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Criminal Proceedings: "Sumario 19/97"
Terrorism and Genocide "OPERATION
CONDOR"

13630

NATIONAL COURT OF JUSTICE
FIFTH CENTRAL COURT

MADRID

THE FIFTH CENTRAL MAGISTRATE OF THE NATIONAL COURT
OF JUSTICE IN MADRID, JUDGE BALTASAR GARZON REAL

TO THE COMPE 1 LNT JUDICIAL AUTHORITY OF THE UNITED
KINGDOM:

With best compliments. I hereby inform that regarding Criminal Proceedings n°.89/97-L brought in this National Court of Madrid in respect of a crime of Terrorism and Genocide, a decision was made today to address this Rogatory Letter that Authority on the basis of the following:

FACTS,

"It can be inferred from the inquiries made that, since September in Chile and sine 1976 in the Republic of Argentina, a series of events and criminal acts were committed under the fiercest ideological repression against nationals and residents of these countries. The plans and instructions established beforehand by the structures in power enabled these acts to be carried out, aiming at the physical elimination, the disappearance and the taking of hostages, after having tortured thousands of persons, as reported in the "Rettig Report"

It has been ascertained that there were co-ordination actions at international level, which carne to be known as "Operation Condor" and in which various countries participated, Chile and Argentina among them, and whose purpose was the joint co-ordination of these repressive actions.

Thus, Augusto Pinochet Ugarte Commander-in-Chief of the Armed Forces and the Chilean Head of State at that time, committed criminal acts in co-ordination with the military authorities of Argentina between 1976 and 1983, (the period covered by this cases's investigation) as he gave orders to eliminate, torture and kidnap persons and to cause others to disappear, both Chileans and other nationals in Chile and in other countries, through the agency of DINA's, Secret Services and within the framework of the aboye mentioned "Plan Condor".

"In this sense, Augusto Pinochet Ugarte, born in Valparaíso, Chile, on 25th November 1915, with Chilean national identification document number 1.128.923, appears as one of the principal persons responsible for organising and leading, in co-ordination with other countries' military or civil authorities principally Argentina, the creation of an international organisation which established, developed and carried out a systematic plan of illegal detentions (taking of hostages), practice of torture, by forceful removal of persons, murders and/or disappearance of a large number of persons, including subjects of Argentina, Spain, The United Kingdom, The United States, Chile and others, which was to take place in various countries with the purpose of achieving the political and economic aims of the conspiracy, for the extermination of political opponents as well as of a large number of persons from 1973 on and which coincides with the period when similar actions were taking place in Argentina from 1976 - 1983. Emphasis should be made that aside from the cases included in this decision, there were others which in spite of having taken place on earlier dates, would be included in this Plan and the effects of which still remain, in virtue of the fact that the persons involved are still missing.

The particular cases which make up the specific subject of the accusation against Augusto Pinochet Ugarte up to this moment and without prejudice of it being extended, total 94:

1.- Edgardo Enrique Espinosa, mentioned in the previous arrest warrant, an important member of MIR and the brother of the General Secretary of that Party, deceased, was taken hostage in the evening of 10th April 1976, in Buenos Aires, Argentina, when he was leaving a meeting of the "Junta Coordinadora Revolucionaria"; He was subsequently taken to different Argentinean concentration camps such as El Olimpo, Campo de Mayo and Escuela Mecanica de la Aunada (ASMA) near Buenos Aires.

According to the Rettig Commission this person who was protected by AC~ was removed from the Argentinean detention centre and taken to Villa Grimaldi in Santiago, no further news being heard of him. Together with this person and others, the Brazilian subject Regina Marcondes was detained, and continues missing. On 23rd December 1975, that is four months before his arrest, DINA had already arranged the capture of this important leader of MIR and of various other persons, having ordered their agents abroad their removal to Chile after their capture. A telex was sent regarding the accomplishment of the mission. DINA was directly dependent on AUGUSTO PINOCHET UGARTE.

