

“JUSTICE OR VENGEANCE?”

Speech by Tom Spencer MEP to the European Parliament on General Pinochet

Strasbourg, 22 October 1998

Mr President, I am a parliamentarian and not a lawyer. I want, for a moment, for all of us to consider our intent as we take part in this debate this afternoon.

Are we after individual justice, after collective vengeance, or after finding some way of producing future deterrents against military dictators? It seems to me that the political question this afternoon is not the rule of law but the effectiveness of legal institutions at global level. Do we have a genuine global jurisdiction in human rights? Almost. Do we have the institutions for enforcing that global jurisdiction? Probably not. But if we are going to attach all our longings, all our wishes, to those institutions, then we must make sure that global justice is blind; that global justice applies to everybody; that global justice is enforceable; that it does not look out from under its blindfold with one eye, either left or right. I am not convinced that we yet have those institutions for bringing such dictators to book. We had better be very careful that we do not destroy such global justice as we have in the emotion of a particular case, because if we apply this to Pinochet, are we now to arrest Castro the next time he is on European territory; or the Chinese leadership; or a dozen African dictators existing or retired?

I think the British Government will find that it has blundered into a very difficult legal minefield. If it had half the wisdom of the French it would not have let Pinochet in in the first place. I look with interest to see how the British Government conducts itself. I trust it will conduct itself in line with the rule of law and not in line with the kind of politics of sound-bite that Mr Mandelson indulged in at the weekend. What matters here is not the reputation of one man or one government, but our future chances of a proper institutional structure for this planet.

Justice can be pursued through the courts. We can do something as politicians about future deterrence, but vengeance is the Lord's.

