawyers in the UK say they would press for Pinochet to be tried in Britain if Spain drops its extradition case.

Wednesday, 4 August 1999

- * In an interview on Spanish radio, Isabel Allende says the prospects for trying human rights abuses in Chilean courts are improving. If Pinochet were to be charged by a Chilean court, relatives' groups might change tack to support his prosecution in Chile.
- * Valdés, on Radio 4's *Today* programme, denies any secret deal and insists that the talks with Spain have been conducted openly.

Friday, 6 August 1999

- * Spanish attorney general's office lodges a writ with Madrid

Audiencia Nacional asking to have Pinochet freed. Prosecutor Pedro Rubira leads the new move. Writ argues the length of time taken to deal with the case amounts to an abuse of Pinochet's rights and further claims that the 64 torture cases on which the extradition order now rests do not correspond to the definition of torture recognised in Spanish law. Says the Pinochet case should be elevated to the Supreme Court, comparing his status as former head of state to that of King Juan Carlos.

- * Spanish left (Partido Socialista Obrero Español and Izquierda Unida) condemns any attempt to drop the extradition. Demonstrations in Madrid and Barcelona.
- * CPS says Pinochet could face prosecution in Britain if the Spanish drop the case. An AI complaint already made to Scotland Yard would have to be investigated before Pinochet could be allowed to leave and Straw would also be obliged to consider extradition requests pending from France and Switzerland. UN Committee Against Torture says Britain would be in breach of the 1984 Convention if it did not prosecute.
- * Confusion in British press over Straw's role should Spanish extradition request be dropped. CPS suggest Straw would have to decide whether Pinochet should be detained to face prosecution by AI, Home Office deny that this would be the case, arguing that any prosecution would be a private one and not a matter for politicians.
- * AI lawyers confirm that they have written to attorney general seeking assurances that Britain would prosecute Pinochet under Torture Convention if Spain drops case. Reports that Pinochet could face prosecution over Beausire case played down by AI.

Monday, 9 August 1999

- * Press reports that Thatcher has written to Home Office requesting that Pinochet be allowed to take a holiday in Scotland.
- * Pinochet's son, Marco Antonio Pinochet, in UK, argues for compassion for his father on medical grounds.
- * Chilean military delegation meet Pinochet's Spanish legal team in Madrid.

Tuesday, 10 August 1999

- * Pinochet reported to be considering a voluntary move to Madrid.

Wednesday, 11 August 1999

- * Pinochet applies to be represented in the Spanish legal process. His Spanish lawyers say that this does not indicate acceptance of Spanish jurisdiction over the case, but hope that Garzón will accede to

the request despite Pinochet's absence. They also dismiss speculation that he might hand himself over to Spain voluntarily.

Saturday, 14 August 1999

- * Press reports that Jack Straw has received legal advice on the possibility of freeing Pinochet if his health deteriorates. Home Office insists that the advice was sought purely on contingency basis and that Straw will not intervene in judicial process.
- * Pinochet's son Marco Antonio says he would prefer his father to be tried in the UK rather than Spain and dismisses speculation of a voluntary move to Madrid. Appeals for his father to be released on compassionate grounds, fearing that he might die in captivity.
- * Senior Chilean military figures, including the head of the Chilean navy, Jorge Arancibia and Brigadier General Juan Carlos Salgado, visit Pinochet amid reports of deterioration in his health.
- * Spain rules out possibility of a deal with Chile to end the extradition process.

Sunday, 15 August 1999

- * Chilean paper *El Mercurio* reprints interview given by Pinochet to a Polish journalist on 10 January 1999, in which he accepts responsibility for human rights abuses.

Wednesday, 18 August 1999

- * Pinochet's Spanish lawyers arrive in Britain for consultations.

Saturday, 21 August 1999

- * Human rights lawyers and senior Chilean military officers begin talks in Santiago about the fate of the disappeared. First time such a dialogue has occurred. Association of the Relatives of the Disappeared protest at their exclusion from the talks.

Thursday, 26 August 1999

- * Pinochet undergoes medical check-ups in hospital.

Saturday, 28 August 1999

- * During a visit to Santiago, Felipe González, former socialist prime minister of Spain, criticises Spanish moves to extradite Pinochet on the grounds that Spain has no right to interfere in Chile's transition to democracy.

Tuesday, 31 August 1999

- * Naval chief Admiral Jorge Arancibia says on Chilean television that he believed there had been excesses committed under Pino-

chet's regime, as renewed efforts to identify the bodies of victims by means of DNA matching with relatives are made.

Wednesday, 1 September 1999

- * Further hospital check-up for Pinochet.

Friday, 3 September 1999

- * Pablo Cabrera, the new Chilean ambassador, arrives in the UK.

Thursday, 9 September 1999

- * Cabrera visits Pinochet at Wentworth.
- * Chilean Foreign Minister Valdés meets Robin Cook in Auckland where both are attending an APEC summit.
- * Mr Graham Parkinson, the chief stipendiary metropolitan magistrate, announces that he has appointed his deputy, Mr Ronald Bartle, to hear the extradition proceedings against Pinochet.

Saturday, 11 September 1999

- * 26th anniversary of Pinochet's coup. A delegation of Pinochet supporters, including senators and business leaders visit him. Anti-Pinochet demonstrations outside his home.
- * AI calls on Chilean authorities to mark the anniversary by launching an investigation into the disappearance of Briton William Beausire. Human Rights groups also issue a formal request to Scotland Yard to investigate three cases of Chileans disappeared under the regime.
- * In Chile, the anniversary is marked by pro- and anti-Pinochet demonstrations. Two die from bullet wounds as violence erupts in Santiago. Military decline to hold usual marches and celebrations, holding mass at a military academy instead.

