

# Kissinger Watch

issue #8 ..... 14 June, 2002

## About This Issue

Dear readers,

“Kissinger may face extradition to Chile” (The Guardian, article 1) – hence this issue is entirely dedicated to Kissinger’s involvement in Chile and the current legal proceedings, in particular the Horman case. Article 2 (in Spanish with introductory note in English) is based on an interview by Pascale Bonnefoy with Christopher Hitchens, who recently went to Chile to meet with Judge Guzman. Article 3 appeared in the Canada’s The Globe and Mail as one piece of a three-part series on international justice.

Thanks for your readership

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## 1. Kissinger may face extradition to Chile Judge investigating US role in 1973 coup considers forcing former secretary of state to give evidence

*Jonathan Franklin in Santiago and Duncan Campbell in  
Los Angeles  
Wednesday June 12, 2002  
The Guardian*

Henry Kissinger may face extradition proceedings in connection with the role of the United States in the 1973 military coup in Chile.

The former US secretary of state is wanted for questioning as a witness in the investigation into the events surrounding the overthrow of the socialist president, Salvador Allende, by General Augusto Pinochet.

It focuses on CIA involvement in the coup, whether US officials passed lists of leftwing Americans in Chile to the military and whether the US embassy failed to assist Americans deemed sympathetic to the deposed government.

Chile’s Judge Juan Guzman is so frustrated by the lack of cooperation by Mr Kissinger that he is now considering an extradition request to force him to come to Chile and testify in connection with the death of the American filmmaker and journalist Charles Horman, who was killed by the military days after the coup.

Horman’s story was told in the 1982 Costa-Gavras film, *Missing*, starring Jack Lemmon and Sissy Spacek.

Judge Guzman is investigating whether US officials passed the names of suspected leftwing Americans to Chilean military authorities. Declassified documents have now revealed that such a list existed. Sergio Corvalan, a Chilean lawyer, said that he could not divulge the “dozens” of names on the list.

At the time of his death, Horman was investigating the murder of Rene Schneider, the chief of staff in the Chilean army whose support for Allende and the constitution was seen as an obstacle to the coup.

The CIA had been involved with groups plotting Schneider’s murder, providing them with weapons and advice, according to a CIA internal inquiry in 2000. It found that the agency had withdrawn its support for the plotters before the murder but had paid them \$35,000 afterwards “to maintain the goodwill of the group”.

At the time of his murder, Schneider had five young

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children, who filed suit in a Washington DC court last year against Mr Kissinger and other top officials in the Nixon administration. They are seeking \$3m (£2.15m) in damages.

Horman's wife, Joyce, suspects that he was targeted because he unwittingly stumbled upon a gathering of US military personnel in Chile in the days before the coup.

The American journalist Marc Cooper and the British journalist Christopher Hitchens have been in Santiago during the past month to give evidence in the investigation of America's role.

Cooper, who was Allende's translator at the time of the coup and now writes for the Nation and LA Weekly, knew Horman and gave sworn testimony last month.

Cooper said: "Guzman says that if the US doesn't act soon on his request to gather testimony from Kissinger and other US officials, he'll have no choice but to file for their extradition to Chile."

Cooper, who wrote the book *Pinochet and Me* about his time in Chile, said that the Nixon government had been more interested in supporting General Pinochet than in investigating the deaths of its citizens at the hands of the Chilean military.

This is not the first attempt to interview Mr Kissinger about the turbulent period in Latin America.

During a visit to London in April, judges in Spain and France unsuccessfully tried to question him about America's role in Operation Condor, which has been described as a coordinated hit squad organised from Chile and including six South American nations aimed at dealing with leftwing opposition groups.

Several declassified documents which have emerged over the past two years have shown an increasingly visible American hand in Operation Condor.

Hitchens gave evidence on the Operation Condor case which he researched for his book, *The Trial of Henry Kissinger*, published last year.

In Santiago, Hitchens said: "Today Henry Kissinger is a frightened man. He is very afraid of the exposure that awaits him."

Mr Kissinger's lawyer William Rodgers, said that such

questions should properly be directed to the US state department and not to Mr Kissinger.

## **2. "La solitaria impunidad de Kissinger es cada vez más conspicua"**

— *Pascale Bonnefoy*

Christopher Hitchens, author of "The Trial of Henry Kissinger" (Verso, 2001), travelled to Chile in May to meet with judge Juan Guzmán, who investigates US involvement in Operation Condor, the operational network of repressive agencies in the Southern Cone of South America during the 1970s and 1980s.

Hitchens met for over five hours with the magistrate at his home to discuss Kissinger's possible involvement, complicity or knowledge of Operation Condor. Previously during the week, he gave two public conferences on Kissinger's criminal record in Santiago: one at the auditorium of the Vicuña Mackenna National Museum, and another at the café and gallery "Off The Record".

