

## [I believe in the extraterritoriality of the honor and dignity of man \[1\]](#)

### **Date:**

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I believe in the extraterritoriality of the honor and dignity of man.

The NOTIMEX press agency reports that Judge Garzón, when asked by a journalist from the Santo Domingo daily Listín Diario whether he would dare to send Fidel Castro to jail, responded that no legal action for crimes of any kind can be brought against acting heads of state. He added that these matters are governed by the same rules as the treaties of 1969 and the rule of non-responsibility of heads of state. Only an international court could take such an action. According to the NOTIMEX report, Garzón said he did not know if Castro was frightened by Pinochet's arrest, but he recalled that the Cuban leader had a meeting in Spain, and instead of staying for the length of time scheduled, he left after only a few hours.

Garzón admitted that he had received case files against the Cuban leader, but he had not studied them in depth, given the fact that no legal action could be taken because of the restrictions established by international rules. Other press agencies have reported more or less the same information.

Garzón has made his response and expressed his opinion. Now it is my turn to do likewise.

As to the case files sent to Judge Garzón, I am well aware that the Cuban-American terrorist mob was behind this ploy, and that they had placed a great deal of hope in him.

I do not feel and never have felt the slightest bit worried about Mr. Garzón. Quite simply, I am not under his jurisdiction, nor that of Spanish law.

There is no international principle that grants him the power to pass judgement on a citizen of another country who does not live in Spain and has never committed any wrongdoing whatsoever there. Spanish national law has no extraterritorial jurisdiction, just as the Helms-Burton Act and the national law of the United States do not. Such extraterritorial jurisdiction would only serve as a dangerous weapon in the hands of the most powerful states against the small countries that rebel against their interests. The leaders of any revolutionary movement who are not to the liking of imperialism, no matter how ethical their conduct or how just their cause, could be prosecuted at its whim, in accordance with its own national laws and the decisions of its judges, who are so often venal and corrupt.

The universal hatred inspired by Pinochet and the repugnant crimes committed by the Argentine military regime, with tens of thousands of people tortured and vanished, should not serve as justification for granting the United States and its NATO allies extraterritorial jurisdiction for their laws and judges.

During the Ibero-American Summit in Oporto, in the early hours of morning the day I was meeting with King Juan Carlos of Spain, someone brought me the news that Pinochet had been arrested in Britain. This led me to think: How odd, since Pinochet was the one who helped the English most during the war in the Falkland Islands!

Once the summit had ended, I traveled by highway to Spain, in response to a friendly invitation from Mr. Juan Carlos Rodríguez Ibarra, president of the government of the Autonomous Community of Extremadura. He warmly and hospitably welcomed us in the capital, Mérida, where we arrived after midnight. We spent the night there.

The next day, after visiting the National Museum of Roman Art and the ruins of a Roman amphitheater, among other historical landmarks, I answered the questions posed by a number of journalists on the arrest in Britain and possible trial in Spain of Mr. Pinochet, and I said:

"From a moral standpoint, his arrest and punishment are an act of justice.

"From a legal standpoint, this action is questionable.

"From a political standpoint, I think this is going to create a complicated situation in Chile, given the way in which the political process has developed there."

I added further on:

"Pinochet did not act alone. The President of the United States, his government and the highest state authorities made the decision to overthrow Allende the day he was elected. They allocated abundant funds for this purpose, and gave instructions to use any means possible, first, to prevent him from taking power, and second, to attempt to overthrow him throughout his term in office."

I was a firm supporter of the view that Pinochet should be tried and sentenced in Chile.

I can perfectly understand the feelings of those who have seen so many crimes committed against the people, and with absolute impunity. It had become a tradition in Latin American political history. The Cuban people suffered it more than once. But with the triumph of the Revolution, just as the people had been promised, the war criminals were tried and sentenced to exemplary punishment, with the exception of those who received sanctuary in the United States after torturing and murdering tens of thousands of Cubans. The ill-gotten riches of the embezzlers were confiscated. It was the first time in the history of Latin America that justice was so fully and orderly applied.