Monday, 13 September 1999

- * Pinochet taken for a brain scan at Wexham Park Hospital, Slough amid reports of failing health and morale.
- * It is announced that extradition proceedings at Bow Street will be filmed and relayed to the press because of media interest in the case.

Tuesday, 14 September 1999

- * Spain formally rejects Chile's calls for arbitration in the Pinochet affair. Abel Matutes describes arbitration as 'unviable', because the Spanish government may not interfere in the judicial process. Matutes' comments are in reply to a renewed request from Valdés under the UN Convention against Torture, which provides for the possibility of arbitration, or recourse to the International

Court of Justice in the Hague, in the event of disputes about how the treaty should be applied.

- * General Humberto Gordon Rubio (former head of the Chilean national intelligence agency) is arrested at a Santiago military hospital at the request of Judge Sergio Muñoz Gajardo, charged with abetting the premeditated murder in 1982 of a prominent trade unionist, Tucapel Jiménez.

Wednesday, 15 September 1999

- * Valdés announces at a news conference that Chile plans to review 'all its relations' with Spain, after Spain's rejection of arbitration in the Pinochet case. He says Chile might recall its ambassador from Madrid and is considering bringing its case to the International Court of Justice at The Hague.

Friday, 17 September 1999

- * Chile recalls its ambassador to Spain, Sergio Pizarro, 'for consultations', and announces plans to put the Pinochet case before the International Court of Human Rights.

Tuesday, 21 September 1999

- * Valdés meets Cook in New York.

Thursday, 23 September 1999

- * Pinochet undergoes further medical checks.

Sunday, 26 September 1999

- * Valdés, in an interview with *El País*, increases pressure on the UK government to intervene to free Pinochet, warning that he may die in the UK while extradition proceedings continue, and that this could provoke a nationalist backlash in Chile which would set back democratisation.

Monday, 27 September 1999

- * Formal extradition hearing begins at Bow Street Magistrates Court before Deputy Chief Metropolitan Magistrate Ronald Bartle. 35 charges (34 of torture, one of conspiracy to torture) on which extradition is sought are read out. Lawyers for Pinochet argue that most of the charges should be struck out, since the court should confine itself only to those detailed in the original extradition request, and not those subsequently added by Garzón (this would leave one torture charge and one conspiracy to torture charge). Also argue that Pinochet cannot be held responsible for the actions of others, that Spain has no jurisdiction and that the extradition request is politically motivated.

- * Speculation in press that Pinochet's lawyers may decide not to appeal if the decision goes against them, preferring instead to refer the case back to the Home Secretary who then would have the option of freeing Pinochet on compassionate grounds.

Tuesday, 28 September 1999

- * Alun Jones for Spain accuses defence team of 'shabby and underhand' tactics in serving new documents (alleging a political motivation for Garzón's extradition request) so late.

Wednesday, 29 September 1999

- * Lawyers for Pinochet argue that many of the alleged charges do not comply with the legally accepted definition of torture, some amounting to no more than police brutality. Also argue that torture cannot be claimed where death is instantaneous.

Thursday, 30 September 1999

- * Four day hearing ends. Bartle to deliver his judgement at 11:00 a.m. on Friday 8 October.
- * Lord Lamont accuses Blair of giving the lie to Labour's claims of impartiality in the Pinochet case, by referring to Pinochet as 'unspeakable' in his speech at the Labour Party Conference on 28 September.

Wednesday, 6 October 1999

- * *El País* reports that two Spanish diplomats, Miguel Aguirre and Carmen de la Peña, during a visit to Brian Gibbins of the CPS on Tuesday 5, asked him to ignore Garzón's instructions to appeal should Bartle's decision go in favour of Pinochet.
- * At the Conservative Party conference, a fringe meeting is held in support of Pinochet, hosted by Baroness Thatcher. She calls the ex-dictator a victim of 'judicial kidnap' and 'international lynch-law' and criticises the Spanish judicial system as well as the UK government's handling of the affair.
- * Pinochet is excused on health grounds from attending court on 8 October to hear Bartle's ruling, after his GP reports to Bow Street magistrates that he has suffered two minor strokes in recent weeks.

Thursday, 7 October 1999

- * Spanish government denies interference in the judicial process, claiming that for it to countermand Garzón's order would be legally impossible. It emerges that after the Tuesday meeting, Gibbins wrote to Garzón seeking clarification of Spain's instructions. The letter, published by *El País*, makes it clear that the diplomats had not officially overruled Garzón's appeal request, but had told

Gibbins that Madrid had not yet decided whether to appeal and were unlikely to do so before the ruling was delivered. In the absence of any instruction to appeal from Spain, Pinochet could be freed immediately if the decision was favourable to him.

Friday, 8 October 1999

- * Bartle delivers his ruling, setting out reasons. Finds that: there is nothing to prevent the court receiving and considering the further information supplied by Garzón after 14 April; that the double criminality rule is satisfied; and that Pinochet can be extradited for crimes allegedly committed after 8 December 1988. Commits Pinochet to await Jack Straw's decision. Pinochet's lawyers have until Friday 22 October to lodge an appeal.
- * Pinochet declares in response, 'I am not guilty of the crimes of which I am accused. Spain has not produced a single piece of evidence which shows that I am guilty. Not only that, I believe that Spain has not properly investigated any of these crimes and Spain does not even have jurisdiction to try me. It acts in violation of the sovereignty of Chile. The events in Chile have nothing whatsoever to do with Spain. It has long been clear that my extradition is politically motivated and being pursued clearly for political reasons.'
- * US government releases a second batch of previously classified material on CIA and State Department involvement in destabilising the Allende regime. Heavily censored nature of the documents prompts calls for greater openness and complaints that the CIA is not following the spirit of Clinton's original order to release documents relating to Chile. A third batch is due to be released in early 2000.
- * At a press conference in Chile, Valdés states that his government will henceforth concentrate on pressing the humanitarian case for Pinochet's release.