During his stay in Santiago, Hitchens visited the tombs of Salvador Allende and Victor Jara, and the Memorial to the Disappeared in the General Cemetery. He also met with René Schneider, son of former commander in chief of the Chilean Army, who was assassinated in a plot in which Henry Kissinger had direct involvement, as recently US declassified documents have revealed. Hitchens was also interviewed by several journalists (Channel 11, El Periodista and The Guardian (UK), among others).

Below is the Spanish version of an interview with Hitchens published by El Periodista on June 10 and reproduced by [www.piensachile.com](http://www.piensachile.com)

*Christopher Hitchens, autor de "El Juicio a Henry Kissinger": "La solitaria impunidad de Kissinger es cada vez más conspicua"*

*por Pascale Bonnefoy*

Christopher Hitchens goza cuando ve al ex Secretario de Estado Henry Kissinger ofuscarse con una pregunta incómoda, cambiar el tema o simplemente negarse a contestar. Muchas veces, las interrogantes de periodistas y críticos sobre la carrera política de Kissinger provienen de un pequeño pero explosivo libro escrito por el propio Hitchens: "El Juicio a Henry Kissinger" (Verso, 2001).

En ese libro, el periodista británico radicado en Estados Unidos, prepara la base para lo que podría ser un eventual juicio penal a Kissinger por crímenes internacionales y violación de las leyes y Constitución de Estados Unidos, desde sus comienzos como Asesor del Consejo de Seguridad Nacional y luego Secretario de Estado bajo los presidentes Richard Nixon y Gerald Ford. Nos relata las actuaciones de Kissinger durante las negociaciones de paz de 1968 en París para poner fin a la guerra en Vietnam —que él mismo saboteó por razones internas electorales; el bombardeo ilegal de poblaciones

### **Kissinger Watch**

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a joint project of:

East-Timor Action Network  
([www.etan.org](http://www.etan.org))

International Campaign against Impunity  
([www.icaonline.org](http://www.icaonline.org))

Instituto Cono Sur  
(<http://groups.yahoo.com/group/politicaconosur/>)

civiles en Camboya y Laos entre 1969-1970– con la muerte de al menos un millón de civiles; la campaña para impedir que Salvador Allende asumiera la presidencia en Chile y la posterior desestabilización de su gobierno; la complicidad con el ex dictador griego Dimitrios Ioannides para derrocar al presidente chipriota Makarios en 1974; y el apoyo al general Suharto de Indonesia para su invasión de Timor Oriental en 1975 y la subsecuente masacre de su pueblo, con armas estadounidenses.

Hitchens es elocuente, hasta poético, se deleita con un bien argumentado debate, y lo salpica de ironía. Pero lo que dice lo toma muy en serio y no admite equivocaciones. “La carrera política de Kissinger es una de espantosos crímenes, y de reiterados y catastróficos fracasos políticos. Es un pseudo intelectual y un mentiroso comprobado, pero hoy es un hombre con miedo”, afirmó durante una de las dos charlas públicas que realizó durante su estadía en Santiago en mayo.

En su segundo viaje a Chile desde 1977, Hitchens se reunió con el juez Juan Guzmán para conversar de uno de sus tópicos favoritos: la criminalidad de Kissinger. Esta vez, sobre su conocimiento y complicidad en la Operación Cóndor, la red operativa de los servicios secretos de las dictaduras del Cono Sur, y por la cual fue interpuesta una querrela criminal en Santiago en septiembre pasado.

Hijo de un marino británico conservador, quien fue comisionado en Chile durante la década de 1930, Hitchens es el *niño terrible* de la izquierda estadounidense, la pesadilla de los políticos, y la permanente piedra en el zapato de Henry Kissinger. Es columnista de *The Nation* y colaborador de una decena de revistas, profesor de Estudios Liberales del New School, en Nueva York, y autor de libros sobre temas tan diversos como la Madre Teresa, la historia de Chipre, y los escritores en la esfera pública. En estos días, lanza en Londres su libro “*Orwell’s Victory*”, sobre el escritor George Orwell.

Kissinger ya no puede viajar a países como Francia, España, Grecia, Chipre, India, Bangladesh, y Chile, por temor a ser citado a un tribunal o incluso detenido. “Por el resto de su vida, tendrá que conversar con sus abogados al menos una vez al día. Y nunca viajará sin temor. Hemos achicado su mundo, como él intentó achicar el nuestro. Pero no es suficiente”, afirma Hitchens.

¿Por qué Kissinger, y por qué ahora?