2.- On 3rd April 1976 Luis Gonzalo MUÑOZ VELAQUEZ, ex secretary of the "Sección Local del Partido Socialista"* in San Bernardo of the PS and a candidate to "alderman", Juan Humberto HERNÁNDEZ ZASPE, an ex President of the "Federación de Estudiantes Industriales y Técnicos" (Feitech) and Manuel Jesus TAMAYO MARTINEZ, a sociologist and socialist leader who worked closely with the members of the Party's Central Committee, whose role was to make the liaison with Carlos Lorca , Ricardo Lagos also missing, with another socialist faction, were detained together with other Chilean in a Mendoza street.

The three of them were friends and had arrived in Argentina during 1974, having left Chile because political persecution. They worked together for the company Modernflood, in Mendoza and they were in charge of reorganising a socialist coordinating committee and took part in the activities of the so-called "Comisión de Consenso del PS".

The joint forces of the Argentinean Federal Police and DINA' agents participated in the military operations.

The three detained friends were taken overland from Mendoza to Villa Grimaldi at the end of April 1976.

3.- On 15th April 1976 Frida Elena LASCHAN MELLADO and her husband Miguel Angel ATHANASIU JARA, students and members of the MIR along with their new born son, Pablo ATHANASIU LASCHAN, were detained in Buenos Aires.

Frida Laschan who worked for Cora in Lautaro had been detainedⁱ by Lautaro police offices, committed for trial by the Military Prosecution. Subsequently the young couple left Chile after 11^t September 1973. In Argentina they were under surveillance and were very afraid.

The Commission established that this couple and their son were the victims of forceful removal in violation of their human rights, within the previously described situation.

4.- On 2nd July 1976 Julio del Transito VALLADARES CAROCA, an agricultura) accountant was detained in La Paz, Bolivia. He was delivered together with other Chileans by the Bolivian Authorities to the Chilean Authorities at the Charaña frontier on 13^h November 1976 and their whereabouts are unknown to this day. The Ministry of Interior recognised his detention though they refused to give the identity of the agents who carried it out, claiming "security reasons" in spite of being ordered by the Court to do so.

5.- At dawn on 16th July 1976, members of the Argentine Army detained the couple Guillermo TAMBURINI and Maria Cecilia MAGNET FERRERO in their apartment of Cordoba street in Buenos Aires. He was a physician, an Argentinean national and a member of NIIR based in Chile for several years. who had fled from the repression which took place after 11th September 1973. She was a national of Chile, a member of MAPU and a sociologist who had arrived in Buenos Aires at the end of 1973. In the course of the detention Guillermo Tamburini received a bullet wound.

6.- On 27^t July 1976, 25 days after arriving in Argentina, Luis Enrique ELGUETA DIAZ was detained together with his sentimental partner and her sister, both women Chilean nationals.. He had fled to that country after having been expelled by the Music School of the University of Chile on account of his known participation in the MIR of Santiago.

Before he left he gave a friend the address of a relative where he would be staying in the capital of Argentina. His friend, Sergio Fuenzalida was detained by DINA on 28th June 1976 together with six other persons, all of whom remain missing.

As established by the Rettig Commission the victim, who was intensively sought in Chile after the annihilation by DINA of his friends' group in Santiago, was put at the disposition of DINA's agents in Buenos Aires.

7.- In the month of July 1976 the 27 year old active member of MIR, who was exiled in Cuba, Miguel Ivan ORELLANA CASTRO went missing. This happened while the victim was secretly en route to Buenos Aires in order to attend a political meeting.

8.- On 24th September 1976, Rachel Elizabeth VENEGAS ILLANES, a children's nurse and a member of MIR was detained in the centre of Buenos Aires and continues missing since then. She had been prosecuted by the Military Prosecution of Victoria and sentenced to a long house arrest, after which she left Chile. A few days before her arrest she had obtained a Visa in Buenos Aires to travel to Holland.

9.- In July 1976 Patricio BIEDMA SCHADEWALDT, the last of the MIR leaders connected with the "Junta Coordinadora Revolucionaria" was detained.

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Patricio BIEDMA SCHADEWALDT, a sociologist, was a national of Argentina but since 1968 was settled in Chile. Later, after 11th September 1973 he returned to Argentina because of the political persecution he was being subjected to in Chile. He continued his political activities inside the MIR of Chile, and worked with the top leader of that movement.

