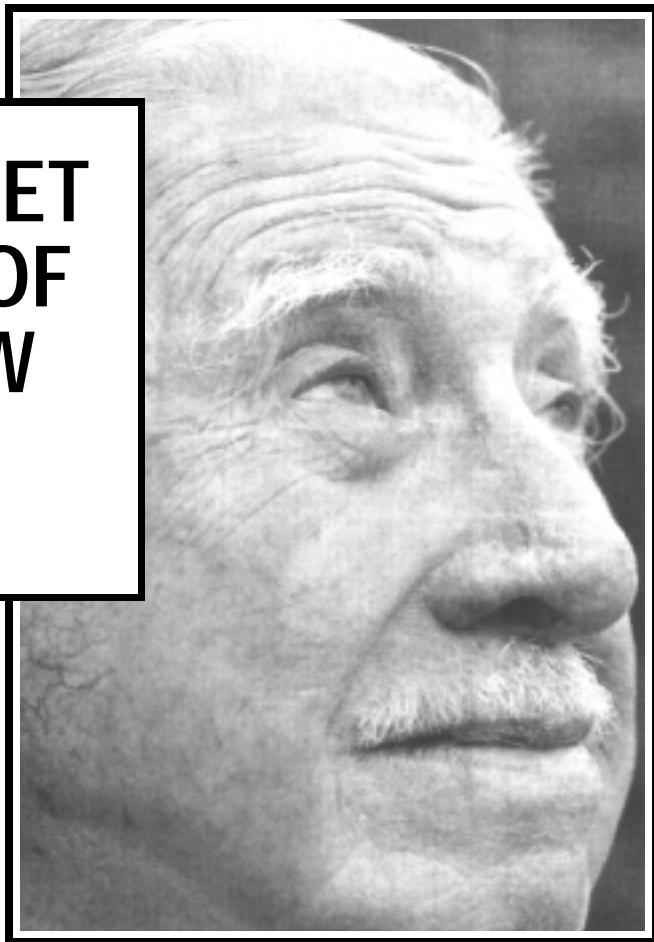


AUGUSTO PINOCHET AND THE ABUSE OF LAW BY THE NEW WORLD ORDER

SEAN GABB



This case began in November 1998. Augusto Pinochet, former President of Chile and currently a Senator and Head of the Armed Forces, arrived in London for medical treatment. He was carrying a diplomatic passport, which is generally supposed to confer on its bearer immunity from arrest, and he was greeted by officials from the Foreign Office as a VIP. Yet within a few days, he had been arrested by the British Government. A Spanish judge had heard that Mr Pinochet was in London, and requested his extradition to Spain so he could be questioned about the alleged murder of Spanish citizens in Chile between 1973 and 1990. Thus began a process that has so far brought immense shame and ridicule on the British Government, and that may unless it is stopped complete the juridical foundations of the New World Order.

SENATOR PINOCHET AND THE LAW

From its beginning, the process was an abuse of law. British law allows extradition only when there is a good arguable case that a crime has been committed that would also be an offence under British law. It is not an offence under British law for a British citizen to be murdered in a foreign country. Therefore, it is not permissible to extradite someone to Spain to be tried for the murder of Spanish citizens in Chile.

Even when the original charges were rewritten to include accusations of "genocide", the law remained on Mr Pi-

nochet's side. The crimes alleged against him were committed while he was a head of state, and so he was covered by the doctrine of sovereign immunity — even leaving aside the question of diplomatic immunity.

It was only after the House of Lords had turned itself into a kangaroo court — hearing submissions from activist groups with no legal interest in the matter, and allowing the worthless Leonard Hoffmann to sit among the Judges — that the law was clouded. But this corrupt judgment was set aside in an unprecedented second judgment by the House of Lords, and a second hearing ordered. At this hearing, most of the original charges were dismissed, and the Judges suggested that the Home Secretary should use his discretion to end the case entirely by sending Mr Pinochet home to Chile. Mr Straw ignored this advice, however, and has insisted ever since that the case must continue to be heard.

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CROMWELL NOT POL POT

Now, it can be asked what I have against the continuation of this case. Mr Pinochet took power in a military coup. On his orders thousands of people were arbitrarily arrested and detained. Many of these were tortured. Some were murdered. Surely it is no bad thing for him now to be brought to justice, even if it is not in his own country? The answer is no, and for two reasons.