Han pasado varias cosas en los últimos años. Por un lado, las leyes sobre la desclasificación de documentos secretos en EE.UU. establecen que deben divulgarse después de 25 años, así que cada semana se están revelando nuevos hechos. Estamos recibiendo información increíble de ese periodo, que antes sólo especulábamos, y es chocante. Por otra parte, estamos viviendo en un periodo post-Milosevic y post-Pinochet, ex jefes de Estado que han sido enjuiciados, han evitado juicio, se han escabullido de enfrentar un juicio, o han sido procesados por sus propios pueblos o la comunidad internacional por crímenes en contra de la humanidad o crímenes de guerra, y esta Kissinger Watch.....

situación no tiene precedentes en la historia.

Otros cómplices de Kissinger, como Ioannides y Suharto, están en prisión o camino a la cárcel. Casi todos los más altos miembros del gobierno de Nixon han renunciado o han sido desacreditados, exonerados, o encarcelados por haber violado la Constitución de Estados Unidos, como el ex Procurador General, John Mitchell, el Vicepresidente, Spiro Agnew, e incluso el propio Nixon, quien fue perdonado para evitar juicio. Sólo se ha salvado el padrino –Kissinger–, a pesar de haber sido el arquitecto de la política exterior de Nixon y de haber mentido al Congreso sobre su participación en las tragedias en Angola, Chile, Chipre, y Timor, por nombrar algunos casos. La solitaria impunidad de Kissinger es cada vez más conspicua.

¿El juicio a Henry Kissinger es factible, o es un esfuerzo simbólico?

La carrera de Kissinger se ha basado en el crimen internacional. No sólo se ha tratado de asesinatos masivos, sino también de serias conspiraciones en contra de la democracia. Hay evidencia muy sólida al respecto, especialmente en el caso de Timor Oriental. Kissinger conspiró con un dictador extranjero –Suharto–, y mintió al Congreso. Él sabía que las armas proporcionadas por EE.UU. a Indonesia estaban destinadas a la ocupación de Timor y al exterminio de su gente.

Luego está todo el tema de Indochina. Kissinger saboteó las negociaciones de paz en París en 1968 para poner fin a la guerra en Vietnam debido a intereses electorales domésticos. Los ciudadanos estadounidenses muertos entre ese año y hasta el final de la guerra fueron víctimas completamente evitables, sin mencionar los millones de muertos en Indochina.

En el caso de Chile, Kissinger mintió al Comité Church que en 1975 investigó las actividades encubiertas de la CIA previo al golpe de Estado en 1973. Sólo en 2000 pudimos saber, a través del Informe Hinchey, que Kissinger había mentido al Comité Church, al revelarse que la CIA había pagado a los asesinos del jefe del ejército chileno René Schneider, en circunstancias que Kissinger aseguró que él mismo había abortado el plan de secuestrar a Schneider una semana antes, el 15 de octubre, y que quienes actuaron lo hicieron independientemente de la CIA. En la investigación parlamentaria de 1975, se

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violaron las Constituciones de Chile y Estados Unidos.

Nunca imaginamos que Pinochet sería detenido en Londres. A Pinochet se le retiró su inmunidad, fue procesado, y fue perdonado por un gobierno más compasivo que el que él comandó, debido a su incapacidad física y mental, al igual que Suharto. Otros, como George Papadopoulos en Grecia, y el general argentino Jorge Videla, están en prisión, donde deben estar, han debido pagar un muy alto precio, y nunca serán perdonados por sus pueblos. Estamos mucho más cerca de Kissinger de lo que aspirábamos a llegar.

¿Por qué Kissinger ha logrado evadir la justicia por tanto tiempo?

Esa es la pregunta más imponderable. Su culpabilidad es tan obvia, que me parece que se debe justamente a eso. Si no quieres que tus crímenes sean investigados, hay que asegurarse de que sean realmente asquerosos, tan horriblos que la gente no querrá enfrentarlos. Para que EE.UU. admita todo lo que hizo Kissinger como Secretario de Estado, es una confesión mayor de la que está dispuesto a hacer. Es demasiado horrible, demasiado reciente, y demasiado contemporáneo. Estos temas aún son sensibles.

¿Qué lo ha protegido todos estos años?

La pasividad, el sentimiento de que no se puede hacer nada. El gran secreto que Nixon conocía muy bien es la definición misma de la corrupción: la extensión de la complicidad de la manera más profunda y amplia posible para que nadie tenga interés en culpar a los demás. Nixon y Kissinger fueron maestros en eso. Kissinger logró la aprobación de sus planes no sólo por parte del gobierno, sino también por los académicos, la prensa y el *establishment* político. Sus tres volúmenes de memorias –que fueron recibidas con espléndidas críticas- son un escándalo. Hizo una fortuna con esas memorias, publicadas por la más prestigiosa casa editorial, y se le ofrecieron cargos académicos honorarios –incluso fue nombrado presidente de la universidad William and Mary en Virginia-, pero se puede demostrar de manera conclusiva que son un absoluto fraude.