It has been proved that Patricio Biedma was detained in a sweep up in the month of July 1976 in Buenos Aires and taken into various centres, among which "Automotores Orletti" which depended on SIRE -the security organisation with which DINA kept a close relationship. Patricio Biedma was interrogated in the aforesaid centre by a Chilean military officer, as recorded in various statements of Argentinean detained persons.

The sociologist's fate has to be related to that of Edgardo Enriquez's and Jorge Fuentes'. During his detention Patricio Biedma told a witness of his detention that he would be removed to Chile.

10.- On 3rd August 1976, in the presence of witnesses, Eduardo Enrique HERNANDEZ CONCHA a member of the Communist Party was detained in San Bernardo, and there is no knowledge where he was held and his subsequent fate.

11.- On 10th January 1977, José Luis APPEL DE LA CRUZ was taken hostage by a group of armed civilians, in the middle of the street in the city of Cipolletti, province of Neuquen, Argentina before the very eyes of his wife Carmen Angelica DELARD. CABEZAS and his daughter. Carmen Delard went missing in the Police Station of that city while she was reporting her husband's disappearance.

12.- On 17th January 1977, a week later, her sister Gloria Ximena DELARD CABEZAS was detained at home in Buenos Aires together with her husband Roberto CRISTI MELERO and her two children. Gloria Delard was pregnant with her third child. A patrol of the Federal Police agents took them to the "Escuela Mecanica de la Armada" (ESMA), from where they went missing.

The two sisters Carmen and Gloria Delard had been students and members of the MIR at the University of Concepción, persecuted in Chile after 11 September 1973. A friend of the family, an ex army colonel had offered to help them to cross the Chilean/Argentinean frontier, which they had accepted settling in Neuquen and Buenos Aires respectively.

From the previous report it is understood that the Argentinean Intelligence Services participated in the detention of the MIR leader since they were the ones who reported the details of Jorge Fuentes' false passport.

There is multiple and coinciding evidence about Jorge Fuentes' stay in Villa Grimaldi where he had scabies treated while he was being tortured and submitted to degrading treatment.

13.- On 6th April 1977, an ex Director of Aeronautics in FACH, Jorge

SAGAUTA HERRERA, 51 years old was detained by the Argentinean Security forces at a friends' house in Buenos Aires. As a list of Chilean political prisoners was found during the search, he was taken by agents and subsequently disappeared.

14.- On 16th May 1977 a Chilean/Swiss student called Alexel Vladimir JACCARD SIEGLER who had arrived in Buenos Aires the day before, on a stopover on his way to Chile the following day, was detained in that city.

According to information given to the Commission, Alexel Jaccard carried with him money to be deposited in Chile.

In the course of the same operation also detained were Ricardo Ignacio RAMIREZ HERRERA who was the person in charge of the organisation and finances of the Chilean Communist Party in Buenos Aires and Hector Heraldo VELAZQUEZ MARDONES also a member of the Chilean Communist party. The Chilean and Argentinean agents detained the three Chilean subjects on the same day and they also detained five members of the Solidarity Committee with Chile in ,Argentina, who were hiding the detained persons.

The eight of them remain missing to this day.

Alexei Jaccard was detained in the street and was taken to a centre of the Argentinean Federal Police where he was interrogated and afterwards removed to the "Escuela Mecanica de la Armada" (ESMA) in Buenos Aires.

The particularly active role played in this case by DINA and the Government of Chile begins with the triple illegal arrest in a foreign country in complicity with the Argentinean Security Services and culminates with the delivery of false information to the Swiss diplomats who were determined to search for this Swiss subject.

Regarding Ricardo Ramirez the Chilean International Police reported falsely about the alleged travels of the victim in the years 1977- 1983 to the Argentinean Ministry of Foreign Affairs. This information had been requested to the Chilean Police by the Courts of the Republic of Argentina. Another report sent by the Police to this Commission, consistent with the

facts, demonstrates that the victim had only travelled from Santiago to Germany in the month of March 1976, when he was able to leave as a political exile to subsequently settle in Hungary. c

After the triple arrest of the Chilean communist members in Buenos Aires the Chilean and Argentinean security agencies displayed a vast quantity of false documents and information with the purpose of covering each other in the face of heavy pressure by the Swiss Government who wanted to know what had happened to a Swiss national in transit.

