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Chile/UK: UK shirks its obligation to cooperate in human rights investigation

On the eve of Henry Kissinger's visit to the United Kingdom, Amnesty International today criticized the reported refusal of the UK Home Office to cooperate with requests by French and Spanish judges to question the former US Secretary of State as a witness concerning widespread and systematic human rights violations -- amounting to crimes against humanity -- committed in Chile under the military government of Augusto Pinochet.

Spanish National Court judge Baltasar Garzón and French judge Sophie-Helene Chateau, who are investigating cases of human rights violations committed in Chile, each filed a *commission rogatoire* (an official request for information) requesting permission of the UK authorities to question Henry Kissinger as a witness for his knowledge of the secret operation known as "Operation Condor".

The request of the Spanish and French judges is based on the mutual obligations of European countries under the *European Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union*, of which the UK, Spain and France are parties.

"UK, French and Spanish nationals were among the thousands of victims of human rights violations committed under Plan Condor, and the UK authorities should cooperate with the Spanish and French judges in their investigations into these violations," Amnesty International said.

"By questioning Henry Kissinger, investigating judges could obtain important information to advance the long quest for truth and justice," the organization added, urging the UK authorities to fulfil their obligations under international law by granting permission to question him.

As well as being a violation of the UK's obligation under the European Convention, the reported refusal by the Home Office to cooperate with the French and Spanish authorities is inconsistent with its obligations under general principles of law, which were recognized by the United Nations (UN) General Assembly in the 1973 *UN Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity*.

"Granting permission for Henry Kissinger to be interrogated would be a clear indication of the UK government's commitment to human rights and its determination to cooperate with European Community member states in human rights issues," Amnesty International concluded.

Background

Operation Condor was a coordinated intelligence operation between the military governments of Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay in the 1970s. As part of the operation, political exiles in any of these countries were illegally taken and returned secretly to their countries of origin, where they would be tortured, "disappeared" and often murdered. The operation was set up in Santiago, Chile; the military government of Chile and Chilean intelligence had close links with their US counterparts.

Principle 6 of the *UN Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity* declares that "[s]tates shall co-operate with each other in the collection of information and evidence which would help to bring to trial [persons against whom there is evidence that they have committed crimes against humanity] and shall exchange such information".

William Beausire, a UK-Chilean dual national, was a victim of Operation Condor. He was abducted in Buenos Aires Ezeiza airport by members of the Argentine security forces in November 1974, as he was on his way to France. He was returned to Chile and held in various secret detention centres where he was tortured. William Beausire is one of the over 1,000 victims of "disappearance" in Chile. Since his "disappearance", his relatives have been trying to clarify his fate and to achieve justice both in Chile and abroad.

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