Si las universidades, la casa editorial, la clase política, la prensa y los críticos literarios llegaron a decir que el gobierno de EE.UU., entre 1968 y 1976, actuó como un Estado delincuente, según su propia definición llevada al extremo –o sea, un país dirigido por líderes psicopáticos dispuestos a recurrir a la violencia en otros países para mantener su poderío- sería una gran desgracia. Significaría revisar la historia oficial, y ¿qué se le diría a las nuevas generaciones?

No obstante, su posición en el mundo que antes lo protegía –el Consejo de Relaciones Internacionales, los *think-tanks*, la academia, etc.- se está debilitando. Si Kissinger vive otros cinco años, será suficiente para que termine su vida totalmente desacreditado, por lo menos. Ya Kissinger Watch .....

está sintiendo el frío.

¿No son las revelaciones de los documentos desclasificados una manera de exponer la verdad?

Organizaciones como el Archivo de Seguridad Nacional y otras personas vinculadas al tema de cierto modo han jugado el rol de una comisión de la verdad. Pero estas organizaciones y personas no tienen las facultades de un juez ni de un comité parlamentario que plantee que si se quiere asumir el pasado, el precio a pagar es la honestidad. Estados Unidos está viviendo con un gigantesco vacío en la psiquis de su historia.

Una manera de resolver el tema es a través de una Comisión de la Verdad y Justicia en Estados Unidos. Si se establece la verdad, se puede enfrentar, y no se podrá negar nunca más. Estados Unidos nunca ha tenido nada semejante a una comisión de verdad y justicia, a diferencia de muchos otros países menos poderosos.

Además, se le debe obligar a divulgar los documentos que él robó del Departamento de Estado (1). No sólo debemos conseguir justicia, sino también la verdad. Esos documentos nos pertenecen. Él los ha secuestrado. Debe devolverlos, pedir perdón, devolver el dinero que ganó convirtiendo esos documentos en un libro fraudulento y entregarlo a las víctimas, enfrentar juicio y decir la verdad.

¿Cree que Kissinger teme por su futuro?

En mi libro menciono que me encontré con evidencia grabada de que él estaba más preocupado de su situación legal tras el arresto de Pinochet en Londres que cualquier otra persona. Él supo antes que nadie que si se realizara una investigación acuciosa sobre sus propias actuaciones, estaría en problemas.

Se supone que él es el gran estadista e intelectual, pero actúa de una manera infantil, con pánico y nerviosismo, cada vez que es enfrentado con acusaciones o preguntas sobre su actuación política. Trata de cambiar el tema, huye, emite declaraciones paranoicas, insulta indiscriminadamente, etc. Está muy asustado. Si lo que yo sé de él– y sé bastante- es cierto, es horrible, imagínense lo que sólo él sabe. Es lógico y probable que haya cosas que sólo él sabe y que tiene terror de que se revelen. Kissinger debe saber cosas que nosotros ni nos atreveríamos a adivinar, cosas realmente obscenas sobre tortura, asesinatos, y otros crímenes.

Su mundo se ha achicado de una manera que no alcanzábamos a imaginar hace pocos años. Hay muchos países que ya no puede visitar, hay otros que han solicitado su declaración judicial, y puede haber uno que incluso pida una orden de detención en su contra con fines de extradición.

¿Chile?

Chile es uno que podría hacerlo. Si eso ocurre, lo cual podría suceder, y ciertamente debería, ¿qué va hacer el gobierno de Estados Unidos? La opinión interna ya está dividida sobre temas como el Tribunal Penal Internacional; una gran parte del *establishment* estadounidense cree que su país debe ratificar el TPI, y no sólo por imagen. Saben que

necesitan aliados. Estamos ante una coyuntura muy crucial.

Supongamos que la querrela civil –basada enteramente en documentos desclasificados- que presentó la familia Schneider en Washington en contra de Kissinger llegara a una corte federal, y se resuelve a favor de la familia Schneider. Significaría que un tribunal federal de EE.UU. consideró que una autoridad de gobierno fue responsable de un asesinato en otro país, y que pagó por él. Yo soy optimista al respecto. No creo que la sociedad norteamericana pueda vivir con una contradicción de esa magnitud.

¿Qué rol podría jugar Chile para llevar a Kissinger ante la justicia?