15.- On 23rd May 1977 Humberto CORDANO LOPEZ, a nurse and a member of the Communist Party, exiled in Comodoro Rivadavia after 11th September 1973, was detained. The victim was detained on the aforesaid date in the surroundings of the Hotel Centrico in Comodoro Rivadavia. As a member of the Argentinean Committee for Solidarity with Chile in this province, Humberto Cordano Lopez had taken steps in favour of Chilean detained persons on account of which he had been followed openly by DINA agents in Comodoro Rivadavia.

16.- On-10 May 1977 Oscar Lautaro HUERAVILO SAAVEDRA, a 23 year old employee, without any known particular political connections, a Chilean settled in Buenos Aires was detained together with his six months pregnant Argentinean wife, Mirta Monica ALONSO. The child was born during their detention and was recovered by his grandmother. The couple is missing.

17.- On 29th May 1977 the Chilean couple Matilde PESSA MOIS and Jacobo STOUUVIAN BOERTNIK, without any known political tendencies or connections were detained while flying between Santiago and Buenos Aires, before passing through the International Police Control. After their detention a record was found of their having registered in the Hotel Winston Palace of Buenos Aires, which at that time was a Hotel used by the Argentinean security services.

18.- On 19th May 1977, José Liberto POBLETE BOA, a member of the community "Cristianos por el Socialismo" together with his wife, a national of Argentina and their eight month old daughter Claudia POBLETE HLACZIK were detained. Both the couple and their daughter went missing, but there is testimony regarding their stay in the centres of El Banco and El Olimpo in Buenos Aires. Their whereabouts are unknown since around 1979.

On 11th September 1977, Cherif Omar AIME ROJAS, a student of Chemistry at the University of Buenos Aires, Argentina who lived in this country since he was a child was detained in the neighbourhood of Quilmes in Buenos Aires. The day after the Joint Army Forces searched his home taking away the victim's identity document.

20.- On 10th January 1978 the Argentinean Police detained Guido Arturo SAAVEDRA INOSTROZA, a student at the University of Buenos Aires and an employee of "Textil Gloria". He remains missing to this day.

The young university student had left Chile after 11th September 1973, after having been detained at the University Federico Santa Maria of Valparaiso. The reports given to the Rettig Commission established that Guido Saavedra had been the subject of an illegal detention and subsequent disappearance which had taken place outside national territory and had been carried out by agents of the State of Chile or with its participation. The high level of communication between the Argentinean and Chilean security services at that time was also confirmed by these reports.

21.- In 1978 the Chileans subjects Raul TAPIA HERNANDEZ, Jaime Nury RIQUELME GANGAS and Luis ESPINOZA GONZALES were detained in Buenos Aires. They were all exiles who were legally working

in Argentina and went missing in the previously mentioned context.

22.- In April 1989 Carlos Patricio ROJAS CAMPOS, a member of the Communist Party disappeared. He had been persecuted in Calama and Tocopilla until 1977 when he fled to Buenos Aires keeping in regular contact with his family in Chile by letter. Since that date there has been no news of him.

23.- On 26th July 1978 Cristina Magdalena CARREÑO ARAYA, a member of the communist Party went missing in Argentina. She had arrived in that country at the beginning of that month from Hungary. On 24th of that same month she had revealed to the CEAS offices, a Catholic Church department which worked in co-ordination with ACNUR in the Federal Capital, that she felt she was being persecuted and she applied for refugee status.

24.- On 27th January 1979 Oscar Orlando IYARZUN MANZO, a member of the Communist Party, a refugee in Argentina since 1974 was taken hostage by plain clothes agents and murdered outside Buenos Aires.

25.- On 19th February 1981 Alejandro CAMPOS CIFUENTES a student nurse and Lula QINCHAVIL SUAREZ an ex Mapuche leader; both MIR members were detained in the Chilean/Argentinean frontier, in the area of Paimun, trying to enter Chile clandestinely, within the so called "Return Operation". They had been previously sentenced to imprisonment by a Military Court which later, in 1975 was commuted to exile; they were therefore forbidden to enter into national territory.