Thursday, 14 October 1999

- * Chilean government issues formal request, accompanied by medical reports, to British government to release Pinochet on compassionate grounds.

Friday, 15 October 1999

- * EU justice ministers meet in a summit at Tampere, Finland. Among the issues tabled is a proposal to simplify extradition procedures between EU member states by replacing current procedures with a 'Euro warrant system'.
- * Human Rights Watch publish a report which claims that Pinochet's detention in London has aided Chile's transition to democracy rather than impeded it.

Saturday, 16 October 1999

- * First anniversary of Pinochet's arrest is marked in Santiago by a street parade involving some 5,000 anti-Pinochet demonstrators. Sixty-one pro-Pinochet demonstrators are detained for public order offences.

Wednesday, 20 October 1999

- * Abel Matutes announces that Spain will not appeal should Jack Straw eventually decide to release Pinochet on compassionate grounds.

Friday, 22 October 1999

- * On the last day of the 15-day challenge period, Pinochet's lawyers apply to the High Court for permission to seek a writ of habeas corpus. When the case comes to court, it will give him the opportunity to argue that the proceedings against him are an abuse of process. Lawyers will be able to argue that Britain has treated him unfairly or oppressively in arresting him and subjecting him to house arrest for alleged crimes against humanity.

Tuesday, 2 November 1999

- * Garzón orders international warrants to be issued for the arrest of 98 Argentine former military and police officers. Those cited in his 300-page indictment include a dozen members of the military juntas that ruled Argentina, including Jorge Videla, Emilio Massera and Leopoldo Galtieri. They face charges of genocide, terrorism and torture allegedly committed during the military dictatorship between 1976 and 1983.

Friday, 5 November 1999

- * Jack Straw requests that Pinochet submit to an independent medical examination to determine whether he is fit to withstand the continuing extradition process. It later emerges that he offered a guarantee that the reports would remain confidential.

Friday, 19 November 1999

- * Spain's Audiencia Nacional rejects the public prosecutors' appeal against Garzón's expansion of the charges against Pinochet.

Thursday, 25 November 1999

- * Pinochet's 84th birthday.

Friday, 3 December 1999

- * High Court sets date of 20 March 2000 for the start of Pinochet's appeal hearing. Human rights groups are denied the right to intervene fully in the hearing.

Sunday, 12 December 1999

- * Chilean presidential elections held. Ricardo Lagos, the Socialist candidate of the Concertación government, wins 47.9 per cent to Joaquín Lavín's 47.6 per cent. Since neither achieved a 50 per cent majority, a second round is scheduled for 16 January.

Wednesday, 22 December 1999

- * Home Office confirm 5 January as the date when Pinochet will undergo independent medical tests.

Wednesday, 29 December 1999

- * Chilean newspaper *La Tercera* reports that Garzón is preparing international warrants for the arrest of 36 people associated with the military regime and says that Valdés has warned those targeted against leaving Chile.

2000**Wednesday, 5 January 2000**

- * Pinochet is taken under police escort to Northwick Park Hospital, Harrow, where he undergoes a seven-hour medical examination by a clinical team including a neurologist, a neuropsychologist and two gerontologists.

Tuesday, 11 January 2000

- * Jack Straw releases a statement saying that he is minded to halt the extradition process after receiving the results of the 5 January medical tests. The medical reports will remain confidential, however the statement says that the 'unequivocal and unanimous' conclusion of the clinicians is that 'following recent deterioration in the state of Senator Pinochet's health which seems to have occurred principally during September and October 1999, he is at present unfit to stand trial, and that no change to that position can be expected'. Interested parties are given seven days to make representations. The Spanish government indicates that it will not seek to press the case for extradition.

Wednesday, 12 January 2000

- * Jack Straw defends his stance on Pinochet in the Commons and hints that Pinochet's mental condition makes him unfit to stand trial, as speculation mounts over what steps Garzón and human rights organisations may take to try to challenge Straw's likely decision. Opponents of Pinochet call for the medical reports to be made public, however Straw insists that Pinochet has the right to patient confidentiality.

Friday, 14 January 2000

- * Garzón demands that fresh medical tests be carried out on Pinochet, with the participation of Spanish doctors. The Spanish government is expected to relay the demand, though with reluctance, to Straw. Garzón also repeats his request to the UK government that he be allowed to question Pinochet before he is freed, and argues that Britain has an obligation to try Pinochet in its own courts.

Sunday, 16 January 2000

- * Second round of Chilean presidential elections results in a narrow victory for Ricardo Lagos, the Socialist candidate of the ruling Concertación coalition. Lagos wins 51.7 per cent and Lavín 48.3 per cent. In response to questioning over whether Pinochet will be prosecuted in Chile, Lagos insists that it is a matter for the courts.

Monday, 17 January 2000

- * The Spanish government conveys to the UK authorities Garzón's objections to Straw's decision, but says that it will not launch an appeal for judicial review, since Straw is acting in his discretionary capacity under UK law.

Tuesday, 18 January 2000

- * Straw receives representations from interested parties. AI, Human Rights Watch and other human rights organisations make a joint submission. The submission argues that Straw's decision flouts natural justice and that the medical information should have been placed before the courts to decide, giving all sides the opportunity to state their view. Also cites eminent doctors (Robert Howard and Nori Graham) expressing surprise that no psychiatrist was included on the team who examined Pinochet.