El caso de Chile es el que probablemente lo haga caer, porque involucra el derecho internacional así como el derecho interno de EE.UU., en un caso individual – Schneider-, y complicidad en el golpe de Estado y la posterior represión. Ahora hay un juez chileno que está en posición de tomar una decisión vital, y no podrá ser cuestionado por ella, por ser un hombre apegado al derecho y dispuesto a seguir la evidencia hasta donde lo lleve.

Es maravilloso y a la vez una vergüenza que la familia Schneider haya tenido que llevar su caso a Washington; maravilloso porque la familia interpuso una demanda civil en un tribunal federal de EE.UU., pero vergonzoso porque ese caso debería haber sido presentado por el gobierno de Chile –por tratarse del homicidio de un alto servidor público- o por el Congreso de EE.UU., por el rol que le cupo al gobierno en ese asesinato, y especialmente ahora que el gobierno y el pueblo de EE.UU. están moralmente comprometidos con el combate contra el terrorismo internacional. Me parece que el Estado chileno carece de auto-respeto por dejar este caso en manos de iniciativas individuales.

Si logramos que una ex alta autoridad de gobierno, de un país victorioso como Estados Unidos, sea obligada a al menos responder preguntas a riesgo de ser sancionado, elevaríamos los derechos humanos a un nivel sin precedentes, sin posibilidad de retroceso.

Si se emitiera una orden de detención o pedido de extradición, ¿tiene derecho Kissinger a ampararse bajo el Departamento de Estado? En otras palabras, ¿tiene el Depto. de Estado la obligación de responder por él?

Eso aún no se ha decidido. No existen suficientes argumentos. La razón por la cual la iniciativa chilena haría mucha diferencia es que forzaría el tema al ámbito público dentro de EE.UU.. Al momento, a nadie se le está pidiendo que tenga una opinión al respecto, mientras no esté en las primeras planas de los diarios. Si los tribunales o el gobierno chileno solicitaran formalmente la extradición de Kissinger, y si esa solicitud está elaborada y fundamentada adecuadamente, colocaría el tema en la agenda de la prensa, los tribunales y el Congreso de Estados Unidos.

Si un juez democrático y conservador, en un país  
Kissinger Watch .....

respetable, como Chile, solicita su arresto para ser interrogado, los políticos en Washington tendrán que asumir una posición. Debemos empujar el tema de la criminalidad de Kissinger al punto que se le tenga que preguntar al Presidente de EE.UU. su opinión, y repetidamente. El gobierno de EE.UU. tendrá que decidir si quiere aparecer ante la comunidad internacional como un país que protege a un hombre buscado por países democráticos por sus crímenes. No está claro que eso es lo que quiere o podrá defender. ¿Qué le deben a Kissinger realmente? Y por sobre todo, ¿es Estados Unidos un Estado de Derecho?

El Departamento de Estado no puede alegrarse mucho cuando Kissinger le tira la pelota y lo utiliza como escudo. Hay que recordar que hubo dos renunciaciones masivas en ese Departamento bajo su mando. No es evidente que el Departamento de Estado quiera que Kissinger utilice su amparo por casos judiciales privados.

¿Tiene inmunidad como ex Secretario de Estado, o es su presunta inmunidad una interpretación subjetiva de la ley?

Su inmunidad tal vez no sea tan sólida como lo cree. La resolución al respecto sentaría precedente. El fallo de la Cámara de los Lores en Inglaterra no le reconoció inmunidad soberana a Pinochet, y creo que Estados Unidos no quisiera ser menos.

¿Qué se requiere para tildar la balanza dentro del Departamento de Estado?

Kissinger alega que no puede recordar los miles de documentos que pasaron por su escritorio durante su periodo como Secretario de Estado, y remite a todo el mundo a los abogados del Departamento de Estado. Sin embargo, hay evidencia de que se preocupó muy diligentemente de los temas que fueron realmente importantes. Por otro lado, Kissinger fue director del Comité 40, del Consejo de Seguridad Nacional, el único Secretario de Estado que haya asumido esa jefatura, y el único en haber invitado al director de la CIA a ese comité. ¿Estos son los papeles que Kissinger no recuerda? Espero que el Departamento de Estado no quiera asumir el rol de limpiar detrás de un hombre que no recuerda lo que hizo.

(1) En diciembre de 1976, Kissinger extrajo desde la Casa Blanca 10.000 páginas de transcripciones de sus conversaciones telefónicas realizadas entre 1973 y enero de 1977, mientras fue Secretario de Estado, y los guardó en la Biblioteca del Congreso bajo un acuerdo de que no serían difundidas hasta cinco años después de su muerte.

