

Pinochet still in legal limbo

Prosecutors are racing against the clock to bring ailing former Chilean dictator Augusto Pinochet to justice.

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SANTIAGO, Chile - As prosecutors race against the biological clock to bring 90-year old Augusto Pinochet to justice, the former dictator is facing a slew of court proceedings on both human rights and financial fronts.

Pinochet now spends his time between house arrest and seclusion in a rich Santiago suburb, with his family and attorneys portraying him as senile and unfit to stand trial on any of the many charges he faces.

Victims of the Pinochet regime, however, have been steadfast in their battle for justice, arguing that he is sane and able to stand trial, and that a guilty verdict is a needed step for national reconciliation. Many fear that the atrocities that occurred under the regime will be forgotten by history if Pinochet is not found guilty before his death.

The former army general, who turns 91 on Saturday, ruled Chile from 1973-1990 and has never faced a definitive trial for the more than 3,000 deaths and disappearances that occurred under his regime, often attributing what he calls "excesses" to subordinate officials.

But prosecutors are on his trail on a broad string of cases.

COURT RULING

Santiago's Court of Appeals ruled last week for a continuance of the trial initiated by Judge Alejandro Solís, who ordered Pinochet arrested in late October for 35 kidnappings, 23 cases of torture, and one murder at the former Villa Grimaldi torture center on the outskirts of Santiago. Pinochet was subsequently placed under house arrest, but the court later lifted the order due to his supposed fragile health.

The same court ruled two weeks ago to revoke Pinochet's immunity from prosecution in the case of Antonio Llidó, a Catholic priest who disappeared in 1974 after being detained by Pinochet's DINA secret police force. Pinochet also faces charges in a Riggs Bank money-laundering case and the so-called Operation Colombo, in which three leftists were killed.

Any proceedings against the former dictator, however, have been slow, and Pinochet has remained in legal limbo.

Chile's legal system lacks jury trials, and it is difficult to predict if any court will ever find him guilty because he still enjoys constitutional immunity from prosecution; any challenge to his immunity must be won on a case by case basis.

President Michelle Bachelet has promised to address Chile's lax amnesty laws. Justice Minister Isidro Solís, however, said last week that the government is still debating how to approach the issue.

"The truth is that there is not a perfect solution, and the only thing we all agree on is that an effective solution must be reached," Solís said.

The amnesty debate centers on whether the constitutional immunity former officials from Pinochet's government enjoy should be overturned or annulled.

Only a full annulment would allow past human rights violators to be tried for past violations. Overturning the amnesty laws would not be retroactive.

BROADER INVESTIGATION

Pinochet and his family also are being investigated by prosecutors for money laundering and tax fraud. Reports surfaced last month about the possible existence of \$160 million in gold belonging to Pinochet in an HSBC bank in Hong Kong.

Government officials said they had credible evidence of the gold's existence, but HSBC publicly denied the reports and said the documents cited by the government were false.

The back-and-forth legal maneuvering in Chile's courts and bizarre reports of frozen bank accounts and gold bars may read like the plot of second-rate soap opera, but Chile still faces a serious dilemma in how Pinochet's legacy will be remembered.

Every Chilean seems to have a different opinion of the former ruler.

Large numbers of supporters argue that the economic policies he implemented paved the road for Chile's current high standard of living, and others vehemently protest every breath he takes.

But the vast majority of Chileans too young to remember Pinochet's rule remain disinterested and indifferent. The world their parents and teachers remember and feared bears no resemblance to the modern Chile.

Bachelet, however, has made the promotion of human rights a defining role of her presidency.

In October, she visited the former Villa Grimaldi torture center where she and her mother were held and allegedly mistreated during the military regime.

"Those who believe that memory or history can divide us or distract us from our business today are wrong," she said.

"The more we remember what happened, the better we can fight to ensure that it never happens again."