Wednesday, 19 January 2000

- * Garzón urges the Spanish government to press for judicial review of Straw's decision. He argues that since Straw's role is a 'quasi-judicial' one, and not therefore solely a matter of political discretion, Spain has the right to appeal, and should do so.
- * A Chilean air force jet which will take Pinochet home to Chile if freed, arrives in Bermuda, where it will await Straw's decision.
- * The Inter-American Commission on Human Rights (organ of the Organisation of American States) publishes a report recommending that Chile abolish the position of appointed senator for life, arguing that it impedes justice.

Thursday, 20 January 2000

- * Matutes reiterates Spain's decision not to press for judicial review, insisting that Straw's decision is a discretionary one which takes the case out of the judicial orbit and that any appeal by Spain would be a purely academic exercise with no prospect of success.

Friday, 21 January 2000

- * Straw asks for clarification on representations from Garzón and human rights groups and gives them until 5:00 p.m., Monday 24 January to reply. His questions to Garzón include a request for clarification of the concept of mental incapacity in Spanish law.
- * In a letter to *The Times*, Dr Michael Wilks, chairman of the British Medical Association's (BMA) Medical Ethics Committee, says that patient confidentiality should not be a bar to disclosure of Pinochet's medical results, since the doctors involved were acting in a forensic capacity and had a responsibility both to the patient and to the organisation which appointed them.

Sunday, 23 January 2000

- * Belgian government announces its intention to seek judicial review of Straw's eventual decision.

Monday, 24 January 2000

- * Human rights groups (AI, Human Rights Watch, the Medical Foundation for the Care of Victims of Torture, the Redress Trust, Justicia and the Association of Relatives of the Disappeared) announce their intention immediately to lodge papers seeking judicial review of Straw's decision with the High Court. They cite unfair procedure in the planning and carrying out of the 5 January medical tests (including failure to notify interested parties in advance, failure to disclose the results and failure to permit interested parties to conduct their own tests) and argue that the unfair procedures may have led to a wrong decision. The decision to apply for judicial review at this point was taken because of fears that, if Straw decided to free Pinochet, the ex-dictator might leave the country before papers could be lodged with the High Court.

Tuesday, 25 January 2000

- * Belgium applies to the High Court for leave to seek judicial review and also threatens to take Britain to the International Court of Justice in the Hague for breaching international law.

Wednesday, 26 January 2000

- * Two-day hearing begins at the High Court before Mr Justice Maurice Kay. The applications of Belgium and the human

rights organisations for judicial review are treated together. Jonathan Sumption QC, for the Home Office, denies that there is any basis for judicial review and accuses the Belgian government of launching a 'diatribe' against Straw.

Sunday, 30 January 2000

- * Chilean jet arrives at RAF Brize Norton, ready to take Pinochet home.

Monday, 31 January 2000

- * High Court judge, Maurice Kay, refuses Belgium and human rights organisations leave to seek judicial review. He describes arguments to the effect that Straw should disclose Pinochet's medical reports as 'utterly without merit'.
- * Belgium lodges an appeal against Kay's decision. The Home Office indicates that Straw's final decision will be postponed until after the appeal has been heard.

Tuesday, 1 February 2000

- * Human Rights groups join Belgium in lodging an appeal to the High Court.

Monday, 7 February 2000

- * Three High Court judges, Lord Justice Simon Brown, Mr Justice Latham and Mr Justice Dyson begin to hear the latest appeal. The court hears that Pinochet fears being 'stigmatised as mentally defective' if the report is made public, however lawyers for Belgium and the human rights groups argue that Straw has breached natural justice and the principle of comity between nations, and failed to pay sufficient attention to the procedural interests of other parties in the case.

Tuesday, 8 February 2000

- * The panel of judges agree to convert the hearing into the application for permission to seek judicial review into a full hearing, overturning Kay's decision not to grant leave for judicial review. The full hearing follows on immediately.

Wednesday, 9 February 2000

- * Hearing ends, with judgement reserved until the following week.
- * Spanish Foreign Minister Matutes reiterates (on Spanish radio) the Spanish government's decision not to press further appeals, despite the wishes of Judge Garzón.

Saturday, 12 February 2000

- * In Chile, General Luis Cortés Villa, spokesman of the Pinochet

Foundation, announces to the press that Pinochet's health has deteriorated further as a result of the demoralisation caused by the latest turn of events.

Sunday, 13 February 2000

- * Pinochet aides in the UK deny that any significant deterioration in his health has occurred.
- * Newly declassified US State Department and CIA documents show that American intelligence knew about, and may have played a part in, the murders of two Americans, Charles Horman and Frank Teruggi, by the Pinochet regime in September 1973. This third batch of documents, released in the week beginning Monday 7 February, includes a memo that admits that 'the CIA may have played an unfortunate part in Horman's death'.

Tuesday, 15 February 2000

- * In a unanimous ruling, the High Court orders Straw to release the medical report on Pinochet, under conditions of strict confidentiality, to the governments of Belgium, Spain, Switzerland and France, on the grounds of fairness. However, Belgium's request to order further examinations of Pinochet's health is refused. The report is passed immediately by the Home Office to the governments concerned, which have until 5:00 p.m. on Tuesday 22 February to make representations.

Wednesday, 16 February 2000

- * Leaked transcripts of the medical report appear in translation in Spanish newspapers *El Mundo* and *ABC* and on their websites. Garzón denies responsibility for the leak.