### 3. Is Henry Kissinger a war criminal?

Thirty years after the death of Charles Horman inspired a bestseller and an Oscar-winning movie, his widow still pursues those she believes are really to blame — including the former U.S. secretary of state. It's one reason, MARCUS GEE

reports, the quest for international justice makes the United States so nervous

By MARCUS GEE - Tuesday, June 11, 2002 – Print Edition, Page A13

#### THE ACCUSED

Henry Alfred Kissinger, former U.S. secretary of state, national security adviser and Nobel laureate

#### THE ACCUSATIONS

Complicity in coup against Chilean government plus the “killing, injury and displacement” of three million people during Vietnam War.

#### CURRENT WHEREABOUTS

Head of Kissinger Associates, Inc., international consulting firm in Washington.

It was a rainy day in spring when they brought Charles Horman home.

The U.S. journalist and filmmaker had been abducted and killed after the Chilean military overthrew president Salvador Allende in September, 1973. Six months later, his body arrived by plane in a crude wooden crate with “Charles Horman from Santiago” scrawled on the side.

As the makeshift coffin was unloaded at Green-Wood Cemetery in Brooklyn, N.Y., the driving rain washed the words away, sending trails of black ink down the box. It was April 13, 1974.

Even before Mr. Horman’s widow, Joyce, found herself standing in the rain that day, she had vowed that no one would ever erase the memory of what had been done to her husband.

She has been true to her word.

In the chaos that followed General Augusto Pinochet’s decision to depose Mr. Allende on Sept. 11, 1973, hundreds of the leftist president’s supporters were taken away to be tortured, beaten or killed. Mr. Horman, an Allende sympathizer living in Santiago, was one of them.

In the month that followed, Ms. Horman, then 29, and her father-in-law, Ed, searched frantically for Mr. Horman — an ordeal dramatized in the Oscar-winning 1982 film *Missing*, starring Sissy Spacek and Jack Lemmon.

The movie ends when Joyce and Ed discover that Charles is dead, killed by the military and his body hidden in a wall at a Santiago cemetery. But Joyce Horman’s search continues. For 28 years, she has struggled to track down those who killed the man she loved. And the person at the centre of her quest is none other than Henry Alfred Kissinger.

A leading citizen of the world’s most powerful nation, Mr. Kissinger served as U.S. secretary of state and was awarded the Nobel Peace Prize in the same year as the coup in Chile. He was also national security adviser to president Richard Nixon, and Ms. Horman believes that he and other U.S. officials were deeply involved in the events that cost

her husband his life.

It has been almost 30 years, and she doesn’t seem bitter. At 57, she is pleasant and straightforward, in her stylish glasses with owlsh frames, and has friends, a career and a social life. Nor does she seem obsessed with her dead husband. No photographs of him are to be seen in her bright apartment on Manhattan’s Upper East Side.

Even so, the events of 1973 still cast a dark shadow. Asked what she misses most about Charles, she dissolves into tears and then explains: “He was intelligent, friendly, interesting — he just loved life, and that’s why his friends loved him.”

Of course, nothing can replace the life she and her husband might have had. All that she wants now, she says, is the simple truth — and that leads to Mr. Kissinger.

“There’s no way around him,” she says. “He is the most responsible person for the behaviour of the U.S. government in Chile at that time. He needs to be put on trial.”

A few years ago, that would have seemed wildly improbable. The armour of sovereign immunity protected all officials from the acts they committed on government service, no matter how unsavoury.

But the 1998 arrest of the man behind the coup, Gen. Pinochet, has knocked a gaping hole in that armour. Since then, a posse of victims, human-rights activists and crusading prosecutors has tried to apply this “Pinochet precedent” to others accused of mass killing, torture, abduction and war crimes.

Mr. Kissinger is their biggest quarry yet, and they are getting closer all the time. Now, prosecutors in Chile, Argentina, Spain and France want him to testify about what happened in Chile. Last month, a Chilean judge staged a re-enactment of the Horman killing at Santiago’s National Stadium, and now wants Mr. Kissinger at least to answer written questions about U.S. involvement in the coup.

Ms. Horman is thrilled, but she has a different reason for chasing the great statesman: “My main goal is to find out what happened to Charles.”

As author Thomas Hauser wrote in *The Execution of Charles Horman*, the book that inspired the film *Missing*, both Mr. Horman, the brilliant son of a New York industrial designer, and Joyce, the lively daughter of a Minnesota grocer, had absorbed the questing, skeptical spirit of the Sixties.

Mr. Horman covered the riots at the Democratic National Convention in 1968 for the liberal journal *The Nation* and made a film about napalm.

The couple had been married less than three years when, in 1971, they set off in a camper van through Latin America. When they reached Santiago, they decided to stay.

It was a heady time in Chile. Mr. Allende had come to power in 1970 and brought in radical changes: land reform, wealth redistribution and the nationalization of key industries. Mr. Horman began writing for a local magazine that often attacked Mr. Nixon for undermining the Allende government.

