

Blair felt even the mildest irritation. No such statement was made.

Once in the United States, Mr Trimble hardened his stance. Unless nationalists "reduced their ambitions" on cross-border structures, he said, they could face "Sunningdale Mark Two", referring to the short-lived experiment in power-sharing which was brought down in 1974 by a combination of unionists and loyalist paramilitary muscle.

As the Trimble rhetoric sharpened, so did arguments about his motivation. Is this his idea of tough negotiation? Was he forced to climb down by his own party? Some fear that the Ulster Unionists may not have any real commitment to the April 10th deal, beyond securing Mr Trimble's post as first minister and a restored assembly at Stormont. The decommissioning demand, from this angle, is the perfect vehicle for stopping the always sluggish peace process in its tracks.

The counter-argument is that the IRA could trump Mr Trimble—by an immediate handover of a quantity of Semtex high explosive, for example. An announcement that the international decommissioning body had supervised the destruction of explosives would blast the unionist block out of the way. There are persistent reports that the republican leadership of Gerry Adams and Martin McGuinness has been manoeuvring to change the IRA's rules. But some republicans suspect that new demands would then be made to purge Sinn Fein of its anti-democratic elements. Ulster Unionists have variously called for total disarmament, disbandment of the IRA, recovery of the bodies of people killed and buried by it; an end to paramilitary "punishment" beatings, a declaration of an unequivocal and final end to IRA violence and an apology for its history.

Some observers might begin to despair of the whole process. But there are still powerful forces pushing for peace. Above all, popular sentiment still seems clearly on the side of making the agreement work. Unionist business, church and community leaders are all loth to see anything fracture the fragile consensus achieved in last May's referendum, when 71% of voters endorsed the agreement.

## The Pinochet case Exiled in Surrey

**J**ACK STRAW, the home secretary, had insisted all along that his role in the case of General Augusto Pinochet was "quasi-judicial". And that is, indeed, how Mr Straw apparently behaved. Despite two weeks of intense speculation about whether or not he would let extradition proceedings



A bitter pill for Pinochet

against the 83-year-old former dictator go ahead, or free him to return to Chile, there were no leaks. Government spokesmen insisted that no other cabinet ministers were involved in the decision. Even Tony Blair claimed that he was not being consulted. No matter what Mr Straw did, he was certain to face rival choruses of blame and praise.

On December 9th he delivered his decision in a drily worded, five-page written statement to Parliament, explaining his reasons for issuing the courts an "authority to proceed" with the hearing on the general's extradition to Spain. Predictably, human-rights campaigners were jubilant. Chile's government denounced the decision and recalled its ambassador.

A monumental legal battle is now expected. General Pinochet will appear in person before a magistrate on December 11th. But this is just the beginning. Extradition is one of the most complicated areas of the law in any country. If the general's lawyers fight every step of the way, they could drag out the proceedings for years. One Malaysian businessman managed to fight his extradition to Hong Kong for seven years before finally being returned for trial there. At 83 years old, General Pinochet can reasonably hope to avoid ever having to face trial in Spain. He may prefer to live out his days in his rented mansion in Wentworth, Surrey, or his advancing age may yet strengthen his plea to be allowed to return home on compassionate grounds.

The general's lawyers are considered among the best, and most inventive, in London. Their first move is widely expected to be a request for judicial review of Mr Straw's decision in the High Court. If they are granted the review, extradition proceedings will be suspended until the High Court rules. Most legal experts believe

they will lose that appeal. If the magistrate hearing the extradition case ultimately rules against the general, that decision can also be appealed. In addition, appeals can be lodged during any of the proceedings if the general's circumstances change, such as a deterioration in his health. If all appeals fail and the courts rule that General Pinochet must be extradited, the case returns to the desk of the home secretary, who makes the final decision on whether to send him to Spain or to release him.

The general's lawyers have alleged bias on the part of Lord Hoffmann, one of the three Law Lords (out of five) to rule against the general's claim of sovereign immunity on November 25th, because he serves as an unpaid director of a charity tied to Amnesty International, which was allowed to present arguments in the Law Lords' hearings. The general's lawyers could ask for a rehearing from the Law Lords, although this is unprecedented and unlikely to succeed. In his statement, Mr Straw rejected the allegations against Lord Hoffmann as a reason to stop extradition proceedings. Derry Irvine, the Lord Chancellor, has also refused to get involved. Nevertheless, Lord Hoffmann's link to Amnesty has clearly given the general's lawyers valuable ammunition in the legal battles ahead.

The general's friends—among them Margaret Thatcher and most of the Tory party—lambasted Mr Straw's decision as blatantly political. The general's foes—most of the Labour Party as well as victims and human-rights groups—praised it as a victory for the legal process. No doubt, if Mr Straw had made the opposite decision, both sides would have made the opposite argument. In fact, his carefully worded statement, far from ducking behind legal technicalities, explains that he did take wider considerations into account. He claims that, contrary to what many lawyers have argued, the law does give him broad discretion at this stage of the proceedings.

Mr Straw considers and rejects all the arguments put forward for releasing the general. He finds that, despite his age, he is fit to stand trial. Any threat to Chile's stability and its future as a democracy, or Britain's own national interest, says Mr Straw, does not outweigh Britain's obligation to extradite. Despite the Chilean government's argument that the general should be returned to stand trial in Chile, points out Mr Straw, it has not itself made an extradition request. There is one crumb of comfort for the general. Mr Straw says there are not good legal grounds for him to be extradited to face charges of genocide, only of torture, hostage-taking and conspiracy to murder.

So was this a political or a judicial decision? As Mr Straw makes clear in his statement, it was a bit of both. "Quasi-judicial" looks like the proper adjective after all.