

CRIME AGAINST HUMANITY

Jury finds ex-Chilean officer liable in 1973 slaying

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For 30 years, the family of Winston Cabello has worked to ensure that he did not become another forgotten victim of one of Latin America's darkest periods.

Cabello, a Chilean government official, was one of 13 political prisoners killed a month after Gen. Augusto Pinochet overthrew Marxist President Salvador Allende.

On Wednesday, a federal jury in Miami delivered Cabello's family a measure of justice.

The eight jurors found Armando Fernández Larios -- a former Chilean military officer who lives in Kendall and manages an auto body shop -- liable for Cabello's death and ordered him to pay \$4 million to Cabello's relatives.

The award marked the first time a U.S. jury has awarded damages for crimes against humanity, according to the Center for Justice & Accountability, the San Francisco group that filed the suit for the family.

Family members acknowledged that it is unlikely they will ever collect much of the \$3 million in compensatory damages or \$1 million in punitive damages, but said financial gain was never their intent.

They said they wanted to share their victory with relatives of the 3,200 people who were killed or disappeared during Pinochet's 17-year rule.

"This is but one step, but it's a step in the right direction to help us recover dignity in Chile," said Cabello's widow, Verónica Silva, who came from Chile for the trial. "We are very happy, very grateful."

Fernández Larios declined to talk to reporters, but his attorney, Steven Davis, said his client was "very disappointed" and planned to appeal. He also said Fernández Larios did not have money to pay the award.

Human rights activists closely monitored Fernández Larios's civil trial because it was the first time a federal jury in the United States weighed claims of atrocities allegedly committed by the Chilean military following the Sept. 11, 1973, coup.

HUMANITY

Besides crimes against humanity, the jury also found Fernández Larios liable for extrajudicial or unauthorized killing; cruel, inhuman and degrading punishment or treatment; and conspiracy.

Cabello's siblings filed suit against Fernández Larios under the Alien Tort Claims Act of 1789, which allows foreigners to sue in U.S. courts for violations of international laws or treaties.

None of the witnesses in the trial said they saw Fernández Larios kill Cabello. Fernández Larios also denied having anything to do with the murder.

But Cabello's relatives said Fernández Larios should be held responsible because he was part of a military unit that combed the countryside, ordering the killing of Allende government members or supporters.

Cabello and the 12 men were killed in the northern Chilean town of Copiapó.

A former aide to Gen. Sergio Arrellano Stark, the unit's leader, said he saw Fernández Larios execute prisoners in other Chilean communities.

Another witness said he saw Fernández Larios beat and kick a prisoner, and a third witness said he saw Fernández Larios carrying a chain with a spiked ball at one end and asking about prisoners.

Fernández Larios denied executing or mistreating prisoners. He said he never saw prisoners during his travels with Arellano Stark on what came to be known as the Caravan of Death.

He said he learned only in conversations with other unit members that political prisoners had been killed.

REFUSED COMMENT

Jurors refused to comment as they left the courthouse. Late Wednesday, juror Cynthia Pawley-Martin said in a telephone interview that the jury found Fernández Larios liable because evidence showed that "at a minimum, he participated in a conspiracy."

Fernández Larios moved to Miami in 1988 after serving five months of a seven-year sentence for his role in the 1976 car-bomb assassination of former Allende Foreign Minister Orlando Letelier and his U.S. assistant, Ronni Moffitt, in Washington, D.C.

Winston Cabello had been a provincial planning director for Allende in Copiapó when Allende was overthrown.

He was detained one day after the coup, but remained optimistic until the end that he would be freed.

"He told me he was going to be released," said Silva, who remarried and who traveled from Chile with Winston's daughters Marcela, 39, and Susan, 31.

While Cabello agreed with Allende's policies, his relatives said he was not a militant.

"He was low-key and kind of quiet, but people relied on his judgement," said Patricio Barraeto, Zita Cabello's husband.

Susan, now a journalism student, was 1 when Winston Cabello was killed.

She stood on the steps of the federal courthouse in Miami on Wednesday and read a statement: ``Our family was formed on love. Hate, intolerance and brutality took away the life of our beloved Winston."