When the military stepped in, he was in the coastal city

of Vina del Mar with friend Terry Simon; they met two U.S. officers who seemed to know a lot about the coup. Mr. Horman concluded that his country had plotted with Gen. Pinochet, and made copious notes — which may have cost him his life.

Back in Santiago, essentially a war zone, he and his wife decided to return to the States as soon as possible. But on Sept. 17, a light green truck pulled up at their house, and a dozen soldiers carried out Mr. Horman and armloads of papers and books. Ms. Horman wasn't home at the time, and never saw her husband again.

The truck drove straight to the National Stadium, a clearing-house for the thousands of Chileans being rounded up. At least four dozen were killed there — a first instalment on the more than 3,000 killed during the Pinochet regime.

Returning home to find the house in a shambles, Ms. Horman contacted the U.S. Embassy seeking help. She got the runaround. When she finally asked if the embassy could get her into the stadium, a U.S. diplomat asked, "What are you going to do, Mrs. Horman, look under all the bleachers?"

For four weeks, she pounded the pavement, meeting with anyone she thought might be able to help, while her father-in-law, who had flown in from New York, visited hospitals and morgues. Finally, they got into the stadium. A Chilean colonel led Ed Horman to a platform, where he addressed the roughly 2,000 prisoners under guard in the stands. "Charles Horman, this is your father," he said. "If you are here, I would like you to take my word that it is safe and come to me now."

His heart jumped when a young man ran forward, but he realized that it was not his son. "Right then," he said later, "I knew I'd never see Charles again."

Five days later, an official of the Ford Foundation, a U.S. philanthropic agency, told Mr. Horman he had learned from a military contact that his only child "was executed in the National Stadium on Sept. 20."

The next day, a U.S. official confirmed that Charles's body had been found in a local morgue. Two days later, Ms. Horman and her father-in-law flew home, and it was then that her real struggle began.

She and her husband's parents brought a wrongful-death suit against the U.S. government and Mr. Kissinger, but it was dismissed for lack of evidence in 1978. The book followed, along with the Oscar-winning 1982 movie by director Constantin Costa-Gavras.

By then Ms. Horman was struggling with an attack of lymphoma and she decided she had to get on with her life.

For the next two decades, she worked as a computer and systems consultant for the United Nations Development Program, the office of the Mayor of New York, Oracle Corp. and others. She dated other men, but did not remarry.

Before the coup, she and her husband had planned to return to the United States to raise a family. He would have turned 60 on May 15 (an occasion she marked by holding a 20th anniversary party for *Missing*, with proceeds going to the Charles Horman Truth Project).

Kissinger Watch.....

She remained close to the Hormans, moving into the Manhattan building where her husband grew up and helping to care for them as they aged. Ed Horman died in 1993, followed last year by his wife, Elizabeth, at the age of 96.

Ms. Horman never gave up wondering about her husband's death, and in 1998 an event gave her new hope. On Oct. 16, she turned on the news to hear that Gen. Pinochet had been arrested in London on an extradition request from a Spanish judge seeking to prosecute him. Exhilarated, she travelled to England to join the attempt to persuade British courts to hand him over. Eventually, the British government let him go home for health reasons, but Gen. Pinochet's detention set a precedent that galvanized the international justice movement.

Ms. Horman and her lawyers tried again to get the U.S. government to release classified documents relating to her husband's disappearance.

Finally, in 2000, it gave them the full results of two internal reviews of the killing. Neither found any direct U.S. link, but one did uncover "circumstantial evidence" that the Central Intelligence Agency "may have played an unfortunate part in Horman's death."

It went on to say that "the government of Chile might have believed this American could be killed without negative fallout from the U.S. government."

The second review said it was hard to believe that the Chilean military would have killed Mr. Horman unless it had some kind of signal from Washington.

Although tantalizing, the disclosures were not enough to reopen the wrongful-death case. So Ms. Horman did some sleuthing on her own. Supported by money from the Ford Foundation, she travelled to France, Switzerland, Sweden, Chile and different parts of the United States to search for people who might have some idea of how and why her husband was killed.

She gathered enough information to file a criminal complaint in Chile against Gen. Pinochet and others in his circle. The case found its way to Juan Guzman, the crusading judge who indicted the general for human-rights crimes after his return from England and who managed to have his immunity to prosecution lifted.

The General, now 86, escaped trial after a court found him mentally unfit, but Judge Guzman is pushing ahead all the same. Last month, he arranged the re-enactment at the National Stadium, and last fall sent 17 questions about the Horman abduction to Mr. Kissinger and other U.S. officials. So far, no reply.