The information about these facts related to the CNI operations resulted in the dismantling of the guerrilla activities in the Neltume area in the year 1981 and the commission established that José Campos and Luis Quinchavit had been detained by Argentinean police officers, who subsequently delivered them to the national security agents in whose hands they went missing.

The following eleven persons, all of them Chilean subjects were illegally detained and are still missing:

-Nelson Martin Cabello Perez, 23 years old, detained on 9th April 1976 in La Plata, Argentina, together with his wife and his brother in law.

-Oscar Julian Una Ferrarese, 24 years old, detained at 13.00 hours on 22nd of May 1976 in Buenos Aires, Argentina, together with his wife. Personnel of Argentinean Aeronautics took part in this operation. The couple were taken to the Campo de Mayo prison and from there subsequently removed to the military prison of Magdalena. And from then on they could not be traced .

-Rafael Antonio Ferrada, 49 years old, detained on 3rd August 1976 in his home in San Martin, province of Buenos Aires, Argentina. His detention was reported to Court number Two in San Martin, with no result.

-José Francisco Pichulman Alcapan, 20 years old, detained on 12th August 1976 in his home in Neuquen (Argentina) by a group of military officers. According to witnesses a guard of a Rio Mayo centre was the one who saw him for the last time.

-Juan Raul Pihculman Alcapán, 24 years old, detained on 27th January 1977 in his home in J.J.Gomez, Rio Negor, Argentina, together with his wife by twenty or thirty military officers claiming to belong to the "joint forces".

-Nelson Flores Ugarte, 28 years old, detained on 18th February 1977 in his home in Buenos Aires, by a group of armed people. The detention of this Chilean national was never recognised by the Argentinean authorities and his whereabouts remain unknown.

-Maria Isabel Navarrete, 24 years old, detained on 17th May 1977 when she was leaving the Faculty of Medicine in La Plata.

-Reinaldo Miguel Pinto Rubio, 23 years old, detained on 19th June 1977 in Buenos Aires by a group of people. He tried to fight back during the shooting and was taken to Claypole's Police Station.

-Maria Angelica Pinto Rubio, 21 years old, who was last seen in Buenos Aires on 10th February 1977. Apparently her detention was connected with her brother's.

-Jose Luis de la Maza Asquet, 27 years old, detained on 1st November 1977 in a street in Tucuman, Argentina and is missing since then. His whereabouts are unknown.

-Juan Adolfo Coloma Machuca, detained on 1st December 1978 in Buenos Aires together with his wife. Juan Adolfo Coloma, who was also known as Hernan, was seen in the prison camp El Olimpo at the end of 1979.

The following persons were also taken hostage within the same operation of physical elimination, established by Augusto Pinochet Ugarté, among others

1975

-Maria Elena Acost Velasco, 34 years old, a Chilean national, was detained in La Plata, Argentina on 28th September and taken into the clandestine prison centres known as `BIM-3 and "ARANA". She has been missing since January 1977.

-Luis Adolfo Jaramillo, 42 years old, missing since 26th of November, in Quilmes, Argentina.

-José Heriberto del Carmen Leal Sanueza, 25 years old, an unmarried university student missing, probably in Cordoba, Argentina.

-Luis Guillermo Guzman Osorio, a Chilean subject who went missing in Argentina and who appears in the lists of the Permanent Assembly for Human Rights of that country.

-Enrique Lorca Portigo, missing in Buenos Aires on 24th May. His disappearance was registered in ACNUR, Argentina.

-Luis Arnaldo Zaragoza Olivares, employee, detained in Argentina on 17th August, missing since then, as per the lists of CONADEP and APDH of that country.

Gaspar Medina Medina, 42 years old, detained on 9th September in Futaleñi, Argentina. His disappearance was registered in the Permanent Assembly for Human Rights and in the lists of the Legal and Social Studies Centre of Argentina (CELS).

-Rene Alejandro Moscoso Espinoza, a photogravure worker detained on 15th September in GRAFFA S.A., the factory where he worked in Buenos Aires, Argentina, as recorded in the records of the Permanent Association for Human Rights and CONADEP

-Salvador Cabillos Marurana, detained on the 10^di November in Bueno Aires, Argentina and missing since then, as recorded in the lists of APDH of Argentina.

