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Chile: Bringing torturers to justice is an international obligation

Any attempt to settle Augusto Pinochet's case outside a court of law would not only make a mockery of torture victims' and their relatives' fight for truth and justice, but of international law itself, Amnesty International said today.

The statement came amidst reports that the Spanish and Chilean governments are discussing the possibility of stopping extradition proceedings against Augusto Pinochet from the United Kingdom to Spain.

"The international community must not waver from its legal obligation to extradite or prosecute alleged perpetrators of torture," Amnesty International said.

Any attempt to resolve Augusto Pinochet's case through agreements between Foreign Ministers, on humanitarian or other grounds which are not judicially determined, or by any means other than in a court of law, would inevitably culminate in Augusto Pinochet escaping justice given the current judicial and political conditions in Chile.

"Torture is an international crime and any state's failure to fulfil its legal obligation would be a violation of international law," Amnesty International said.

"Such a move would constitute a serious setback in the fight against impunity for torture and "disappearances" and would be an insult to victims and their relatives."

The human rights organization seeks immediate assurances by all State signatories to the Convention against Torture that they will stand by their obligations under international law.

Amnesty International also points out that France, Belgium and Switzerland have also issued extradition requests for the former Chilean General.

Separate judicial initiatives are also underway in the United States, relating to the assassination of former Chilean Foreign Minister Orlando Letelier in Washington DC in 1976, and in Argentina regarding the 1975 murder of former Chilean Army Commander in Chief General Carlos Prats, as well as in Italy regarding the cases of eight Italian nationals who "disappeared" in Chile during Augusto Pinochet's military government.

Amnesty International reiterated that the United Kingdom, under Article 7 (1) of the Convention against Torture, has a solemn duty to extradite or try anyone found in its jurisdiction alleged to have committed torture.

Background

Augusto Pinochet's arrest in London on 17 October 1998 resulted from a *commission rogatoire* (official petition) to question him filed by judge Baltasar Garzon of the Spanish National High Court (*Audiencia Nacional*). Judge Garzon had been investigating cases of human rights violations committed in Chile under Augusto Pinochet's regime.

The Spanish government's subsequent submission of a formal extradition request, followed by the UK House of Lords' ruling that the former General was not entitled to immunity, and the final decision by the UK Home Secretary to go ahead with extradition proceedings, constituted some of the most important developments in the implementation of human rights standards in recent times.

On 24 March 1999 the House of Lords confirmed its ruling that a former Head of State is not immune from prosecution for an international crime, and that Augusto Pinochet could be extradited for the crimes of torture and conspiracy to torture committed after December 1988, when the UK ratified the Convention against Torture.

On 4 June 1999 the Bow Street Magistrate decided that extradition hearings would begin on 27 September 1999.

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