Thursday, 17 February 2000

- * Retranslated excerpts from the medical report are published in the British press. Straw requests that inquiries be made into the source of the leak, amid speculation in the Spanish and UK press that the Spanish government is the most likely culprit. Matutes denies that the foreign ministry leaked the report.
- * Excerpts from the leaked report reveal the doctors' conclusion that Pinochet is 'sufficiently mentally incapacitated to be unable to take part in a trial and understand what is happening'. In support of this conclusion is cited: memory loss; a limited capacity to understand complex phrases and questions and incapacity to process verbal information adequately; weakening of ability to express himself; and episodes of fatigue. The doctors find that physical evidence of brain damage rules out fears that the general was feigning his condition and opine that although Pinochet

would be physically capable of attending a trial, he would be mentally incapable of following the proceedings adequately. No evidence of depression is found.

Monday, 21 February 2000

- * Human Rights Watch issues a press release condemning a proposed constitutional reform in Chile which would give permanent immunity from prosecution to all former heads of state.

Tuesday, 22 February 2000

- * Deadline for representations from the four countries requesting Pinochet's extradition expires. All four raise objections to the medical report, with Belgium, Spain and France demanding the right to carry out independent medical tests and Switzerland arguing that Pinochet's condition is no bar to his extradition under international law. However none of the countries appears likely to mount a legal challenge to Straw's expected decision to free the ex-dictator.

Sunday, 27 February 2000

- * Reports that the Chilean military is making preparations in Santiago for Pinochet's homecoming.

Wednesday, 1 March 2000

- * Straw confirms that he will announce his final decision on Thursday 2 March at 8:00 a.m. Spain and France say that they will not appeal, Belgium and Switzerland say they may mount a final legal challenge, although Belgium admits that their scope for action is narrow. Any such challenge will involve a race against time to gain a court injunction before Pinochet can leave the country. The timing of Straw's announcement before court business opens makes such a challenge more difficult.

Thursday, 2 March 2000

- * 8:00 a.m.: Straw announces his decision not to extradite Pinochet. The decision is faxed to all the relevant parties simultaneously. In his statement, to be given later in the day as a written parliamentary answer, Straw rejects criticisms of the medical report as irrelevant to its conclusions or medically unjustified. Requests for further medical examinations are declined on the basis that they would not yield further material of significance. Straw says he is satisfied that a trial of someone in Pinochet's condition could not be a fair trial in any country and would violate Article 6 of the European Convention on Human Rights. Straw also announces that a consultation paper will be produced outlining some options for streamlining extradition procedures.

- * The case is referred to the Director of Public Prosecutions (DPP) for consideration of a domestic prosecution, as required under the Convention on Torture.
- * Garzón faxes the Spanish Foreign Ministry and the British CPS with grounds for appeal, but the Spanish government refuses to pass on Garzón's request through official diplomatic channels.
- * The DPP's office releases a statement to the effect that, given the medical reports on Pinochet, there is 'no realistic prospect' of him being convicted of any criminal offence or of a court in England and Wales allowing a trial, therefore requests to initiate a domestic prosecution are refused.
- * 9:43 a.m.: Pinochet leaves Wentworth under police escort.
- * Abel Matutes, in remarks broadcast on Spanish radio, reiterates that Spain will not appeal and says that while 'we all feel a certain bitter taste in the sense that justice has not been able to go to its final conclusion', nevertheless, Chilean victims of repression have won a 'moral victory'.
- * 1:14 p.m.: Pinochet's plane takes off from RAF Waddington in Lincolnshire. Just before take-off Pinochet receives a last-minute gift from Margaret Thatcher — an engraved silver 'armada plate' which commemorates his 'rebuff to Spanish colonialism'.
- * Minutes later Straw defends his decision in the Commons.
- * As Pinochet supporters prepare for his arrival, Belgium says it will pursue its case against him in the Chilean courts. France and Switzerland express disappointment at the decision, while human rights groups insist that the case establishes the most important precedent in international law since Nuremberg. The Chilean government emphasises that Pinochet may face a trial in his homeland.
- * Pinochet opponents mount a vigil outside the Presidential Palace in Santiago.

Friday, 3 March 2000

- * 10:28 a.m.: Pinochet's plane arrives at a military base near Santiago, to a welcoming ceremony organised by the military, which includes a military band and a reception committee of high level military personnel. Journalists are at first excluded by armed troops but later allowed to witness 'Operation Return'. No government officials are present. Pinochet rises from his wheelchair and walks to greet family members and Army Commander-in-Chief Izurieta before leaving by helicopter for a military hospital. Hundreds of supporters turn out to line the roads near the hospital.

- * Judge Juan Guzmán says that he intends to press ahead with his investigations into Pinochet and that he believes that a trial is possible.
- * Foreign Minister Valdés expresses disgust at the military welcome accorded to Pinochet, calling it 'disgraceful'.
- * In the evening Pinochet checks out of hospital and goes to his home in suburban Santiago, as speculation mounts that he was coached through the British medical tests. Chilean human rights group Justicia claim they have evidence that a Chilean naval psychiatrist called Dr Grasset had been staying with Pinochet at Wentworth since August 1999.

Saturday, 4 March 2000

- * Thousands march in Santiago to demand that Pinochet is brought to trial. Police use water cannon and batons to disperse stone throwing demonstrators near the Presidential Palace.

Sunday, 5 March 2000

- * President-elect Ricardo Lagos expresses dismay at the military reception for Pinochet and pledges 'to show the world that here we are a democratic country, where the authority elected by the people rules and where the armed forces are disciplined and obedient'. Speculation mounts over whether Pinochet will appear at Lagos's inauguration on Saturday 11 March.

Monday, 6 March 2000

- * As controversy continues over Pinochet's welcome and state of health, Judge Guzmán applies for Pinochet's senatorial immunity to be lifted and plans to order new medical tests. The number of cases filed against Pinochet now stands at 61.
- * The row sets back Mesa de Diálogo talks between the military and human rights lawyers. The signing of an accord is postponed as Héctor Salazar, one of the lawyers representing the families of the disappeared, pulls out.

