

Chilean judge charges Pinochet in rights case

13 Dec 2004 21:29:02 GMT

Source: Reuters

(Updates with injunction)

By Ignacio Badal

SANTIAGO, Chile, Dec 13 (Reuters) - A Chilean judge on Monday formally charged Augusto Pinochet with homicide and kidnapping in one of many pending cases related to human rights abuses committed during his 17-year rule, and ordered house arrest for the former dictator.

But Pinochet, 89, remained free after his lawyers filed an immediate injunction at the Santiago Appeals Court against the charges and against the house arrest order.

"General Pinochet was declared mentally fit to stand trial in Chile," Special Judge Juan Guzman told reporters. Pinochet's defense lawyers have argued he is not mentally competent to face the charges.

In an earlier human rights case, Pinochet's defense lawyers successfully kept him from being tried when the Supreme Court ruled that his mild dementia made him mentally incompetent.

"This is no more than a new episode of the most relentless persecution this country has ever seen against one person," said Pablo Rodriguez, one of Pinochet's attorneys.

The homicide and kidnapping charges filed on Monday relate to nine disappearances and one death that occurred in the 1970s as part of Operation Condor, an intelligence-sharing network of South American dictators who helped each other hunt down dissidents.

"I find that he is very physically deteriorated, but he has coherence in his psychological capacity and he understands questions, gives appropriate answers. These are the reasons I believe he is fit to stand trial," Guzman said.

HUNDREDS OF CHARGES

In Chile, investigating judges decide whether a crime has been committed and whether to indict.

As part of his investigation, Guzman interviewed Pinochet and specialists were appointed to interpret the results of neurological tests performed in September.

Pinochet faces hundreds of charges from families of people killed during his regime, which began with a military coup in 1973. They claim he ordered the torture, kidnapping and assassination of dissidents.

He is also being investigated by the Chilean courts for possible tax evasion or corruption after revelations this year that he had millions of dollars stashed in secret off-shore bank accounts.

The Operation Condor case passed a key hurdle in August when the Supreme Court upheld a lower court decision to strip Pinochet of immunity from prosecution, which is granted to former presidents in Chile.

Pinochet's immunity has been removed in two other human rights cases, and still holds in all the other cases against him. But he has yet to be tried because so far his mental health defense has prevailed at the Supreme Court level.

Pinochet left office in 1990 and Chile returned to democracy. For years he seemed beyond the reach of the justice system, but a Spanish judge's charges of crimes against humanity led to Pinochet's surprise arrest in London, where he was detained 1998-2000 on an international arrest warrant.

The arrest prompted a flood of cases against him in Chile.