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## **Pinochet case: Amnesty International in High Court Wednesday for Pinochet hearing**

Amnesty International, together with the Association of the Relatives of Detained and Disappeared Persons in Chile, Human Rights Watch, Justicia, the Medical Foundation for the Care of the Victims of Torture, and Redress, will be in the UK High Court on Wednesday for a hearing seeking leave to judicially review the procedure used by the Home Secretary to determine Augusto Pinochet's mental condition. Papers will be lodged later today or tomorrow.

"It is in the public interest to ensure that the procedure used to determine whether a person is fit to be extradited or to stand trial is conducted in a fair and transparent manner. We believe that this has not been the case in this instance and will be presenting our arguments to the High Court," Amnesty International said.

"We want to ensure that any decision by the Home Secretary, Jack Straw, is a fully informed and correct one. Our organizations are concerned that politics might be influencing the way this case is being handled both in the UK and Spain, and we have therefore decided that a judicial review should be carried out, in the interest of the victims."

"The victims risk losing their right to reparation for the violations they suffered. This should be about justice, not politics," Amnesty International stressed.

The request for judicial review to be presented by the human rights organizations to the High Court will highlight the following **key concerns**:

### 1. Unfair procedure:

- C* failure to notify the requesting states (those seeking extradition) of procedure and criteria before medical examination, thus denying them the opportunity to contest the procedure;
- C* failure to permit the interested parties, including requesting states, to have observers present;
- C* failure to condition the medical examination on consent to release of the medical records to the other parties and any further examination required by their experts;
- C* failure to provide medical records to the interested parties, including the states;
- C* failure to permit cross-examination of medical experts;
- C* failure to permit requesting states to appoint their own medical experts to conduct new examinations in accordance with accepted medical standards;

### 2. Unfair procedure could lead to a wrong decision:

- C* the composition of the medical panel did not include experts on old-age psychiatry;

C the short period of observation and the setting may have been insufficient to determine unequivocally that Augusto Pinochet is unfit to undergo further judicial proceedings;

Questions have also been raised concerning contrary evidence of Augusto Pinochet's medical condition -- including a reported statement by the a Chilean judge saying: "I know reliably that Pinochet's mental faculties are perfect. I know that from his own lawyers."

"Augusto Pinochet has the same rights as any other person to all legal mechanisms available -- including making a legal case that he is unfit to face extradition. No individual who is determined by a court to be unfit to participate in an extradition proceeding should have to do so," Amnesty International said.

"However, the procedure used by the Home Secretary to form his preliminary opinion concerning Augusto Pinochet's mental condition was unfair," the organization stressed.

"Given that the Home Secretary, as he himself has said, is considering this in his 'quasi-judicial role', he is bound to comply with the principles of fair process. The concerns we will be presenting to the High Court show that he has failed to do so."

**The human rights organizations will therefore request** an order by the court quashing the Home Secretary's decision of 18th January to exercise his discretion not to extradite Augusto Pinochet without acceding to the requests of the organizations that he should:

make the medical report available to all interested parties;

allow the interested parties the opportunity to nominate appropriate experts to assess Augusto Pinochet's medical condition.

NOTE TO EDITORS: Please note that the exact time of the hearing has not been set.

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**For further information or to arrange an interview please call Amnesty International's press office on +44 171 413 5566 or 5562.  
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