Everyone knows that it was the U.S. government that not only promoted the coup d'état in Chile, but also promoted and backed the military regimes in Argentina and Uruguay, the counterrevolution in Guatemala, the dirty war in Nicaragua, and the bloody repression in El Salvador. The United States supplied all of them with weapons and economic aid, and trained thousands of torturers --right in U.S. territory-- in the most refined techniques for obtaining information and sowing terror. Not even Hitler's Gestapo had reached such extremes of cruelty. These regimes vanished more than 150,000 people and took the lives of hundreds of thousands more. This has been proven and confessed in declassified official documents. One would be justified in asking why not one of the U.S. officials guilty of such political crimes was included in Pinochet's trial.

A world legal order should be established against genocide and war crimes, with rigorous and precise rules, along with a fully independent body of justice under the supervision of the United Nations General Assembly, and never under the Security Council, as long as veto power remains in effect granting exceptional privileges to just five countries, including the hegemonic superpower, which has used this power more than the rest of the permanent members of the Council combined.

Cuba has been the target of an economic war that has now lasted for more than 42 years, as well as serious crimes and acts of genocide like the blockade on food and medicine. Such acts are referred to and qualified as genocidal, and thus subject to punishment, even in times of war, as stated in the 1948 and 1949 treaties signed by both the United States and Cuba. Furthermore, these treaties grant the courts of the victimized countries the right to try the guilty parties, in the absence of an international tribunal empowered to do so.

## **I believe in the extraterritoriality of the honor and dignity of man**

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The Pinochet case should serve as an example, but it should not lead the underdeveloped and militarily weak nations, which constitute the vast majority of the world's states, to run the suicidal risk of granting the superpower and its NATO allies the privilege of being the judges of all the other countries. Rather, it should lead to the demand that the United Nations adopt the relevant measures to ensure justice and protection for all of the peoples of the world against war crimes and acts of genocide. Cuba would be the first to support this initiative.

Having said that, I thank Judge Garzón for his judicious response to the journalist from Listín Diario. But not for his words, nor because he did not bother to study in depth the case files put forward by the Miami mob, nor because I hold the title of head of state, which made any action inapplicable, according to him. I must clarify, however, that I did not cut short my stay in Spain by a single minute. I traveled by highway from Mérida to Moncloa Palace, for a courtesy visit to the President of the Spanish government, Mr. José María Aznar, which was basic procedure and had been previously agreed upon with him. That was the only meeting scheduled in Madrid. And from Moncloa Palace I headed to the airport. It was already nighttime. Quite honestly, I was tired of so many freeways, such a river of cars, so many traffic jams, so much wasted electricity and fuel, and I had no desire whatsoever to drive around the clogged streets of Madrid. From the airport, I phoned Julio Anguita, the coordinator of Izquierda Unida at the time and a loyal friend, and then I departed for Cuba in my beloved old Il-62, trusting in Soviet technology.

I will excuse Mr. Garzón because he does not know the Cuban people, and he has certainly studied very little of the history of their struggles against hundreds of thousands of brave Spanish soldiers. Despite the enormous difference in the number of men and weapons, in the face of a hardened army, the Cuban patriots never fled from danger.

Even though, after the opportunistic intervention by the nascent U.S. empire, Cuba was ceded by the colonial power to the United States, and the nascent empire imposed a constitutional amendment on us that gave it the right to intervene, the Cuban people today are a free people, who defend their independence with honor against the aggression, hostility and hatred of the now gigantic power that is our neighbor.

No mortal should think himself more fearsome than the gods.

I have always lived and will continue to live in peace, for the rest of my life, because I know how to defend with dignity the rights of my people and the honor of small, poor or weak nations, and I have always been inspired by a profound sense of justice. I am a revolutionary and I will die a revolutionary. If a judge or authority from Spain or any other NATO ally were to ever attempt to have me arrested, using arbitrary extraterritorial powers and violating rights that are sacred to me, he should know beforehand that there will be a fight, no matter where they try to do it, for I do believe in the extraterritoriality of the honor and dignity of man.

Dr.Fidel Castro

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