Tuesday, 7 March 2000

- * Chilean Consejo de Defensa del Estado (public prosecutor) becomes a party in the case against Pinochet. Its action relates in particular to the 'Caravan of Death' case.

Friday, 10 March 2000

- * Retired General Raúl Iturriaga Neumann arrested in Chile in connection with the Italian investigation into the attack on Chilean ex-vice-president Bernardo Leighton and his wife in Rome in 1975. A request is also pending from Italy for the extradition

of Manuel Contreras, currently serving a seven-year sentence in Chile for his role in the assassination of Orlando Letelier and Ronnie Moffit in Washington in 1976.

Saturday, 11 March 2000

- * Lagos is sworn in as president. His entry into La Moneda (presidential palace) is highly symbolic since he is Chile's first socialist president since Allende. Pinochet is not present at the ceremony in Valparaiso, neither is Joaquin Lavín. Lagos aims to complete Chile's transition to democracy, promising to be a president associated with 'truth, transparency and justice'.
- * *El País* reports that Garzón has offered to assist in the Chilean proceedings against Pinochet. He promises the fullest cooperation and offers to make the evidence he has gathered available to the Chilean lawyers involved.

Tuesday, 14 March 2000

- * Lagos raises the possibility of a referendum to decide whether Chile's Constitution should be amended to allow the prosecution of Pinochet. Possible reforms include reclaiming the right of the president to appoint and dismiss military chiefs. However, some constitutional lawyers insist that Lagos would need first to secure the cooperation of the right-wing opposition before a plebiscite could be called, since the constitution itself restricts the circumstances in which a plebiscite can be invoked. Hernán Montealegre: 'Chile has a tutelary democracy which it is not possible to dismantle by constitutional means'.

Wednesday, 15 March 2000

- * Chilean Supreme Court gives its authorisation to a request from the US that 42 former officers of the dictatorship be questioned by a judge in connection with the investigation into the Letelier murders.

Tuesday, 21 March 2000

- * Pinochet undergoes brain tests after collapsing at his home. His family say he has irreversible brain damage.
- * Guzmán orders the exhumation of the remains of between 18–24 disappeared persons discovered by government forensic experts in a mass grave 500 kilometres south of Santiago. Up to 150 people are thought to have been buried there between 1973 and 1990.

Thursday, 23 March 2000

- * In Santiago officials from the US Justice Department begin rounding up witnesses for questioning in the investigation into the Letelier murders. Amongst those to be questioned is Manuel Contreras.

Saturday, 25 March 2000

- * Chilean Congress approves a controversial constitutional reform measure — initiated under Frei and principally intended to benefit Aylwin, who does not have senatorship for life because his presidential term was only 4 years — which creates a special juridical status for former presidents, giving them immunity from criminal prosecution and an allowance of three million pesos per month. To acquire this status Pinochet would have to resign his life-senatorship. The reform is condemned by opponents of Pinochet as furnishing him with ‘double immunity’, although it remains unclear whether the immunity afforded could be subject to similar legal challenge as that afforded by ‘senator-for-life’ status. Socialist members of Congress oppose the reform, which is passed by 111:29 votes. Lagos has 30 days in which to decide whether to apply his presidential veto, but looks unlikely to do so.
- * An affidavit sworn by Pedro Espinoza, ex-operations director of DINA, becomes public after being leaked to the Chilean journalist Patricia Verdugo. In it Espinoza complains that he had been pressured by the military judge who was investigating the Letelier case in Chile, Héctor Orozco, to testify that Contreras, not Pinochet, ordered Letelier’s murder. Any references that implicated Pinochet directly, Espinoza said, were removed on the judge’s orders. The leak heightens the feeling in Chile that Pinochet can no longer rely on loyalty from his associates in the military regime. Contreras’s lawyer previously hinted that his client could implicate the ex-dictator in human rights crimes, while leaks concerning Judge Guzmán’s questioning of military associates of Pinochet suggest that several former associates are prepared to implicate him in crimes. These include Sergio Arredondo, deputy to Sergio Arellano Stark, who with his ex-chief is heavily implicated in the Caravan of Death murders and who is reported to have said that Pinochet had told Arellano that their mission was to kill prisoners. Former General Oscar Haag Blaschke and Captain Patricio Díaz Araneda, amongst others, may also implicate Pinochet.

Monday, 27 March 2000

- * Spain’s Audiencia Nacional begins investigating allegations of torture, state terror and genocide against eight senior Guatemalan politicians and police, including three former Guatemalan heads of state, Efraín Ríos Montt, Fernando Lucas García and Oscar Mejía Victores. The investigation is based on allegations by Guatemalan Nobel Peace Prize winner, Rigoberta Menchú, of severe abuses,

some against Spanish citizens, in the 1980s by Guatemalan government leaders. Judge Guillermo Ruiz Polanco is in charge of the case.

Tuesday, 28 March 2000

- * Lagos promises legal reform to avoid the possibility of Pinochet benefiting from 'double immunity' as a result of the 25 March Ex-Presidents Amendment and says he hopes the reform will be in force before the amendment is ratified.
- * Santiago Court of Appeal sets 12 April for the start of the hearing into the case for stripping Pinochet of his immunity from prosecution.