First, Mr Pinochet does not deserve to be treated as the equal of Hitler and Pol Pot. His victims are to be counted in the thousands at most, and these were not indiscriminately selected. He made no fortune from being in power. He resigned from power when he thought his work was done. He left his country a wealthier and more stable place than he found it. As dictators go, he belongs more with Cromwell and Napoleon than among the assorted fiends and maniacs who have made the 20th century into an age of atrocity.

And if anyone doubts whether killing people is justified by the benefits that flow from it, there is the strong probability that bringing Mr Pinochet to trial will obliterate even those benefits. Ever since his arrest, the general agreement not to dig up the past that has allowed Chilean democracy to function since 1990 has come under strain. His supporters and enemies are rioting on the streets of Santiago. The coalition government there is falling apart. Unless the present crisis is soon resolved, Chile must face either civil war or renewed dictatorship.

THE NEW WORLD ORDER

Second, even if he were the psychopathic killer the journalists and politicians are telling us he was, his trial and punishment outside his own country would remain a bad thing. It would be a killing blow against the sovereignty of nation states. It would speed the plans for every country to be governed subject to the supervision of an unelected "human rights" bureaucracy. In this new scheme of things, the ministers and servants of governments accused of human rights violations would be liable to arrest and trial before international tribunals. Their countries might be placed under economic siege until they were given up. Using the Noriega precedent, their countries might even be invaded by an international police force to enable their arrest.

The justification would be the trial and punishment of tyrants of the sort Mr Pinochet is claimed to be. But the language of "human rights" is wondrously flexible. Just see what has been done with the word "genocide". Most people think it means trying to exterminate an entire ethnic group. The laws against it — mostly passed without examination — turn out to have been worded to cover the killing of a few thousand Chilean and foreign communists. It is the same with international human rights charters. These are commended to us for their clauses about the rights to life, liberty and property — even if these are always imperfectly defined. But they are also stuffed with language about the right to health, and the right to a clean environment, and the right not to be disliked for racial or religious reasons, and other spurious claims.

I can see a time when a government that decides to ignore the latest set of lies about the environment will be charged with abusing human rights. Or how about a

government that stands by constitutional protections of freedom of speech? Or that legalises drugs? Or that refuses to abolish banking privacy?

Putting all governments under this kind of supervision would leave much of humanity far better off than it presently is. It would also abolish what freedom remains in Western Europe and the English-speaking world. The breaking down of national distinctions and the realisation that we are all members of one race with equal rights and responsibilities are central to the libertarian project. But so long as the only international order actually available is one presided over by politically correct statist, the sovereignty of nation states remains something that ought to be valued by libertarians.

THE BLAIRITE DISHONOUR OF BRITAIN

For what it has done, the Government of Tony Blair deserves to be buried in shame and ridicule. There was every reason for the Government to say no to the initial Spanish request. There was the certainty of the existing law. There was the high likelihood of diplomatic problems in South America. There was the fact that Mr Pinochet had visited this country several times since May 1997, and that his diplomatic passport had been honoured in practice, whatever technical objections might be raised against it. There was also the fact that he had been a good friend to this country. Without his help in 1982, our victory in the Falklands War might have been far bloodier than it was. Even otherwise, there was good reason after the second House of Lords judgment for it to give up on the case and allow Mr Pinochet to return home.

And if this were not enough, there was the scandalous fact that even as the Spanish extradition request was being made in London, the Spanish Government was receiving Fidel Castro as an honoured guest. It is obvious that the New World Order will not treat all human rights abuses with equal severity — that, for example, Messrs Clinton and Blair will never stand trial for what they are presently doing in Iraq and Kosovo; but that Serbs will occasionally be produced and put on trial all through the next century for alleged individual rapes and murders.

TURNING THE TABLES

Even so, we can try to use the Pinochet case to embarrass the New World Order. If the precedents now set are finally upheld, we can try bringing a private prosecution for murder against President Clinton the first time he sets foot in London after leaving office. He was the head of state at the time of the Waco massacre in April 1993, and many of those victims were British citizens. We can certainly go for Janet Reno, the Attorney General who ordered the massacre, and any of the actual killers who may come to this country. We could also go for Mr Gorbachev the next time he is in London. I am sure we have some friends from the Baltic States who might want him extradited to face charges for what he did there at the end of the 1980s.

Of course, these proceedings will all be rejected — law for our New Labour masters is just a facade behind which they can exercise unlimited power. But it would be useful to pull away that facade from time to time and hold up for everyone to see the new nature of power in this country.