

Chilean Supreme Court removes Pinochet's immunity but keeps verdict secret

By Mauricio Saveedra
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According to leaks from within the court, the Chilean Supreme Court voted narrowly on August 1 to strip former dictator, Augusto Pinochet, of his parliamentary immunity, clearing the way for his prosecution on 154 criminal charges arising from the 1973 military coup. One source said the Supreme Court was split 11 to 9. Another report put the vote at 14 to 6.

So sensitive was the decision for the Chilean political and military establishment, however, that Supreme Court President Hernan Alvarez refused to make the verdict public. Initially, he indicated that he would announce it today, then postponed the announcement until next Tuesday, August 8.

Alvarez said all 20 judges had been sworn to silence until each signed the verdict, in case any changed their minds in the meantime. This indicates that the vote is extremely close, reflecting splits in ruling circles over how to proceed with the Pinochet case. It also suggests that intense pressure is being applied to the judges.

It is quite possible that measures are being discussed to avert the trial, perhaps using the claim that Pinochet is medically unfit. Last week, however, the same court voted 11 to 9 to reject the defence's request for immediate medical examinations to determine that issue.

In May the Court of Appeal voted 13 to 9 to strip Pinochet of the immunity that he enjoys as a Senator-for-Life under the Constitution agreed between the military and the civilian politicians in 1988. Pinochet appealed against that ruling to the Supreme Court, the country's highest court.

There was no immediate response to the Supreme Court vote from the Socialist Party-led government of President Ricardo Lagos. Speaking outside the court, one MP, Isabel Allende, the daughter of Salvador Allende, the President overthrown and killed in 1973,

said people would have to wait for the official verdict.

Both pro- and anti-Pinochet protests were held outside the court, highlighting the tension surrounding the case. About 200 anti-Pinochet protestors chanted "Justice, justice" while supporters of the military and extreme right-wing parties burned cow bones, mocking the determination of the relatives of coup victims to find the bodies of their disappeared loved ones.

The Supreme Court ruling has the potential to open not just Pinochet but other military figures to charges arising from the deaths of thousands of workers, students and political activists. Officially, 3,190 people were killed by the military, and more than 1,000 others disappeared, but the relatives point to thousands more cases.

The Lagos government is doing everything it can to shield Pinochet and prevent further indictments of the military. In preparation for the Supreme Court decision, it sponsored a multi-party agreement designed to terminate the several hundred lawsuits that the families of disappeared victims have filed against other military commanders.

On June 23, the Lagos administration convened a 33-hour session of the Chilean Congress to approve an accord, signed earlier that month by the military, human rights lawyers, religious groups and community representatives. Ostensibly, the accord committed the military to locate the whereabouts of the missing victims of Pinochet's 17-year dictatorship.

The origins of the accord lie in the "Caravan of Death" case that emerged in January 1998. High-ranking officers, acting under Pinochet's personal orders, embarked on a trail of death in northern Chile, murdering at least 72 people in the months following the coup. The bodies were secretly disposed of.

These officers have been charged with kidnapping

the disappeared—a crime that is not protected by the amnesty that the politicians handed to Pinochet's junta, the military and the secret services as part of the return to civilian rule in 1990.

The multi-party accord gives the military a six-month deadline to locate or establish the destinies of the disappeared. Assisted by several religious organisations, the army will establish centres where informants can testify anonymously. Once gathered, the information will be passed on to the courts to establish the “location, exhumation, identification, the date and cause of death”.

The essential point is that the courts will then apply the amnesty, which protects the military from homicide charges. According to the Chilean daily, *La Tercera*, when Lagos briefed the military chiefs on June 2 about the accord, he assured them that the amnesty would operate once bodies had been located.

Lagos' assurances to the military expose the falsity of the statement that he made upon his inauguration as President earlier this year, when he declared that Pinochet's fate had to be left to the courts. Once in office, he quickly moved to finalise the accord, in order to end the legal cases and protect the military brass.

Chilean ruling circles were euphoric about the accord because it ended 10 years of fruitless attempts to reach an agreement on the disappeared. Having felt threatened by the response in Chile and internationally following Pinochet's arrest in Britain, they hoped that this accord would put the issue to rest.

In a typical editorial, entitled “Historic Landmark,” *La Tercera* wrote: “Today the country has the unique opportunity of closing one of the most complex chapters of the transition: finding the whereabouts of the bodies of the disappeared prisoners. What the citizenry has asked political authorities for the last ten years—to turn the page of the past—is now a closer goal.”

The media lauded the Socialist Party (PS) for rescuing the military. News of Pamela Pereira, a PS human rights lawyer who authored the four-page accord, warmly embracing General Juan Carlos Salgado was broadcast internationally.

The agreement openly justified Pinochet's 1973 coup. “At the beginning of the 1960s Chile suffered from a spiral of political violence,” it stated. “This grave social and political conflict provoked the doings of

September 11, 1973, over which Chileans have legitimately distinct opinions.”

In fact, Salvador Allende's PS-led Popular Unity government, brought to office in 1970, did everything in its power to suppress the mass struggles that had initially emerged in the 1960s. His government opposed any independent mobilisation of the Chilean working class, even after it became obvious that the military—backed by the CIA—was preparing a bloody coup.

Pereira's document ended with a call for reconciliation with the military. “The spirit that animates (the accord) is to bequeath to the new generations of Chileans a culture of co-existence based on liberty, truth, tolerance and respect. On these premises it is possible to create the conditions that will effectively contribute to national unity and deepen the grounds for a co-existence between all Chileans.”

Never before has the Socialist Party so blatantly defended the coup. The accord shows how anxious the PS is to end all discussion of the issue, under conditions where ordinary people are still demanding that the military be called to account. The agreement is also a warning that the political establishment, including the PS, is quite prepared to call on the services of the army again in the event of mass opposition to the dictates of the financial markets, which the Lagos administration is continuing to impose on the working class.

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