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PINOCHET CASE

It remains a matter of fair process

Statement by Pierre Sané
Secretary General of Amnesty International
(checked against delivery)

The extradition case of Augusto Pinochet has until now been allowed to proceed through the courts, with key issues being raised by all parties, being openly debated, and decided upon by judges.

We have welcomed the fact that Jack Straw, the UK Home Secretary, has exercised his considerable discretion in this area by giving the right space to the judicial process.

The British courts have reaffirmed that torture and crimes against humanity are international crimes for which anyone may be held accountable anywhere in the world. All attempts to question this fundamental principle of international law have consistently failed.

The courts have also rejected claims that a former head of state could hide behind national immunity or an amnesty law designed to protect him from prosecution. It is our view that it is those same courts that should examine Augusto Pinochet's medical situation in a fair and transparent process, before the Home Secretary takes his final decision on extradition.

The process set up by the Home Secretary to determine the medical condition of Senator Pinochet is unfair.

The secrecy surrounding it makes it impossible for states requesting extradition -- or for other parties -- to exercise their right to see the medical report, cross-examine the medical panel and decide whether they wish to accept the conclusions of the medical panel, or challenge it and request another medical examination.

In addition, on the basis of what the public has been told about the medical examination ordered by the Home Secretary, we have concerns about the way it appears to have been conducted.

Dr Robert Howard, Consultant Old Age Psychiatrist at the Institute of Psychiatry and Maudsley Hospital, London, has provided us with his expert medical opinion which is attached to our submission.

Dr Howard has acted as a medical witness in assessment of fitness to stand trial in a number of criminal cases. In his opinion, the medical experts that examined Augusto Pinochet "cannot be considered to have established beyond doubt that he is unfit to stand trial or that his situation is irreversible".

Our concerns in this area are outlined in our submission and will be addressed shortly by Geoffrey Bindman.

In summary, throughout this case we have intervened to ensure that international law was upheld in a fair and transparent process. Augusto Pinochet is innocent until proven guilty and has the right to raise his medical condition.

The victims of his administration and those representing them have the right to see the medical evidence and challenge it if they so wish.

All that we are asking for is that Jack Straw takes his final decision after a fair process. This should be about law and justice, and not about politics.

ENDS.../