Tuesday, 4 April 2000

- * Lagos proposes the initiation of a process of constitutional reform. He asks Andrés Zaldívar, the Christian Democrat Senate president, to convene a working group comprising members of government and opposition parties in both congressional houses. Lagos says that all issues will be tabled, including: the abolition of designated senatorships and senatorship-for-life; the features and composition of the National Security Council and of the Constitutional Tribunal; the possibility that the president should be able to appoint armed forces chiefs; and the binominal electoral system. Parties of the right indicate that they will participate, but want some resolution of the Pinochet case and of investigations into human rights violations. Lagos reiterates that these are matters for the courts.

Wednesday, 5 April 2000

- * Hearing into the lifting of Pinochet's immunity is postponed until 19 April.

Thursday, 6 April 2000

- * 22 Chilean senators of the right-wing condemn the public prosecutor's involvement in the case against Pinochet, saying that its opposition to allowing new medical tests contradicts the position Chile maintained while Pinochet was detained in London. Lagos criticises the senators' intervention as improper, and requests them to respect the judicial process.

Friday, 7 April 2000

- * Santiago Court of Appeal decides by 11 votes to 10 not to allow medical examinations on Pinochet prior to his upcoming case, as requested by his defence team. The television of the hearing is prohibited.
- * Mesa de Diálogo talks resume.

Saturday, 15 April 2000

- * *El País* reports that Guzman has initiated proceedings against

another of Pinochet's ex-associates, retired General Carlos Forstner, who is charged (along with two subordinates) with the kidnap of 10 people just after the coup in 1973.

Tuesday, 18 April 2000

- * Santiago Court of Appeal rejects the latest request by Pinochet's defence team to perform new medical tests on Pinochet before the upcoming hearing. The court postpones the hearing until 26 April.
- * Chilean Medical College presents charge number 85 against Pinochet, for the murder of 19 doctors, including Salvador Allende, during the dictatorship.

Thursday, 20 April 2000

- * Fifth chamber of the Santiago Court of Appeal refuses to grant bail for Pedro Espinoza. In making their decision, the three magistrates rule out application of the 1978 Amnesty Law to those involved in the Caravan of Death case, on the grounds that the law does not cover cases where the remains of the victims have not been found.

Tuesday, 25 April 2000

- * On the eve of the opening of the hearing into the lifting of his immunity, Pinochet protests his innocence through his associate General Luis Cortés. Cortés says: 'He told me: "Please tell everybody that I never ordered anybody to be killed or tortured"'.
* Four lawyers present five new charges against Pinochet, bringing the total number to 93.
* A secret 1980 document, published by the newspaper *El Mostrador*, reveals that Pinochet was supreme chief of police during his dictatorship.
* Lagos meets army chief General Izurieta for talks, during which the latter reportedly expresses the armed forces' concern over the Pinochet case. A group of former associates of the Pinochet regime release a document entitled 'That Which Divides Chileans' criticising the involvement of the public prosecutor in the case and accusing the 'Marxist left' of destroying the achievements of the military regime.

Wednesday, 26 April 2000

- * The Santiago Court of Appeal begins hearing the case to strip Pinochet of his senatorial immunity from prosecution. Three are arrested after clashes between pro- and anti-Pinochet demonstrators outside the court. Soledad Melo, the court reporter, summarises evidence concerning the Caravan of Death murders, submitted in 3,500 pages by Guzman. Pinochet is accused of overall responsibility for the murders.

Thursday, 27 April 2000

- * Navy chief Jorge Arancibia makes public his institution's disquiet over the proceedings against Pinochet. An organisation of retired generals also criticises the public prosecutor's involvement in the proceedings. Interior Minister Insulza plays down the importance of the development.

Friday, 28 April 2000

- * A group of Christian Democrats requests the public prosecutor to challenge the immunity of right-wing senator Sergio Fernández, ex-interior minister of the dictatorship, for his role in the CNI, successor organisation to the DINA.

Sunday, 30 April 2000

- * Evidence emerges of a macabre operation to remove the remains of the disappeared from their original places of burial. Guzmán confirms that during an excavation to recover human remains near Putre, 2000 kilometres north of Santiago, it was found that a large part of the material had already been removed. The evidence indicates the existence during the dictatorship of a specialised group charged with the task of recovering and destroying the remains of the disappeared.

Thursday, 4 May 2000

- * Izurieta accompanies Pinochet's wife, Lucía Hiriart, to a function held by the Pinochet Foundation, and expresses his dissatisfaction with the proceedings against Pinochet.

Tuesday, 16 May 2000

- * Lagos rebukes the military for its recent shows of solidarity with Pinochet and for ambiguous statements made by Izurieta. Senior military figures had met in a Santiago restaurant to discuss their views on the proceedings against Pinochet. After the gathering the military let it be known that Izurieta had spoken to his colleagues on the subject of their role in possible 'future scenarios'. Lagos asks Defence Minister Mario Fernández to notify the armed forces of his displeasure and makes it clear that he is not prepared to tolerate veiled threats.

Tuesday, 23 May 2000

- * Santiago Court of Appeal votes to strip Pinochet of his immunity from prosecution. Some sources indicate a 12:10 vote, others 13:9 in favour of Guzmán's petition. The official ruling will not be made public for several days. Human rights and relatives' organisations celebrate as Pinochet, his supporters and the armed forces remain silent. Pinochet has the right to appeal to the Chilean Supreme Court.

Monday, 5 June 2000

- * Court of Appeal confirms its decision to strip Pinochet of immunity. Thirteen of the 22 panel members had voted in favour of Guzmán's petition. Pinochet's lawyers say he will appeal to the Supreme Court.

Tuesday, 6 June 2000

- * Garzón expresses 'respect' for the ruling.

Friday, 9 June 2000

- * Pinochet's lawyers lodge an appeal with Chile's Supreme Court.