-Nora Mardikiend, the Argentinean wife of Nelson Cabello, a Chilean subject, still missing.

-Susana Ossola, the pregnant Argentinean wife of Oscar Urria, a Chile national, still missing.

-Clara Heydée Fernandez, the Argentinean wife of Luis Elgueta, a Chilean national, missing since her husband was taken hostage.

-Cecilia Maria Fernandez, an Argentinean national, Luis Elgueta's sister-in-law who has been missing since the latter's detention.

-Esteban Badel, an Argentinean national, husband of the Chilean national Maria Elena Acosta, both went missing on the same day.

-Julio Badel, Esteban Badel's brother, also went missing on the same day.

1977

-Carmen Angelica Delard Cabezas, 24 years old, missing since 10 January in Cipoletti, Argentina

-Maria Eugenia Escobar Silva, went missing in Buenos Aires, Argentina on 18^d February.

-Daniel Tapia Contardo, 26 years old, detained on 26th March in Buenos Aires, Areas, as reported in APDH and CONADEP.

-Hernan Leopoldo Caballero, 26 years old, detained in Buenos Aires, Argentina on 26th March, according to APDH and CONADEP. -Gaston Riquelme Cifuentes, detained on 5th June in Argentina.

-Norma Riquelme Cifuentes, detained in Argentina on 5th June, according to APDH and CONADEP.

-Hernan Artemio Rojas Fajardo, a masonry worker, detained in Mar del Plata, Argentina on 7th June and missing since then, according to APDH and CONADEP.

1978

-Luis Alfredo Espinoza Gonzalez, 25 years old, detained on 31^d December in Mendoza, Argentina, still missing.

- Eduardo Kurt Fuentes, detained in Argentina, in the month of Januar according to APDH.
- Ester Elena Jimenez Torrealba, disappeared in Argentina in January, according to ACNUR and still missing.
- Rafael Eduardo Ulloa Sanchez, detained in Argentina on 12 June and missing since then.
- Ruben Gomez Quesada, a journalist, detained in Salta, Argentina on 30th December and according to APDH missing to this day.
- Susana Larubia, detained in Buenos Aires, Argentina on 11th December and missing since then.

1979

-Juan Antonio Rodriguez, a Chilean national detained on 8th January in Mar del Plata, Argentina, missing since then.

-Sylvia Lillian Almendras Zapata, who disappeared in Argentina. -Santiago Pedro Astelarra, who disappeared in Argentina. -Yolanda Barría Santana, who disappeared in Argentina. -Omar Jose Ojeda Mera, who disappeared in Argentina. -Mario Juan Villa Colombo, who disappeared in Argentina. -Ricardo Lancelot Carbajal Vargas, who disappeared in Argentina. -Gary Nelson Olomos Guzman, who disappeared in Argentina. -Jose Fernando Fanjul Malles, who disappeared in Argentina. -Sylvia Teresa Marrambio Silva, who disappeared in Argentina. -Angel Manuel Martinez Fernandez, who disappeared in Argentina. -Luisa Aurora Arredondo Fernandez, who disappeared in Argentina.

LEGAL ARGUMENTS

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The facts reported in this decision could be constituent with, regarding the accused Augusto Pinochet Ugarte, a crime of genocide, made up of a series of illegal arrests, which were followed sometimes by murder or disappearance, as in the case of the 94 above mentioned victims and which according to the statements given and information gathered in this case were preceded by torture in every single case; a crime specified in Article 607 of the Penal Code, related to Article 139 (Murder), 163, 166 and 167 (Illegal Detention and Taking of hostages) and 168 of the Penal Code; a crime of Terrorism of Articles 515, 516.2, 571, 572 and 577 of the Penal Code; crimes of Torture of Article 174 of the Penal Code; and all of these were crimes specified in the Penal Code in force at the time the facts occurred.