Joyce Horman believes U.S. officials tipped off friends in the Chilean military that her husband had found evidence of U.S. involvement while in Vina del Mar. Rafael Gonzalez, a disgruntled Chilean intelligence agent, told reporters in the 1970s that the army's head of intelligence, Gen. Augusto Lutz, decided that Mr. Horman "knew too much," and an American military officer was in the room at the time.

Ms. Horman hopes to track down that man. "I want to find out exactly what happened to Charlie: who picked him

up, why they picked him up, who questioned him, how they came to decide he had to disappear.”

Those questions lead her straight to Mr. Kissinger who, as well as being national security adviser, led the high-level “40 committee” that helped to oversee U.S. intelligence efforts.

Even if he played no direct role in her husband’s death, she believes he knew how and why it happened. “Kissinger rolled up his sleeves in Chile. . . . He went down to talk to Pinochet after the coup. I mean, for heaven’s sake, how obnoxious.”

Mr. Kissinger, now 79, denies everything. He refused to return calls for this article, but has said he knows nothing about the Horman case. “If it were brought to my attention, I would have done something,” he told *The New York Times*.

He also denies any role in the coup. In his books, he admits he took a dim view of Mr. Allende and joined a U.S. effort to have him overthrown, but aborted it as a lost cause. He met Gen. Pinochet, he says, to tell him to pay attention to calls from the U.S. Congress for an end to political repression.

But Mr. Kissinger also has others on his trail. Last May, a French judge sent the police to his Paris hotel to ask him to appear at the Justice Ministry the next day and answer questions about five French citizens who disappeared after the Chilean coup. Instead, Mr. Kissinger promptly left town.

That same month, an Argentine judge said he wanted Mr. Kissinger to testify about American involvement in Operation Condor, the scheme by South American dictatorships, including Argentina and Chile, to abduct or kill opponents living in exile.

In April, a British human-rights campaigner asked a London judge to arrest Mr. Kissinger under the Geneva Conventions Act of 1957 for the “killing, injury and displacement” of three million people in Indochina during the Vietnam War years. The judge rejected the application, but not before Mr. Kissinger had to endure a protest by 200 activists calling him an “evil war criminal.” Plans for a similar protest apparently led him to cancel a planned trip to Brazil as well.

Finally, in Washington, Mr. Kissinger faces a \$3-million (U.S.) lawsuit by the family of René Schneider, a Chilean general assassinated in 1970 for opposing plans for a coup against Mr. Allende.

This quickening pace of the pursuit raises a touchy issue for international justice: Whose justice is it?

Until now, those brought to trial largely have come from poor or defeated countries such as Serbia and Rwanda. But activists say that must change. To have any force, international law must apply to the rich and powerful too.

“If the drive to put Kissinger in the witness box, let alone the dock, should succeed, then it would rebut the taunt about ‘victor’s justice’ in war-crimes trials,” writes British journalist Christopher Hitchens, who asserts in his book *The Trial of Henry Kissinger* there are grounds for an indictment. “It would demonstrate that no person, and no society or state, is above the law. Conversely, if the initiative should fail, then it would seem to be true that we have woven a net for the catching of small fish only.”

But Mr. Kissinger is one fish the United States does not want on anyone’s hook. The attempts to arrest or even question him touch off Washington’s worst fears about the evolving movement for international justice.

Just last month, the administration of President George W. Bush declared it would have nothing to do with the world’s first permanent war-crimes tribunal, the International Criminal Court. If foreign judges could second-guess their every decision, U.S. officials argue, it would be open season on the United States.

The man making that argument most forcefully perhaps has the most to lose: Mr. Kissinger himself.

“Nobody can say that I served in an administration that did not make mistakes,” he said in London in April. “It is quite possible that mistakes were made, but that is not the issue. The issue is, 30 years after the event, whether the courts are the appropriate means by which this determination is made.”

In his book *Does America Need a Foreign Policy?*, he holds that, in theory, any court anywhere can try a person accused of crimes against humanity.

“When discretion on what crimes are subject to universal jurisdiction and whom to prosecute is left to national prosecutors, the scope for arbitrariness is wide indeed,” he argues.

None of this cuts much ice with Joyce Horman.

She argues that the officials of a democratic nation like the United States must be accountable for their actions. If that takes a foreign prosecutor, so be it.

“The American military and the American government have an incredible amount of power and the abuse of that power was typified by the Chilean coup,” she says. “For Americans to be bumping off Americans in foreign lands is not what American citizens want their government to be doing.”

#### EVIL ON TRIAL

This concludes a three-part series on international justice that took Marcus Gee, *The Globe and Mail*’s award-winning specialist in international affairs, to Africa, Europe, South America and the United States.