Tuesday, 13 June 2000

- * An accord is sent to President Lagos by the Mesa de Diálogo. Though Lagos says the accord does not mark the end of Chile's transition to democracy, it represents the first time that the armed forces have admitted the existence of a campaign of disappearance of opponents of the military regime. The document establishes collective responsibility for the political climate leading up to the coup. It condemns the grave human rights violations carried out by the military, but also the 'political violence' of the regime's opponents. It commits the military to a promise to pass onto the president any useful information they may have, which will assist in the investigations into the whereabouts of the disappeared, although the identity of sources of such information will be protected. However, the document also insists that the military do not have definite information on the whereabouts of the disappeared, but are disposed to cooperate in the search for their remains.

Wednesday, 5 July 2000

- * 12 July is set as the date for the hearing of Pinochet's appeal.

Wednesday, 12 July 2000

- * Pinochet's appeal hearing is postponed at the request of the seven human rights lawyers pursuing charges against him after an accident involving the wife of one of the lawyers acting against the former dictator. María Rebeca Vergara, wife of Communist Party lawyer Eduardo Contreras, was seriously injured while she and her husband were helping a distressed motorist on a coastal road west of Santiago, when a pick up truck ploughed into their car before speeding away. Contreras describes the accident as suspicious.

Wednesday, 19 July 2000

- * Supreme Court begins hearing Pinochet's appeal.

Thursday, 20 July 2000

- * Lawyers for Pinochet argue that medical evidence should be considered before the court pronounces on the issue of Pinochet's immunity.

Tuesday, 25 July 2000

- * Supreme Court votes by 11:9 to turn down Pinochet's defence's request for fresh medical tests and postpones its decision on immunity for a week.

Tuesday, 1 August 2000

- * Supreme Court votes on Pinochet's immunity but will not disclose the result for a week.

Wednesday, 2 August 2000

- * Sources close to the Supreme Court indicate that it has voted to uphold the removal of Pinochet's immunity.

Tuesday, 8 August 2000

- * Supreme Court discloses its decision. The judges voted by 14:6 against allowing Pinochet's appeal. Pinochet's senatorship is suspended. Judge Guzmán welcomes the decision as 'an historic leap' for Chile and says he will begin prosecution proceedings shortly. Pinochet's family continue to insist that he will refuse to submit to any medical tests ordered by the courts to determine whether he is mentally fit to stand trial. Military sources warn that the decision threatens the continuation of efforts to find the remains of the disappeared in the wake of the Mesa de Diálogo Accord.

Monday, 14 August 2000

- * A further charge is filed against Pinochet, concerning the torture and murder of a 13 year-old boy whose body has been discovered near Santiago airport. Ivan Farina was shot in the head and back and is the youngest victim of the Pinochet regime to be found to date. Charges against Pinochet now number over 160.

Monday, 21 August 2000

- * Judge Guzmán sets 9 October as the date when he will begin questioning Pinochet in relation to the charges against him.

Wednesday, 23 August 2000

- * Pinochet makes his first public appearance since being stripped of his immunity, to unveil a plaque at the Pinochet Foundation commemorating those who died in his service. The event takes place on the 27th anniversary of his appointment as Commander in Chief of the Army. His participation is indicative of a change of tack in his de-

fence strategy and appears to signal a determination to defend his innocence and the record of his regime more aggressively.

Monday, 4 September 2000

- * Pinochet breaks the silence he has maintained since his return to Chile, releasing a letter to the Chilean people. In it he expresses the hope that the divisions of the past can be overcome, but does not apologise or express regret for the actions of his regime, instead expressing the hope that the work it carried out will not be put at risk, but consolidated.

Monday, 11 September 2000

- * 27th anniversary of Pinochet's coup is marked by demonstrations calling for his trial, and the holding of memorial ceremonies for the disappeared.

Tuesday, 12 September 2000

- * Spanish judge Garzón submits an order to the Mexican authorities for the extradition of exiled Argentine businessman, Miguel Angel Cavallo, suspected of crimes committed during the Argentine Dirty War. Cavallo was placed under arrest in Mexico in August. Garzón's order accuses Cavallo of a total of 432 criminal acts committed while he was a captain in the Argentine navy.

Thursday, 14 September 2000

- * The release of a further batch of US State Department documents relating to US covert operations in Chile is postponed. The postponement will allow a comprehensive review with a view to ensuring the 'fullest possible disclosure'.

Tuesday, 19 September 2000

- * The CIA makes a report to Congress about its involvement in covert intelligence operations in Chile. Among the information to emerge is that Manuel Contreras, ex-DINA chief, was a paid CIA informant at the time of the Letelier murder. Contreras was enlisted in 1974 and the CIA maintained contact with him until 1977, according to the report. Contreras denies involvement with the CIA and says that the allegation is motivated by revenge.

Monday, 25 September 2000

- * Judge Guzmán orders Pinochet to undergo new psychiatric tests to determine whether he is mentally fit to stand trial, and puts back the date when he will begin to question Pinochet (originally set as 9 October) for 30 days to allow the tests to be carried out.

Tuesday, 26 September 2000

- * Pinochet's defence say they intend to appeal against Guzmán's order.

Thursday, 28 September 2000

- * Indonesian court dismisses corruption charges against the country's former dictator Suharto on the grounds that he is unfit to stand trial.

Tuesday, 10 October 2000

- * Charge number 174 is filed against Pinochet, accusing him of responsibility for the kidnap, torture and disappearance of Spanish priest Antonio Llido Mengual, in 1974.

Thursday, 12 October 2000

- * Christian Democrat Senator Carmen Frei claims that the DINA may have been involved in the death of her father, ex-President Eduardo Frei Ruíz-Tagle, in a private clinic in January 1982.



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