The legal criminal classification of the facts is based on the following international provisions:

- a) Declaration of Moscow of 1943, subscribed by the United Kingdom of Great Britain, United States of America and Soviet Union on Crimes against Humanity.
- b) The Statute of the Tribunal of Nuremberg 1945, subscribed by the United Kingdom.
- c) The resolution of 16th December 1946 of the United Nations Assembly, in which the principles and Statutes of the Sentence of Nuremberg were approved.
- d) The United Nations Convention against genocide, of 10th December 1948.
- e) The United Nations Covenant on Civil and Political Rights of 16th December 1966.
- t) The United Nations resolution about persecution of crimes against Humanity.
- g) The Convention against Torture of the United Nations, of 10th December 1984
- h) The Declaration of the United Nations General Assembly on the forced disappearance of persons of 1992.
- i) the European Convention on Repression of Terrorism of 27th January 1997

Under such provisions, crimes of this nature do not prescribe and those responsible for them are neither entitled to diplomatic immunity nor to apply for Refugee Status and cannot be granted political asylum and all World States are obliged to persecute them and mutually assist each other in the persecution of such crimes.

As it has been proved an armed organisation was created taking advantage of the military structure and usurpation, with the purpose of institutionalising, with impunity, a terrorist regime which subverted in itself the constitutional order, in order to efficiently develop a plan for the disappearance and systematic elimination of members of national groups also using in their benefit the assistance and co-ordination of other countries, Argentina in particular.

In accordance with the provisions of Article 23.4 of the Ley Organica del Poder Judicial* Spain has coetent jurisdiction to proceed with this Case as stated in Resolutions of 28 June 1996, 25th March and 11th May 1998 and on 16 October of 1998, in relation with admission to commence legal proceedings.

Therefore and considering the gravity of the facts attributed to the accused and his present situation, that is outside Spanish jurisdiction, it was ruled to request the unconditional preventive custody of AUGUSTO PINOCHET UGARTE, pursuant to the provisions of Articles 503, 504 and 539 of the "Ley de Enjuiciamiento Criminal"** which relate to the aboye mentioned penal articles and in respect of which the corresponding International Arrest Warrants were issued by this Central Court, and were carried out by the competent British Authorities, in order to proceed to his arrest in view of Extradition.

REQUESTED- PROCEEDINGS

1.- The freezing of all bank accounts held at any Bank and connected with AUGUSTO PINOCHET UGARTE in which accounts he or any of his relatives, whose identities are as follows: LUCIA HIRIART (WIFE), INES LUCIA PINOCHET HIRIART (DAUGHTER) AUGUSTO OSVALDO PINOCHET EMIRAT (SON) MARIA VERONICA PINOCHET HIRIART (DAUGHTER) MARCO ANTONIO PINOCHET HIRIART (SON) and JACQUELINE MARIE PINOCHET HIRIART (DAUGHTER) appear as account holders, trustees, assignees or are empowered to the use of the same, the balances of which to remain at the disposition of this Fifth Central Court within the context of the aforementioned proceedings.

2.- The freezing of those Deposit Boxes in any bank entity of the United Kingdom, whose title holder is, d rectly or indirectly, individually or

* Basic laws or Statutes approved by Parliament * *
Code of Criminal Procedure

together with others, AUGUSTO PINOCHET UGARTE, the contents of which to remain at the disposition of this Court.

3.- The examination and authentication of all movements and transfers, stating amounts and payees in respect of all accounts, as from the date of their opening until now, even though they may have been cancelled.

4.- Any other steps you may consider necessary or convenient.

In accordance with the provisions of the second paragraph of article 15 of the European Convention of Judicial Assistance in Criminal Matters, done in Strasbourg on 20th of April 1959 and paragraph 5 of the same Article, a copy of this Letter is being sent through the Ministry of Justice of both our States and another one via Interpol.

In view of the urgency of that which is requested, pursuant to Art. 15.5 of the above mentioned Convention this Rogatory Letter is being sent through Fax via INTERPOL.

Given the cordial relations between our respective countries, I hopefully and respectfully request the carrying out of the requested legal assistance offering the Judicial Authority of the United Kingdom reciprocity in analogous cases.

Dated in Madrid the twenty seventh of November 1998

The Magistrate
Judge Baltasar Garzón Real

The Judicial Secretary