

## Chile: Pinochet Indicted for Human Rights Crimes

13 Dec 2004 21:20:08 GMT

Source: Human Rights Watch

(Santiago, December 13, 2004) - Today's indictment of former Chilean dictator, Gen. Augusto Pinochet, is a crucial step forward for accountability in Chile, Human Rights Watch said today. Pinochet again faces trial by the Santiago Appeals Court for human rights abuses committed during Chile's military government. The investigating judge, Juan Guzmán, has charged Pinochet with nine kidnappings and one homicide committed as part of "Operation Condor," a joint plan launched in the 1970s by the military governments of Chile, Argentina, Brazil, Uruguay, Bolivia, and Paraguay. The operation entailed "disappearing" dissidents, as well as abducting and smuggling them to their home countries for torture, interrogation and imprisonment. Judge Guzmán has ordered that Pinochet be held under house arrest at his Santiago home.

"This indictment is a great victory for Pinochet's victims," said José Miguel Vivanco, executive director of the Americas Division of Human Rights Watch. "Chile has taken another step forward on the path to justice for atrocities committed under military rule."

In a surprise ruling in May, the Santiago Appeals Court stripped Pinochet of his immunity from prosecution as a former head of state. The Chilean Supreme Court upheld the decision in August, paving the way for today's indictment. On December 2, Pinochet lost his immunity to stand trial for the 1974 murder in Buenos Aires of former Chilean army commander Carlos Prats and his wife, a prototype of the kind of crime that later became typical of Operation Condor.

This is the second time that Chilean courts have charged Pinochet with human rights violations. He first trial, for murder and "disappearances" that occurred after the 1973 military coup (the so-called "Caravan of Death" case) was [cut short in July 2002](#) when the Supreme Court determined that Pinochet's mental condition made him unfit to stand trial.

Today's charges come more than two months after medical experts—one named by each side as well as one named by the court—delivered their opinions on Pinochet's physical and mental condition to Judge Guzmán. After a long and detailed consideration of the medical evidence, Guzmán ruled that Pinochet had difficulties

related to his age and medical ailments, but that the dementia he suffered was not serious enough to exempt him from trial. The judge stated that that Pinochet's coherence and ability to understand and respond lucidly to questioning was an important factor in his decision. As an example he cited an interview that Pinochet gave to a Miami television station last year.

A new code of criminal procedure is to be introduced in the metropolitan region of Santiago in 2005. A provision in the new code allows judges to suspend trials if the due process rights of the defendant cannot be guaranteed. Under the code now in force in the Chilean capital, however, defendants must actually be insane or demented before trial proceedings may be suspended for mental health reasons.

"Whether or not today's indictment leads to trial, it's still an historic achievement given the untrammled power Pinochet enjoyed for decades," Vivanco said.